

*Tuesday,
5th September, 1916*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. LV

April 1916 - March 1917

PROCEEDINGS

OF

THE INDIAN LEGISLATIVE COUNCIL,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

From April 1916 to March 1917.

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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 at Viceregal Lodge, Simla,
on Tuesday, the 5th September, 1916.

PRESENT :

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., Viceroy
and Governor General, *presiding*, and 57 Members, of whom 49 were
Additional Members.

OATH OF OFFICE.

The following Additional Members made the prescribed oath or affirma-
tion of allegiance to the Crown :—

The Hon'ble Rao Bahadur B. Narasimheswara Sarma Garu.

„ Mr. V. S. Srinivasa Sastri Avargal.

„ Mr. John Sydney Wardlaw Milne.

„ Mir Asad Ali, Khan Bahadur.

„ Mr. K. Vasudeva Rangaswami Ayyangar, Avargal.

„ Mr. Mahomed Ali Jinnah.

„ Khan Bahadur Saiyed Allahando Shah.

„ Bai Sitanath Ray Bahadur.

„ Maharaja Sir Manindra Chaudra Nandi, K.C.I.E., of Kasim
Bazar.

[5TH SEPTEMBER, 1916.]

The Hon'ble Mr. Abdur Rahim.

- „ Babu Bhupendra Nath Basu.
- „ Rai Bahadur Bishan Dutt Shukul.
- „ Sir Francis Hugh Stewart, Kt., C.I.E.
- „ Rai Bahadur Krishna Sahay.
- „ Raja Rajendra Narayan Bhanja Deo of Kanika.
- „ Mr. Mazharul Haque.
- „ Sir John Stewart Donald, K.C.I.E., C.S.I.
- „ Mr. James Walker, C.I.E.
- „ Subadar Major and Honorary Captain Ajab Khan, Sardar Bahadur, I.O.M.
- „ Khan Bahadur Mian Muhammad Shafi, O.I.E.
- „ Khan Zulfikar Ali Khan, O.S.I., of Maler Kotla.
- „ Mr. Chimanlal Harilal Setalvad.
- „ Mr. Kamini Kumar Chanda.
- „ Mr. Alexander Phillips Muddiman, O.I.E.
- „ Sir Verney Lovett, K.C.S.I.
- „ Pandit Madan Mohan Malaviya.
- „ Mr. Charles Henry Kesteven.
- „ Mr. Reginald Arthur Gamble.
- „ Surgeon General Sir Charles Pardey Lukis, K.C.S.I.
- „ Sardar Bahadur Sardar Sunder Singh, Majithia.
- „ Dr. Tej Bahadur Sapru.
- „ Raja Sir Rampal Singh, K.C.I.E., of Korri Sudauli.
- „ Mr. Godfrey Butler Hunter Fell, C.I.E.
- „ Sir William Maxwell, K.C.I.E., M.V.O.
- „ Mr. Alfred Hamilton Grant, C.S.J., C.I.E.
- „ Mr. John Barry Wood, C.S.I., C.I.E.
- „ Sir Robert Woodburn Gillan, K.C.S.I.
- „ Mr. Frederick Campbell Rose.
- „ Mr. Charles Ernest Low, C.I.E.
- „ Mr. Henry Sharp, C.S.I., C.I.E.
- „ Mr. Henry Fraser Howard, C.I.E.
- „ Mr. Sidney Robert Hignell.
- „ Major-General Alfred Horsford Bingley, C.B., C.I.E.

His Excellency the President:—"I regard it as a privilege to be able to welcome here to-day the third Imperial Legislative Council since the reform of the Council under Lord Minto. I, as a new Viceroy, meet a new Council, and I have every hope and confidence that in the days before us we shall work together for the good of India in a spirit of co-operation and good-will. For my part, I can assure you that it is my earnest desire to maintain unimpaired those harmonious relations which have always existed between the Council and my predecessors, and I lay great store on enlisting your help, and I am emboldened to believe that that help will always be forthcoming.

"In welcoming you to-day, I should like to refer to the absence of one who has long assisted in your debates, being, I am informed, the most senior Member of the last Council. I refer to Sir Gangadhar Chitnavis, who has sat in this Council for a period of about 12½ years. We shall all, I am sure, regret that he has felt unable to embark on a further term of office amongst us.

"Under the present constitution of our Council, the number of unallotted seats which I can dispose of by nomination is very small, and the exercise of this power has given me much anxious thought and consideration. I have weighed with the utmost care the claims and needs of the important communities and classes who can only be provided for by this method. There seems to me, however, to be one class which at this juncture has pre-eminent claims to furnish a representative to this Council. Its gallant deeds on the battle-fields of the Empire, its loyalty under circumstances often of great strain, and its patience under climatic and other hardships, have earned a right to our gratitude and affection. I refer to the sword-arm of our Indian Empire, His Majesty's Indian Forces. It was, therefore, a great pleasure to me to be able to find a representative of the Army whom I could nominate to this Council in the person of that gallant soldier and distinguished officer, Subadar-Major and Honorary Captain Ajab Khan, Sardar Bahadur, I.O.M., who has taken his seat here for the first time to-day.

"I need hardly say that it is with great regret that I find myself in consequence of this nomination unable to secure representation on this Council of other communities. It is a question for consideration, I think, whether the Viceroy's powers of nomination should not be further enlarged.

"I should now like to give you a resumé of the more salient features of interest since the last meeting of Council. I have on two occasions exercised the powers conferred on me by section 72 of the Government of India Act, 1915, and legislated by Ordinance. Both of these Ordinances deal with urgent situations created by the war. The first, the Import and Export of Goods Ordinance, 1916, confers very wide, but necessary, power to check the machinations of our enemies in respect more particularly of their endeavours to trade through neutral countries. The second, the Enemy Trading Ordinance, 1916, amplifies our control of trading in this country by subjects of enemy countries, whether directly or by more subtle means and confers upon us powers which, I hope, will enable us to eradicate the taint of German and Austrian influence in the commerce of this country. Both measures are in pursuance of the general trade policy laid down by the Imperial Government which emphasises the fixed determination of all our dominions not to allow the re-establishment after this terrible war of the dominating influence which our enemies had so astutely achieved for themselves in many parts of our commercial world. As you are aware, Ordinances of this kind are limited in duration, and we are asking you at the very earliest opportunity to confirm my action by embodying as Acts of this Council the emergency measures taken in the period intervening between the last and the present session. As to the other legislation that will be presented for your consideration, it will be of the usual type dealt with in our September sessions. Such of it as we shall ask you to pass into law is, in our opinion, non-controversial and unimportant in character; and in so far as we deal with more important measures, we are

taking the opportunity afforded us by this session of advancing them a stage, postponing their consideration for our fuller session at Delhi in the cold weather.

"I turn now to discuss briefly proposals for legislation, which for one reason or another cannot be undertaken immediately, but with which progress has been made since this Council last met. As you are aware, it was decided to postpone further consideration in Council of the Criminal Procedure Code Amendment Bill, which was introduced in March 1914, until after the war, but following the precedent taken with success in the case of the Bill for the revision of the Civil Procedure Code in 1907, and in order that the matter may be ripe for your consideration when the time arrives, I have decided to appoint a small Committee to settle definitely the shape in which the measure will eventually be brought before this Council. The Committee on which the legal representation will be particularly strong will be presided over by the Hon'ble Mr. Lowndes, and will assemble in Simla about the middle of this month.

"Another measure which has come under consideration is the general revision and consolidation of the Court Fees Act of 1870, which experience has shown to be out of date and defective. A draft amending Bill has now been prepared and circulated for the views of Local Governments.

"The very difficult and important question of usury in this country and of appropriate remedies to control it is still under consideration by my Government. The Local Governments have given us their views on the various suggestions put forward to meet this crying evil, and I hope to be in a position shortly to announce the conclusions eventually reached.

"Those of you who were Members of the last Council will be interested to hear the action taken since it broke up, on Resolutions brought before it. We have consulted Local Governments and Administrations on the subject-matter of the Hon'ble Mr. Dadabhoi's Resolution for the amelioration of the depressed classes of this country. We have commended to the notice of the same authorities Dr. M. N. Bannerji's Resolution suggesting the advisability of establishing institutions for the purpose of giving medical students a special course of training in the Vernacular so as to qualify them for ordinary medical practice in rural areas, and in accordance with the Resolution moved by the Hon'ble Khan Bahadur Mir Asad Ali, we are investigating, in consultation with Local Governments, the possibility of placing the ancient and indigenous systems of medicines on a scientific basis and of adding to their usefulness. In the latter connection, you will be interested to know that a site has been granted on favourable terms to the Anjuman-i-Tibia for the construction of the Unani-Tibia College at Delhi.

"Lastly, as a result of the discussion in this Council at its last session, we are arranging for experiments in the improvement of vital statistics and for the investigation of malaria problems in Bengal. I have corresponded with the Governor of Bengal on this latter question, and the Hon'ble Member in the Department discussed it with Lord Carmichael when he was in Dacca the other day. It is impossible to exaggerate the importance of this question, and I hope that we shall be able in due course to formulate measures to deal with it as a result of these experiments.

"The decision to appoint a Commission to examine the question of the expansion and development of Indian manufactures and industries was announced by Sir William Clark when speaking on Sir Ibrahim Rahimtoola's Resolution in this Council on 21st March last. Since that date the Commission has been formally constituted under the Chairmanship of Sir Thomas Holland, and it will assemble in full strength next month. Sir Thomas Holland, who arrived in May last, has in the meantime been conducting the necessary preliminary inquiries, and he is at present touring in the different provinces to prepare the ground for the investigations of the Commission. The Government of India have every hope that the work of the Commission, which is a very strong one, will result in the stimulation of existing industries, the foundation of others, and the increase of the material prosperity of the people of India.

"The Government of India are giving their very careful consideration to the question of trade after the war. They are examining in detail such heads of the export trade as were before the war wholly or mainly controlled or directed by enemy interests, and are also paying attention to certain other items which might possibly become so in future. For imports and exports alike they are collecting the information necessary for the full and proper presentation of the case for India, which will at no distant date have to be laid before the Imperial Conference on trade after the war, and at this Conference we have the Prime Minister's and the Secretary of State's assurance that India will be represented and taken into consultation with all the other parts of the British Empire.

"One of the most important questions which is now occupying the attention of my Government and of Provincial Governments, whom we have addressed on the subject, is that of a scheme to be substituted for indentured emigration as it is sometimes described. This is perhaps hardly a correct way of putting it, as it implies that we are trying to work out a scheme for the purpose of supplying labour to the Colonies, whereas the scheme we are contemplating relates to a very different matter, *viz.*, the control of the operations of persons so engaged. Labourers have a right to emigrate if they wish, and it would be very unwise and very undesirable on our part to prevent them, and we are, therefore, trying to devise arrangements which will secure that recruitment in this country is conducted under decent conditions, that a proper sex ratio will be maintained, and that, on arrival in the country of their destination, they will be properly treated and allowed to engage themselves on terms at least as free as those obtaining at present in the Malay Peninsula, where a labourer can leave his employer by giving a month's notice. These are the conditions, which, in our letter to Local Governments, we explained are regarded by the Government of India as necessary for a satisfactory system of emigration. I think it will be clear to all who have studied the question that the Government of India would be departing gravely from its duty if it allowed emigrant labour to leave this country without proper protection and safeguards. There are a certain number of labourers, I believe a very small number, who emigrate as genuine free labourers, that is to say, unassisted by pecuniary help and uninvited by any interested agency. But if we confine ourselves to the abolition of our existing indentured emigration, a position will arise in which the parties interested in procuring Indian labour will be free to induce labour to emigrate by pecuniary help under any conditions they like, so long as the labourer does not go under indenture. The abuses likely to arise out of such a state of things would be very serious. I need only refer to the state of affairs which existed before the amendment of the Assam Labour and Emigration Act in connection with so-called 'free labour'; the consequence of this system was, as Sir Charles Rivaz put it in his speech before the Legislative Council in 1901, that 'a horde of unlicensed and uncontrolled labour-purveyors and recruiters sprang into existence who, under the guise of assisting free emigration, made large illicit gains by inducing under false pretences ignorant men and women to allow themselves to be conveyed to Assam'. These emigrants were, it is true, placed under labour contracts on arriving in that province, but the abuses complained of arose in connection with the recruitment, and not with the contract. Similarly, when the system of indentured emigration first arose in India, the only precaution required was that intending emigrants should appear before a Magistrate and satisfy him as to their freedom of choice and their knowledge of the conditions they were accepting. It was shown in a report submitted in 1840 that abuses undoubtedly did exist in connection with recruitment in India, abuses which the constantly increased safeguards provided by successive acts of the legislature were designed to correct. Uncontrolled recruitment cannot, it is clear, be permitted under any circumstances. Lord Hardinge promised—and I associate myself with him—to deal with certain points raised by my Hon'ble friend, Pandit Madan Mohan Malaviya, during the last session of the Legislative Council. These points were the better supervision of Colonial recruiting in India, the insertion of information regarding the penal conditions attaching to labour contracts in the indenture signed by intending emigrants and the undesirability of labourers in the Colonies being compelled to do work repellent to their caste ideas and religious beliefs. Regarding

the first matter, we have already consulted Local Governments very fully when asking their views as to the precautions which will be required after the abolition of indentured emigration. As to the second point, you are no doubt aware that Fiji has now abolished imprisonment for labour offences, and other Colonies are arranging to follow suit. But there will still be certain provisions remaining which, we think, should be brought to the notice of intending emigrants, and we have arranged to do this as soon as the various Colonial Legislatures concerned have passed the amendments to which I have alluded. We have also asked the Secretary of State to press the third point on the attention of the Colonial Governments concerned. I should like to say just one more word about the reference we are making to Local Governments. The conditions under which we are to allow labour to be recruited in India and under which it should be employed in the Colonies are peculiarly matters on which Indian public opinion has every right to be heard, and on which we desire its full expression as an aid to us in formulating our proposals. We have, therefore, asked the Local Governments to consult private persons and associations who are specially interested in, or have special knowledge of, this important question, and we hope that the case, which we shall be able to put forward for the discussion which will shortly take place on this subject in London, will represent not only the result of our own experience and judgment, but the views of the most intelligent sections of the Indian community.

“As was indicated in Sir William Meyer's speech (paragraph 88) introducing the last Financial Statement, the Government of India have for some time past had in view a clearer definition, and an enlargement, of the financial powers of the Local Governments and of authorities subordinate to these. There was general agreement as to the desirability of an advance in this direction, but considerable difficulty was found in determining the manner in which the general principle of decentralisation should be applied. The practical impossibility of defining the powers of every authority in India, and of compiling an exhaustive statement of such powers, will be readily appreciated. On the other hand, the Secretary of State was unwilling to concede to us any general powers of delegation and re-delegation. I am glad, however, to say that we have made substantial progress. In the case of Provincial Governments, the Secretary of State has assented to the principle that their financial powers of sanction and control of Provincial expenditure can properly be placed in a position of substantial equality with the powers of the Government of India in respect of Imperial expenditure. The extended powers with which Local Governments have been invested in pursuance of this policy have been defined in a Resolution recently issued. We hope that, as a result, there will be a considerable diminution in the occasions on which it will be necessary for Local Governments to refer to the Government of India in regard to matters that may, with advantage, be settled locally.

“In the case of the further delegation of powers to other authorities subordinate to the Government of India, as well as to Local Governments, no such simple solution offered itself, but we have obtained the Secretary of State's general approval to the following arrangement. Broad fundamental rules will be laid down specifying for each class of authority the limits within which powers may be delegated to them. The precise degree of delegation will then be settled by the Government of India for Imperial Departments, and by the Local Governments for Provincial, on the merits of each case. It will, for example, be optional for a Local Government in any particular case to delegate or not to delegate, and if it does delegate a given power, it can impose such conditions as it may consider necessary. The detailed rules to give effect to these arrangements are now before the Secretary of State, and we hope that they will soon be sanctioned.

“I ought perhaps to refer to the legislation which has been undertaken in Parliament to amend the provisions of the recent Government of India Act. With regard to one of the clauses of the Bill that was introduced for the purpose, some feeling has been evoked in this country; but as I have no desire to enter into the controversial aspect of the case, I will content myself with saying that the clause has now been definitely held over for further consideration after the war.

"The need for economy and the shortage of officers owing to the war have necessarily restricted the activities of those Departments of Government to which we look for material progress. You will, however, I think, agree with me that the thanks of the whole community are due in these days to the Agents of our railways for their energy and resource in coping with the very difficult task that has been set them. An increase of traffic has taken place due in the main to the diversion to railways of the whole of the coal-traffic between Bengal and the Western ports through the shortage of sea-freight. In normal times many additional facilities could have been provided rapidly to deal with the new situation. In present circumstances not only have our activities been restricted by financial considerations, but owing to the war difficulties in obtaining materials have been well-nigh insuperable. Thus additions to rolling-stock have been out of the question, and we have had much to do, even to keep existing stock in good order. Again the attention of railway administrations has not been devoted solely to railway work. Besides the manufacture of shell, a great deal of military work of a miscellaneous character has devolved upon the railways. The staff, too, has been depleted by the war, the railways having given up 350 officers and 1,500 subordinates for military duty or employment on railway work overseas under military control. Notwithstanding these manifold difficulties, there has been no serious breakdown of internal or external trade. This has been due, chiefly, to the whole-hearted endeavour of each railway administration to co-operate with others for the public good, and to the valuable assistance which has been given to railways by the commercial public.

"We are not unmindful of the future. The danger is still with us. We have taken counsel with the representatives of trade interests, and a Conference was convened in July, under the presidency of the Hon'ble Member in the Railway Department, to discuss the whole situation and make sure that no method of alleviating congestion was overlooked. Still the prospects at present are not altogether favourable. The outstanding need is that advantage should be taken of the slack season to increase stocks of coal throughout the country. But the difficulty unfortunately arises that conditions in the coal-fields preclude large raisings at this time of the year, owing to harvest operations, and this may interfere with the building up of stocks. We are all alive, however, to the needs of the situation. The raisings of coal will no doubt presently increase; before the pressure comes on us again, the capacity of our lines will have improved, and it is not unreasonable to hope that with the hearty co-operation between railways and the commercial public, evidence of which was a pleasing feature at the Conference I have mentioned, we shall be able to deal with the traffic during next cold weather.

"The activities of the departments administered by the Department of Revenue and Agriculture have also been restricted both by the need for economy and by the shortage of officers. Not only have the services of a considerable number of officers been placed at the disposal of the military authorities, but it is at present difficult to obtain suitable recruits, especially for the Forest and Agricultural Departments. We have lately, however, been able to secure the services of two experts from home to conduct special investigations. One of these is studying the problem of reviving the trade in natural indigo. If he can devise a means of standardising the natural product in a form which will enable it to compete with the German synthetic dye, it is to be hoped that the planters will adopt some co-operative system of manufacture and marketing, and thus place this once profitable industry on a sound basis for the future.

"A tannin expert has also recently arrived with a small extract plant, and is engaged on an investigation of the tanning materials yielded by various forests in India with a view to preparing tannin extracts for trial on a commercial basis. If his researches are successful, not only will the Forest Department obtain a new source of income, but the tannin industry may be expected to develop on a large scale, and to produce good leather from the enormous quantities of hides which are at present exported from India in a raw condition.

"Mr. Lefroy's inquiries into the silk industry were interrupted by a visit to Mesopotamia, where he did valuable work in organising measures for the destruction of flies and vermin, but he has now returned and resumed his investigations. It is hoped that they will result in a considerable revival of this historic industry. Without forestalling his report, I think I may say that he will show that large parts of the country, especially the sub-montane tracts, are suitable for the production of the silkworm, which cannot thrive in the arid heat of the plains. It is equally important to know the areas which are unsuitable, so that efforts to develop the industry may be concentrated in those tracts which offer the best prospect of success.

"The Hon'ble Mr. Hill explained at the discussion of the Financial Statement last March that the present period of comparative inactivity is being utilised for the preparation of schemes, especially in connection with agriculture, for development when more favourable conditions recur. It is my hope that those schemes will bear bountiful fruit during my term of office. The success of the researches at Pusa in selecting improved varieties of various crops, especially of wheat, has demonstrated the possibility of getting a vastly increased yield from indigenous species. There is room for many more workers in this field, and in course of time every large province should have a competent staff to work out local problems. There is equal room for expansion in the work of demonstrating the results of these researches. The Indian cultivator has shown himself quite ready to adopt improved methods as soon as he is convinced of their utility, and I look forward to a time when Demonstration Farms will be spread all over the country, bringing the practical results of scientific research within the reach of the agricultural masses.

"The improvement of agriculture, besides bringing prosperity and content to the majority of the population of India, will provide a worthy career for the young educated Indian who desires to serve his country, but does not always find the best way of doing it. The recommendations of the Conference on Agricultural Education, over which the Hon'ble Mr. Hill presided last February, have been considered by Government, and have recently been referred for the opinions of Local Governments. The Conference dealt, among other matters, with the question of reforming the system of education in our agricultural colleges. One of the chief needs of those colleges is to attract suitable students. The development of agricultural farms should tend to effect this object, but more farms can only be opened as men become available to manage them, and agricultural education and development are thus inter-dependent. I should like from my personal experience in Australia to lay stress on this. Agricultural colleges and Demonstration Farms have played a great part in the development of the agricultural industry in that country; and though the farming community is notoriously conservative, it has through these means been awakened to the possibilities opened out by science. I should like to impress this further fact on Indian parents. When they are planning the future of their sons, they might well pause to consider whether, instead of sending them to join the over-stocked market of the legal and literary professions, it would not be better to turn their attention to the possibilities of employment in scientific agriculture. As the department expands, it will afford greater opportunities of advancement, and the man who elects for this service may do well for himself and at the same time contribute to the prosperity of his country.

"I think it will interest the Council to hear that we have under consideration at present the question whether it is not possible and desirable, with due regard to economy and efficiency, to make certain radical alterations in the organisation of our Public Works Department on the Roads and Buildings side. As the Council is aware, the great bulk of the construction and repair work of public buildings of all classes, however unimportant, is at present done through the official agency of the Public Works Department. It seems to us not unreasonable to suppose that a good deal of the work of this character could be devolved upon an agency, other than the Government Public Works agency, under the control of local bodies; while side by side

with delegation to local agency, a stimulus might be given to private enterprise on a larger scale in connection with contracts for works. If this be found feasible, it will, of course, follow that the Buildings and Roads Branch of our Public Works Department will eventually be susceptible of considerable reduction in establishment, since its functions, apart from the larger public buildings, will be in the main inspectorial. It is not merely on the score of economy that this change is under consideration. We feel that there is scope for very considerable improvement in our Engineering Colleges; and that if highly competent engineers were turned out by these institutions, there is no inherent reason why the graduates of those Colleges should not be able to enter upon private practice, either as architects or civil engineers, thus gradually building up—what at present is almost absent from India—a body of qualified engineering experts whose knowledge would be available on a much larger scale for private contracting firms. It will be realised that this question is one of great intricacy and importance, and requires very careful examination. I do not, therefore, propose to discuss the matter now in greater detail. Indeed, at the present moment, it would be undesirable, as we have proposed, for the Secretary of State's approval, that the whole question be examined by a Committee specially appointed for the purpose who will investigate conditions throughout India and report to us upon the possibilities of change in the directions I have indicated. Here, again, I would suggest the possibility of outlets for the youth of India other than those found in the legal and literary professions.

“ In the sphere of education the influence of the war has been very apparent. The Provincial Governments have, as the Council is aware, been forced by the financial situation to restrict their educational programmes, and the Government of India have for the same reason been unable to assist them with increased grants. We have, however, brought under their consideration three classes of educational effort in which some progress may suitably be made when better times recur. We have, in the first place, consulted Local Governments and the public on the lines which should be followed in the important matter of the development of female education, especially in its primary phases—one of the most important and most difficult of the problems which have to be faced in the near future, and one which I could wish that we were better prepared to meet. We have also drawn attention to the claims on Government assistance possessed by institutions for the instruction of the blind and the deaf and dumb. And lastly, we have placed before the Provincial Governments the necessity of maintaining more systematic arrangements than at present for securing an adequate supply of properly-trained teachers—perhaps the most vital requirement in our educational system to-day. Since we last met, moreover, two new Universities have come into existence, one at Benares and one at Mysore, and much consideration has been given to the pending proposals for the institution of new Universities at certain other centres. The rules for the grant of scholarships in England have at the same time been consolidated and improved, and we have had correspondence with the Secretary of State on certain aspects of the complaints which have from time to time been made regarding the facilities for Indian students in England. I was glad in connection with this question to be able lately to announce the constitution of a special Delegation at Oxford and an inter-Collegiate Committee at Cambridge for the express purpose of meeting the needs of Indian students, whose numbers at these two Universities are said to have trebled in the last ten years.

“ In matters connected with local self-government, I may note that, in view of the position assumed of recent years by aliens in certain of our towns, we have found it necessary to ask Local Governments to ensure that in future aliens shall have no right to vote for election to, or to sit upon, municipal or district councils in this country. In several provinces there are measures of importance relating to municipalities and district boards which have been for some time under discussion. To one of these—the United Provinces Municipal Act—I have recently given my assent, and this measure—quite apart from the special provisions regarding communal representation which have attracted so much public attention—may be said to mark a very real and important step in the direction of self-government in local affairs.

"Turning to foreign affairs, I am happy to be able to state that the relations between His Majesty the Amir of Afghanistan and the Government of India continue to be of the most cordial and friendly character. His Majesty, I need hardly tell you, is scrupulously observing the neutral attitude which he guaranteed at the beginning of the war and has since re-affirmed.

"On the North-West Frontier, the tranquillity to which my predecessor alluded in his last speech in this Council has happily been maintained. This almost unprecedented calm on this usually restless border is due partly to the attitude of His Majesty the Amir, partly to the punishment inflicted last year on the few aggressive sections, but chiefly to the innate good sense and loyalty of the tribes as a whole, who have now realised that this war involves no menace to their religion, as they were at first falsely led to believe by enemy agents and interested schemers. Not that our enemies have entirely abandoned their campaign of religious misrepresentation, but I have every confidence that false promises of these mischief-makers will now fall on deaf ears, and that our tribesmen will not again be tempted to turn in mistrust against a Government, whose unswerving policy has been to respect and safeguard the religion of its peoples and uphold the standard of religious freedom.

"The relations between His Majesty's Government and the Government of Persia have never been more harmonious. In realisation of the unity of purpose which animates both, the Persian Government have invited and welcomed our assistance in the raising and training of a Persian force to purge the south of the last traces of German intrigue, and to police the main trade routes leading to the sea. And with this assistance, which we on our part were glad to be able to afford them, the Persian Government, I am confidently assured, will shortly be enabled to bring back the blessings of order and prosperity to the southern provinces, and thereby to draw still closer those bonds of commerce which from time immemorial have knit India and Persia together.

"I now turn to consider the situation in this country. In spite of the machinations and intrigues of our enemies, India's loyalty remains as steadfast as in 1914, when the outbreak of hostilities led to that conspicuous and ever-memorable wave of enthusiasm for the cause of the Empire and its Allies, which swept from one end of the country to the other.

"In Bengal, where political dacoities and dastardly murders of Indian police officers still continue, the position has given, and is giving, us all cause for anxious thought. We are, in consultation with the Local Government, closely considering the situation, and in particular we are endeavouring to elucidate the causes of this sinister development in what was at one time a most peaceful province. As a measure of immediate and practical relief, we have taken important steps to strengthen and protect the police force which is engaged in maintaining law and order, but we are not unmindful of the necessity for finding remedies which will go to the root-cause of the evil.

"I do not intend to enter into further details to-day, and will leave the subject with the remark that I feel sure that you will all agree that it is impossible for Government to tolerate the indefinite continuance of dangerous activities which strike at the foundations of all constituted authority.

"It is in pleasant contrast that I turn to the situation in the Punjab, where a peace, which was momentarily disturbed by a handful of returned emigrants who found themselves after their absence entirely out of sympathy with their own countrymen, has been satisfactorily restored. While speaking on the subject of the Punjab, I would like to say with what gratification I received—as I am sure its officers and people did—the sanction of the Secretary of State to the creation of a High Court at Lahore as soon as the termination of the present war makes this possible.

"The last subject with which I shall deal to-day is the war. You must all of you be conscious that since the last Session of this Council a great change has come over the military situation in the main theatres of conflict. The chief features of that change I shall presently attempt to describe. But first

I wish to deal with events in a minor theatre of war—Mesopotamia—in which India is very closely interested and where, owing to difficulties of country and climate, our forces have been subject to great hardships.

“The gallant garrison of Kut, reduced to the last extremity, had perforce to surrender before relief could be afforded, but the stubborn resistance offered under adverse circumstances, and the fine spirit displayed by both the Commander and his men—British and Indian—will ever be memorable. During the hot weather months active operations in Mesopotamia have not been undertaken, but our occupation of enemy territory has been further consolidated and experience gained which will assist our Commanders when the campaign again develops.

“Hon'ble Members will doubtless have noted that the conduct of the campaign in Mesopotamia has lately been the subject of criticisms in Parliament and the Press, and that the Government of India and its Army Department have been blamed for certain failures in administration which are alleged to have occurred in that country. As the whole question is about to be investigated by a Royal Commission, the present time is not opportune for a discussion of the case. I would, however, suggest that there is another side to the picture. We have in fairness to ourselves the right to ask our critics to survey the situation as a whole, and I shall endeavour to place before you in studiously considered outline a summary of what India has done during the past two years.

“The winter of 1914-15 was one of the most critical periods of the war, for it was evident that the troops then available on the Continent and in the United Kingdom were inadequate for the defensive rôle allotted to them, and that the only way, pending the raising and training of the new armies, in which the position could be saved, was by replacing the regulars serving in the Mediterranean and colonial garrisons with territorials, and by drawing upon India for troops to the fullest possible extent. The demands then made on us were honoured in full and with the utmost promptitude. Two cavalry and two infantry divisions, completely equipped in every respect, with staffs, guns, horses, transport, ambulances and all requisite auxiliary services, were despatched to France. Of the endurance and gallantry displayed by the Indian Corps while serving in the trenches during the trying winter of 1914-15 and again in the severe fighting that took place in the following spring, I need hardly speak, for its details are known to you all. Despite a wastage in *personnel* of over 150 per cent per annum, and a considerable loss in animals, the Indian Corps were always kept up to strength, and liberally provided with clothing, munitions and equipment from India.

“At the same time as the despatch of troops to France, nearly the equivalent of a division was sent to East Africa, while one cavalry and six infantry brigades were despatched to Egypt. Very soon after, a division, complete in every respect, was sent to Mesopotamia, where it has since been largely reinforced, while smaller forces were employed at Maskat, in the Persian Gulf and at Aden. All these forces were based on India, which provided the drafts of men and animals and the food, forage and material required for their maintenance.

“Besides the heavy burden of having to meet the needs of four expeditionary forces at the same time, India had to maintain the troops on her frontiers and to conduct operations which attracted little attention at the time, but which were nevertheless on a considerable scale.

“The Army in India has thus proved a great Imperial asset, and in weighing the value of India's contribution to the war, it should be remembered that India's forces were no hasty improvisation, but were an army in being, fully equipped and supplied, which had previously cost India annually a large sum to maintain.

“I wish that time would permit of my giving you an account in greater detail of the assistance in men and material which India has furnished and is furnishing to the cause of the Empire. It would show the strain that is still imposed upon us by the maintenance of these large forces overseas. It would

not however be justifiable at this stage of my speech to inflict on you a full recital of these facts and figures. Still I cannot refrain from mentioning a few salient points.

"On the outbreak of war, of the 4,598 British officers on the Indian establishment, 530 who were at home on leave, were detained by the War Office for service in Europe. 2,600 combatant officers have been withdrawn from India since the beginning of the war, excluding those who proceeded on service with their batteries or regiments. In order to make good these deficiencies and provide for war wastage, the Indian Army Reserve of Officers was expanded from a total of 40, at which it stood on the 1st August 1914, to one of 2,000.

"The establishments of Indian units have not only been kept up to strength, but have been considerably increased. There has been an augmentation of 20 per cent in the cavalry and of 40 per cent in the infantry, while the number of recruits enlisted since the beginning of the war is greater than the entire strength of the Indian Army as it existed on the 1st August 1914. These remarkable results may be attributed to the confidence inspired by the British officers of the Indian Army, the cordial co-operation of the civil authorities, and the loyal response of the people of India.

"Recruiting has been opened to several classes to whom military service was previously closed. Considerable public interest has been aroused by the sanction given for the formation of a Bengali double company which will be trained on the frontier and sent on active service. The Bengal Stationary Hospital, recently broken up, rendered admirable service in Mesopotamia, and its record there was one of which the promoters of the scheme may well be proud.

"The despatch of so many expeditionary forces from India has necessitated a great expansion in military transport. Four Camel Transport Corps and twenty-seven Mule Corps have been despatched on service, representing a total of over 13,000 men and 17,000 animals. To replace these units and provide for wastage, some sixteen new Transport Corps and cadres have been formed.

"Six labour corps have been sent to the front and some 1,500 overseers, draftsmen, clerks, store-keepers, carpenters, smiths, mechanics, &c., have been despatched to Mesopotamia for duty on military works, and India has supplied large stocks of military material.

"In respect of medical *personnel* and equipment—and this is a matter in regard to which the Government of India have come in for special criticism—India's contributions towards oversea expeditions have been on a very big scale. Forty field ambulances, 6 clearing hospitals, 35 stationary hospitals, 18 general hospitals, 9 X-Ray sections, 8 sanitary sections, 7 advanced depôts and 1 general medical store depôt are now serving overseas. The *personnel* provided for these units and other services amounts to 258 officers of the R. A. M. C., 704 I. M. S. officers, 40 lady nurses, 475 assistant surgeons, 854 sub-assistant surgeons, 724 British nursing orderlies, 2,843 Indian ranks and nearly 20,000 Indian followers. In order to meet the heavy demands on the Indian Medical Service, 344 officers have been withdrawn from civil employment, and some 200 private practitioners and civil assistant surgeons have been given temporary commissions. In the subordinate branches, 205 assistant surgeons and 560 sub-assistant surgeons in various kinds of civil employment have been released for military duty. The strain which has been caused to the Civil Medical Department by these changes and withdrawals has been very great. In the medical sphere, in fact, it must be patent to all that in responding to the demands made upon us, we have gone as far as it was possible to go.

"The efficient working of the Indian Ordnance Department is shown in the enormous increase in the output from our factories and arsenals since the outbreak of war. To name one item only, I note that we have supplied the War Office with stores to the value of 2 millions sterling, including some 265,000 high explosive empty shell manufactured by the Munitions Branch.

The Indian Ordnance was only organised to supply the requirements of military operations on the North-West Frontier, and it is, therefore, no small tribute to its power of expansion that it has been able to deal so successfully with such vastly increased demands.

“The work of the Royal Indian Marine in connection with the war has been of great importance. 171 vessels have been chartered and fitted up as transports, and since the beginning of the war the sailings of transports from Bombay alone had, up to the end of July, numbered 926, and the arrivals 1,044. These figures give some idea of the shipping and transport work which has to be dealt with by the Marine and Embarkation staffs at Bombay. Moreover, 78 steamers, 120 launches and 207 lighters and barges have been purchased and prepared for service in Mesopotamia. 192 officers and 7,000 Indian seamen and stokers are now serving in the Government flotilla on the rivers of Mesopotamia. Work has been carried on under high pressure in the Royal Indian Marine dockyards at Bombay and Kidderpore, and several dockyards and repair shops for river craft have been established in Mesopotamia.

“The Railway Board, besides controlling the manufacture of munitions outside Ordnance factories, has provided the material and *personnel* required for the construction and working of military railways in East Africa, Mesopotamia and at Aden.

“In addition to all the material, rolling-stock and engines required for these railways, the Board has equipped and staffed a number of workshops overseas, and constructed on behalf of the military authorities various descriptions of vehicles and equipment, such as armoured motor cars, motor lorry bodies, water tanks, as also eleven complete armoured trains, and 7 hospital trains.

“Hon'ble Members will, I think, agree that the account of what India has contributed towards the war is a record of loyal achievement of which, as the Secretary of State recently stated in Parliament, she may indeed be proud.

“The Ruling Princes and Chiefs of India have continued to give invaluable assistance towards the prosecution of the war and the relief of sick and wounded soldiers. Among recent contributions have been the Rajputana gift of over 4½ lakhs for aircraft, machine guns and motor ambulances, the gift of Rs. 45,000 by His Highness the Maharaja of Rewa and the Solanki Rajput Chiefs for the purchase of aeroplanes; the gift of one lakh of rupees by His Highness the Maharaja Holkar of Indore, and of 2½ lakhs by His Highness the Maharaja of Bikaner from his privy purse. Hospital accommodation has been provided or offered by Their Highnesses the Maharajas of Patiala, Bikaner, Datia, Benares, Jind and Kapurthala, the Maharao of Sirohi, the Nawab of Maler Kotla and the Raja of Sukét, and substantial contributions have been received from the Rulers of Cutch, Limbdi, Dasāda, Sonpur, Bahawalpur, Faridkot, Manipur, Dhār, Jaora, Barwani, Ali Rajpur, Rāghugarh and Shahpura.

“The Imperial Service Troops are still doing very valuable work on the various fronts, notably the Mysore Lancers and the Bikaner Camel Corps in Egypt, the Kashmir Rifles, Jind Infantry and Faridkot Sappers in East Africa, and the Maler Kotla Sappers in Mesopotamia, and I am glad to hear that the Kashmir and Jind Durbars have recently received a special message of congratulation from General Smuts on the efficiency of their troops. The Sirnur Sappers had the distinction of assisting in the gallant defence of Kut.

“The veteran warrior, His Highness Sir Pratap Singh, after a brief visit to India, has returned to France, where, with His Highness the Raja of Rutlām, he continues to uphold the name of the Rajputs for patriotism and valour.

“To all these and to those other Rulers whose princely gifts and loyal services have been acknowledged on previous occasions, I should like to offer, on behalf of myself and my colleagues in this Council, our warmest and most sincere thanks.

"And now, in conclusion, I will briefly pass in review the present military aspects of the great battle fronts where not only the destiny of the belligerent nations but the future course of civilisation is being decided.

"During the interval that has elapsed since the closing of our session in March last, the great war has raged with increased intensity in all its main theatres. The outstanding feature of this period is the fact that the initiative has been wrested from our enemies, and that the improved position of Great Britain and her Allies in the matter of men and munitions has enabled a general and forcible offensive to be undertaken.

"The prodigious efforts and enormous sacrifices made by the Germans against Verdun have so far proved abortive, and the valiant French army has not only more than held its own, but has achieved conspicuous success in the recent stirring operations on the Somme. Our own successes in this latter area, which had been prepared and strengthened by the enemy for some two years by every modern device, are very significant and bear testimony to the completeness of our preparations and technical equipment and to the fine spirit and bravery of the troops.

"In the Eastern theatre, the Russians commenced their great offensive movement early in June, and the subsequent operations have proceeded with almost uninterrupted success on a wide front, resulting in the recovery of much lost ground, the re-occupation of a large tract of enemy country, and the capture of some 300,000 Austrian and German prisoners and vast quantities of war material.

"In the Southern theatre, the Austrian offensive initiated in the spring was quickly checked, and our Italian Ally seizing her opportunity assumed a vigorous offensive on both the Trentino and Isonzo fronts, and is now in occupation of important strategical points in the enemy's country.

"In the Balkans, developments have been slow, as the allied forces entrenched before Salonika were obviously awaiting the psychological moment. With the adherence of Roumania to our cause, I think we may say that that moment has now arrived. The action of Roumania at this juncture has a peculiar significance which Hon'ble Members must have correctly appreciated without needing elaboration from me.

"In Asia Minor, our Russian Ally is making steady progress notwithstanding the great physical difficulties of the country, and is now in occupation of the greater part of Armenia.

"At the beginning of last month a signal success was gained by our forces in Egypt, resulting in the complete defeat and dispersion of the enemy.

"In German East Africa, our troops are gradually overcoming all the great physical difficulties and driving the enemy before them. The successful issue of these operations can scarcely be much longer delayed, and the loss of this Protectorate, her last remaining colonial possession, will be a staggering blow to the pride and prestige of Germany.

"Our Navy still exercises command of the sea. The one serious attempt made by the enemy to challenge our supremacy ended in failure and flight. Losses on both sides were considerable, but the fact remains that the German fleet was driven from the seas, and that the grip of our blockade is firmer than ever.

"I cannot let this occasion pass without alluding to the irreparable loss which our Empire has suffered in the untimely death of Field-Marshal Lord Kitchener, seven years of whose valuable and strenuous life were spent in the services of this country. He lived to see the great work he had accomplished in connection with the war producing the results for which he had striven, and in the day of victory the great part he played will not be forgotten.

"Against a loss such as we have suffered by his death, against checks, disappointments and delays inevitable in a war waged on so vast a scale, we must continue steadfastly to steel our hearts, relying on the justice of the cause for which we fight, firmly trusting that the grievous sacrifices required of us will not have been offered up in vain, and confident that the tide of battle, now at last setting strongly against our enemies, will finally sweep away all political ideals which are based on militarism and aggression, and leave peace once more firmly established among the nations of the earth.

[*Mr. M. B. Dadabhoy ; Sir William Meyer ;
Sir Reginald Craddock.*]

[5TH SEPTEMBER, 1916.]

QUESTIONS AND ANSWERS.

The Hon'ble Mr. M. B. Dadabhoy asked :—

1. "(a) Is it a fact that large numbers of applications for the refund of money deducted on account of income-tax at the maximum rate of one anna per rupee from the interest due upon Government paper, debentures and other securities are now lying in all important centres and cannot be disposed of immediately owing to the delay on the part of the Government of India in issuing instructions to the Local Governments in that behalf ?

Refund of money deducted on account of income-tax from interest on Government paper, etc.

(b) If so, will Government be pleased to issue prompt orders on the subject ?

The Hon'ble Sir William Meyer replied :—

"I am glad to take the opportunity which the Hon'ble Member's question affords me of explaining the exact position with regard to refunds of income-tax on the interest on securities taxable under Part III of the second Schedule. As I pointed out last March, when introducing the Income-tax Amendment Bill, the extension of the principle of graduation must result in a considerable increase in the number of persons entitled to claim abatement in respect of income-tax paid on interest on securities: and, under the new procedure prescribed in the Act, a consequent increase in the number of applications for refunds is inevitable. The actual administration of the Act rests with Local Governments and Administrations, and a notification was issued last May under section 38 of the Act delegating to them the power to make rules prescribing the procedure for dealing with refund applications. But in view of the greater importance now attached to the system of refunds, and the need for devising as simple a procedure as possible, the rules may take time to elaborate, and, in the meanwhile it is within the competence of Local Governments to dispose of refund application, in the exercise of their ordinary administrative powers. The Hon'ble Member will no doubt recognise that some delay is inseparable from the introduction of a new procedure, involving a considerable amount of work; but no information has been received which suggests that large numbers of applications for refunds are now awaiting disposal, or that any general action, beyond that already taken by the Government of India, is necessary to prevent inconvenience during the period which must elapse before the form of the rules can be settled. As I have explained, the specific working of the Act is in the hands of Local Governments."

The Hon'ble Mr. M. B. Dadabhoy asked :—

2. "(a) Were the Government of India consulted by the Government of the United Kingdom about the provisions of the Government of India (Amendment) Bill lately introduced in Parliament ?

Government of India (Amendment) Bill.

(b) Will the correspondence on the subject, if any, between this Government and the Secretary of State in Council be laid on the table ?

The Hon'ble Sir Reginald Craddock replied :—

"The Government of India were consulted in regard to the provisions of the Government of India (Amendment) Bill, which has now been passed by Parliament. It is not intended to lay on the table the correspondence which passed on the subject between the Government of India and the Secretary of State in Council."

[*Mr. M. D. Dadabhoj; Sir George Barnes; Mian Muhammad Shafi; Sir Reginald Craddock.*] [5TH SEPTEMBER, 1910.]

The Hon'ble Mr. M. B. Dadabhoj asked :—

Appointment
of Boards
of Scientists
for the devel-
opment of
Indian in-
dustries.

3. "(a) Is it a fact that the industrial development of modern Germany has been in a large measure due to the researches of permanent Boards of Scientists devoted to the work of finding out the best means for the utilisation of by-products and waste vegetable and animal matter, and of simplifying processes of manufacture ?

(b) If the answer to (a) is in the affirmative, do the Government propose to consider the question of appointing strong Boards of Scientists at the different Provincial headquarters for research work on the German model with the object of providing proper facilities for the development of Indian industries ?"

The Hon'ble Sir George Barnes replied :—

"The Government of India believe that the industrial development of Germany has been due in part to the researches by Scientists employed by the owners of German industrial establishments. So far as they are aware these Scientists were in all cases paid by the owners of the industries concerned, and not by the State. They have no information with regard to the institution of Boards of Scientists such as are suggested in the first part of the question.

With reference to the second part of the question, the Government of India propose to await the report of the Indian Industrial Commission."

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

Continuance
of the
Punjab as
a Non-
regulation
Province.

4. "Will the Government be pleased to state the reasons for which the Punjab continues to be a Non-regulation Province ?"

The Hon'ble Sir Reginald Craddock replied :—

"The Hon'ble Member is referred to paragraph 30 (Volume I) of the Report of the Royal Commission upon Decentralization in India, 1909. The distinction between Regulation and Non-regulation Provinces is passing away, and the system of administration in the Punjab is rapidly approximating to that prevailing in provinces to which the term 'Regulation' is applied."

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

Punjab
share of its
revenues.

5. "(1) Has the attention of the Government been invited to a leading article on 'The Punjab share of the Punjab Revenues' published in the Civil and Military Gazette of 30th July, 1916 ?

(2) Is it a fact—

(a) that in 1913-14, the Punjab Government received for its own use 53 per cent of its revenues as compared with 62 per cent in the United Provinces and 72 per cent in Bihar and Orissa ;

(b) that the Government of India takes half the Punjab land-revenue without contributing anything towards the cost of the revenue staff amounting to 50 lakhs ;

(c) that the Government of India pays 4½ lakhs out of 17½ lakhs towards the general administration of the Punjab ;

(d) that the Government of India takes 18 lakhs out of the revenue derived from Court-fee stamps in the Punjab without contributing anything towards the cost of Law and Justice in the Province ;

(e) that the major portion of the earnings of the North-Western Railway is derived from the territories administered by the Punjab Government ; and

(f) that the North-Western Railway does not contribute towards the cost of the Punjab administration ?

(3) Will the Government be pleased to state if it is considering, or proposes to consider, the question of granting to the Punjab a greater share of its revenues, and a reasonable share of the earnings of the North-Western Railway ?"

[*Sir William Meyer ; Sir Manindra Chandra Nandi ; Mr. C. H. A. Hill.*]

[5TH SEPTEMBER, 1916.]

The Hon'ble Sir William Meyer replied :—

"(1) The Government of India have seen the article referred to.

(2) The Hon'ble Member does not appear to have studied the fundamental principles underlying the settlements with Local Governments. These were explained in paragraphs 2, 3 and 7 of the Resolution in the Finance Department No. 27-F., dated the 18th May 1912, which was published in the Gazette of India of the same date, and their objects are to give Provincial Governments an interest in the cost of the services controlled by them and adequate powers in regard to the administration of those services. In accordance with these principles, the bulk of the cost of the ordinary administration of the provinces is borne by the Provincial Governments. In order to meet this, they are allotted adequate revenues under various growing heads, the elasticity of which is sufficient to provide for due development with its accompanying growth of expenditure. The arrangements referred to by the Hon'ble Member by which the Imperial Government takes half of the revenue from land and Court fees, while the Provincial Government bears the entire cost of the revenue and judicial staff and the bulk of the cost of general administration, are thus not peculiar to the Punjab. Railways, again, are an entirely Imperial asset. Generally speaking, the revenues placed at the disposal of Provincial Governments have no specific relation to the total revenues collected in the areas under their administration. Were this not the case, the maritime provinces (for example) would have a great advantage by reason of the customs revenues received there.

The facts put in part 2 of the Question are generally as stated. They are not, however, relevant in respect of a revision of a Provincial settlement in view of the considerations which I have already explained. I may observe in this connection that the payment of Rs. 4½ lakhs by the Government of India mentioned in part 2 (c) of the Question relates to accounts establishments, which are an Imperial charge, though they are largely concerned with the audit of Provincial revenues and expenditure.

(3) The Government of India have no reason to think that the resources, at the disposal of the Government of the Punjab, are insufficient for their needs. In fact, the Provincial balances of that province had become so large under the present scheme that an arrangement was recently sanctioned, at the instance of the Local Government, by which a sum of one crore of rupees out of those balances was surrendered to the Government of India in return for a permanent recurring grant. In these circumstances, the Government of India have no intention of placing the Punjab in a specially favoured position by provincializing railway receipts there or by otherwise varying the existing distribution of revenues and expenditure between the Provincial and Imperial Governments. Nor has such a course been suggested by the Local Government."

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

6. "What is the total number of agricultural Demonstration Farms, province by province, in India?" Agricultural
Demonstration
Farms.

The Hon'ble Mr. C. H. A. Hill replied :—

"A statement is laid on the table showing the numbers of the Experimental and Demonstration Farms in the various provinces on 1st January 1915. Later statistics are not as yet available.

18 QUESTIONS AND ANSWERS ; STATEMENT LAID ON THE TABLE.

[*Mr. C. H. A. Hill ; Sir Manindra Chandra Nandi ; Sir George Barnes ; Rai Bahadur Krishna Sahay ; Sir C. Sankaran Nair ; Sir Reginald Craddock.*] [5TH SEPTEMBER, 1916.]

Statement showing the numbers of Experimental and Demonstration Farms on 1st January 1916.

Provinces.				No. of farms.
Madras	...	...	...	11
Central Provinces	...	...	...	14
United Provinces	...	...	...	21
Punjab	...	...	...	6
Burma	...	...	...	11
Assam	...	...	...	5
Bengal	...	...	...	8
Bombay	...	...	...	34
Bihar and Orissa	...	...	...	7
Total ..				117"

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

Grant of subsidies to Indian Industries.

7. "Will the Indian Industrial Commission inquire into the desirability of granting any bonus, subsidy or guarantee of any kind to any Indian industry?"

The Hon'ble Sir George Barnes replied :—

"The attention of the Hon'ble Member is drawn to paragraph 3 (b) (iii) of the Resolution of the Government of India in the Department of Commerce and Industry, No. 3403, dated the 19th May, 1916, announcing the appointment of, and the terms of reference to, the Commission. For the Hon'ble Member's convenience I am sending to him a print of the Resolution."

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

Agricultural and fishing resources of India.

8. "Will the Government be pleased to state if a thorough examination of the agricultural and fishing resources of India lies within the purview of the Indian Industrial Commission?"

The Hon'ble Sir George Barnes replied :—

"The work of the Commission will be in connection with manufacturing industries, and a thorough examination of the agricultural and fishing resources of the country, a purpose for which separate departments already exist, will not therefore fall within its purview. In so far, however, as agriculture and fisheries are interwoven with industries, the Commission will doubtless deal with those subjects."

The Hon'ble Rai Bahadur Krishna Sahay asked :—

Separate University for Bihar and Orissa.

9. "(a) Is it a fact that there is a strong public desire in the Province of Bihar and Orissa for a separate University?"

(b) Will the Government be pleased to state when the Patna University Bill is likely to be introduced into this Council?"

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

"(a) The answer is in the affirmative

(b) The Government hope to introduce the Bill shortly, but are unable to say, at present, when it is likely to be introduced."

STATEMENT LAID ON THE TABLE.

The Hon'ble Sir Reginald Craddock :— "I beg to lay on the table a* statement showing by provinces the total strength and cost of the Criminal Investigation Department for each of the years 1904-05, 1911-12, 1912-13, and 1913-14, which was promised in reply to a question asked by the Hon'ble Mir Asad Ali, Khan Bahadur, on the 21st March, 1916."

* Vide Appendix A to these Proceedings.

[*Sir George Barnes ; Mr. M. B. Dadabhoy.*]

[5TH SEPTEMBER, 1916.]

THE ENEMY TRADING BILL.

The Hon'ble Sir George Barnes :—“ I beg to move for leave to introduce a Bill to prohibit or control trading by hostile foreigners and hostile firms and for other purposes.”

The motion was put and agreed to.

The Hon'ble Sir George Barnes :—“ I beg to introduce the Bill. The principles embodied in it mark the change of feeling and change of opinion which have taken place throughout the British Empire. Generally speaking, the policy throughout the British Empire at the beginning of the war was to control hostile firms and enemy concerns, and to allow their trading to continue subject to supervision—the principal object of the supervision being to prevent goods or money reaching hostile countries. In the United Kingdom, this end was effected by the appointment of Inspectors, Supervisors, and Controllers, and, I think, very much the same line was taken throughout the Dominions. In India, a stronger policy was adopted, a policy of licenses to trade and licenses to liquidate, the result of this policy being the suspended animation, and not the complete extinction of, the firms concerned. In the United Kingdom, at the beginning of this year, a new Trading with the Enemy Act was passed which provided that enemy concerns should, in the absence of special reasons to the contrary, be completely wound up, and this policy has been followed, or is in process of being followed, by the Dominions also. The object of this Bill is similarly one of complete extinction of the hostile firms dealt with. I will not say that the proposal is that India should follow the Dominions or the United Kingdom; for I believe that in India we have arrived at the same conclusion quite independently. In these circumstances, and pressed with the urgency of the case, His Excellency passed the Ordinance which is known as the Enemy Trading Ordinance, 1916, and by his directions I have taken the earliest opportunity of bringing the Ordinance in the form of a Bill for the consideration of the Council. The policy of complete elimination of German trading interests which the Home Government and the Governments of the Dominions have each individually thought necessary for their protection seems to the Government of India to be doubly necessary in this country, for enemy trading companies and associations, which are not of a trading character, have alike been here used for political ends. The Ordinance has been before the public since June last, and so far as I am aware, there has not been one single word of criticism against it, and the Bill follows the Ordinance word for word with one or two comparatively small exceptions. The Statement of Objects and Reasons, which has been submitted to you, gives you clause by clause the contents of the Bill, and I do not think that I ought to take up your time by going through the clauses in detail. The principal clauses of the Bill are clauses 4 and 5, and these two clauses are the back-bone of the Bill. They contain the policy of the Bill, *vis.*, the complete winding up of enemy firms and companies. Clause 6, you will also see, is of importance. Under clause 6 the Governor General in Council has power to cancel contracts, and indeed, I ought to point out to you that this clause differs slightly from the Ordinance which it follows generally, in that the power is extended to cancel sub-contracts and sub-transfers when they are contrary to the public interest, or made with the object of evading any provision of the law. Then clause 7 gives power to the Governor General in Council to vest the property of hostile and enemy firms in a Custodian, and, under rules which have been made, the proceeds of the liquidation of hostile and enemy firms will likewise be vested in this officer, and the money and property will be retained until the end of the war, when it will be dealt with in accordance with the policy which may then be determined on. These clauses, I think, are the principal part of the Bill. The Bill, I believe, has the whole-hearted support of the commercial community in this country, and I hope that it will be passed as an emergency measure as it now stands. I beg, My Lord, to introduce the Bill.”

The Hon'ble Mr. M. B. Dadabhoy :—“ My Lord, I crave Your Excellency's permission to make one observation in connection with the Government practice of introducing emergent legislations. This Bill was placed

[*Mr. M. B. Dadabhoj ; Sir George Barnes ; the President.*]

[5TH SEPTEMBER, 1916.]

in the hands of Members of this Council only this morning. It is true, as the Hon'ble Member has rightly remarked, that the Bill only embodies what was previously promulgated by way of Ordinance, and that there have been no criticisms in regard to it. I have nothing to say against this particular measure; but I think the time has now arrived to make an alteration in the existing practice. I submit Your Lordship will be pleased to consider the advisability of placing all emergent Bills in the hands of members at least 24 hours before the Bills are introduced. I am quite sure that many of my Hon'ble Colleagues have not even given a glance to the Bill, and certainly had no opportunity of going through it. I have no doubt that the Bill is excellently drafted; I entertain great respect for the forensic and drafting ability of the Legislative Department; but the non-official assistance would be always useful, and I trust Government will be pleased to order that, in future, all emergent Bills are placed in the hands of Hon'ble Members at least a reasonable time before they are formally introduced in Council."

The Hon'ble Sir George Barnes :—"My Lord, I can only say that the point which the Hon'ble Member has made will be most carefully considered. It seems to me that there is a great deal of force in what he said,

I now move that the Rules of Business be suspended."

His Excellency the President :—"I suspend the Rules of Business."

The Hon'ble Sir George Barnes :—"My Lord, I move that the Bill be taken into consideration."

The motion was put and agreed to.

The Hon'ble Sir George Barnes :—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE IMPORT AND EXPORT OF GOODS BILL.

The Hon'ble Sir George Barnes :—"I beg to move for leave to introduce a Bill to provide further power to prohibit or restrict the import and export of goods to and from British India.—This Bill, like the Bill which the Council have just passed, is an urgent war measure. The economic pressure which the British Empire is bringing to bear on Germany and Austria has already played an important part in the war, and in order that it may continue to be effectively employed, it is absolutely necessary that all overseas traffic in every part of the Empire should be brought under control. With this aim the Bill follows the legislation on the subject in the United Kingdom, and gives power to prohibit imports and exports not only from or to various countries, but from or to various individuals. As is well-known, there are a number of traders in neutral countries who are either enemy subjects, or are at any rate working in enemy interests. It is these persons—persons on what we call the commercial black list—that we have primarily in view. It is against them in particular that the powers in the Bill are intended to be used. It is, I am sure every member of this Council will agree, necessary to effectually and indirect as well as direct trading with the enemy. The Government of India, on the other hand, fully agree and fully recognise that all restrictions on trade are undesirable, except where necessity is imperative, and we have taken steps to secure that the minimum of inconvenience shall be caused to the commercial community. With this end in view, Collectors of Customs, acting of course on general lines laid down for them by Government, have been empowered to issue licenses permitting articles to go to certain destinations under certain conditions, and they are thus able to take bonds in cases where arrangements for the proper supervision of the disposal of consignments in neutral countries have not been completed, or where the necessary information about consignments is lacking and exporters are anxious to send away goods in a hurry.

[*Sir George Barnes; the President; Sir
Reginald Craddock.*]

[5TH SEPTEMBER, 1910.]

"I do not think I need go through the clauses in detail, but clause 4 follows closely the English legislation in throwing the burden of proof in respect of prohibited or restricted goods on the importer or exporter, as the case may be.

"Clause 6. Perhaps I ought to call attention to this clause. It validates past action and is a necessary provision, although, thanks to the loyal co-operation of importers and exporters in this country, instances where difficulty has occurred are extremely rare. This Bill, like the last Bill, follows the Ordinance which has been before the public since the month of June. I quite appreciate what the Hon'ble Member said with regard to the last Bill,—it applies to this also. I beg, My Lord, for leave to introduce the Bill."

The motion was put and agreed to.

The Hon'ble Sir George Barnes :—"I beg to move Your Excellency to suspend the Rules of Business to admit of the Bill being taken into consideration."

His Excellency the President :—"I suspend the Rules of Business."

The Hon'ble Sir George Barnes :—"I beg to move that the Bill be taken into consideration."

The motion was put and agreed to.

The Hon'ble Sir George Barnes :—"I beg to move that the Bill be passed."

The motion was put and agreed to.

THE INDIAN BILLS OF EXCHANGE BILL.

The Hon'ble Sir George Barnes :—"I beg for leave to introduce a Bill to make provision in connection with the present war with respect to Bills of Exchange payable outside British India. I really think, My Lord, I can add very little to what has been set out with great clearness in the Statement of Objects and Reasons in connection with this Bill. The position is that the Exchange Banks in this country are holders of Bills of Exchange which they discounted at the beginning of the war, and they are not able, owing to Bills having been sent for acceptance to enemy countries, to get payment at the present time. Sections 64 and 66 of the Negotiable Instruments Act provide that Bills of Exchange made payable at a specified period after date or sight must be presented for payment at maturity, and that if not so presented, the drawers are discharged from liability to the holders. The object of this Bill is to enlarge the time, and to keep alive the liability of the drawers. The Banks have parted with their money to the shippers and traders—that is to the drawers; the Banks are holders of the Bills, but have not got their money from the drawers or the acceptors. I do not feel that I ought to ask Your Excellency to suspend the Rules of Business in this case; this, it is true, is a war measure; it is in some degree an urgent measure, but it is not urgent to the same degree as the last two measures. Consequently, I only ask Your Excellency for leave to introduce the Bill."

The motion was put and agreed to.

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

The motion was put and agreed to.

THE INDIAN LUNACY (AMENDMENT) BILL.

The Hon'ble Sir Reginald Craddock :—"My Lord, I move for leave to introduce a Bill to amend the Indian Lunacy Act, 1912. Under the existing Act there is no legal power for the admission of lunatics.

[*Sir Reginald Craddock; Pandit Madan Mohan Malaviya.*] [5TH SEPTEMBER, 1916.]

into lunatic asylums in British India from foreign territory in India, unless in compliance with an order of a tribunal which derives its jurisdiction from His Majesty, or from the Governor General in Council. It might be thought that the simplest way of effecting the desired object would have been by giving authority to the officer in charge of lunatic asylums in British India to recognize the order of a foreign tribunal committing the lunatic to his custody. But such a recognition of foreign tribunals would not be in accordance with the general principles of English law.

"The Bill, therefore, proposes to meet the difficulty by allowing the application for a reception order to be made by an officer or agent of the Foreign State, who may be approved by the Local Government, instead of by the husband or wife or a relative of the alleged lunatic, and enables the Magistrate to give recognition to the certificates of medical officers or medical practitioners belonging to the Foreign State.

"It enables the prescribed interval between the date of the medical examination and the application for a reception order to be extended at the discretion of the Magistrate, and it provides for any other modifications, restrictions or adaptations of the law required to facilitate the making of reception orders as the Governor General in Council may by notification direct.

"The new sections will only apply when an arrangement has been made with a Foreign State, and it is drawn in general terms, although the occasion has only arisen in connection with the French Settlements in India. Foreign Governments will of course by the arrangement made defray the cost of the maintenance of the lunatics thus committed to our lunatic asylums, so that no charge is entailed by this new procedure upon the revenues of British India.

"I feel sure that no Hon'ble Member will be disposed to object to, or cavil at, the introduction of this simple measure which will have the effect of affording a small convenience to our gallant Allies, the French.

I therefore move for leave to introduce the Bill."

The motion was put and agreed to.

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

The motion was put and agreed to.

THE INDIAN REGISTRATION (AMENDMENT) BILL.

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I beg to move that the Hon'ble Mr. J. Walker, the Hon'ble Rao Bahadur B. N. Sarma Garu, and the Hon'ble Mr. Mazharul Haque be added to the Select Committee appointed to report on the Bill further to amend the Indian Registration Act, 1908, *vice* Mr. H. Wheeler, Mr. Achariar and Mr. Qumrul Huda."

The motion was put and agreed to.

THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I beg to move that the Hon'ble Mr. J. Walker, the Hon'ble Rao Bahadur B. N. Sarma Garu, and the Hon'ble Dr. Tej Bahadur Sapru be added to the Select Committee appointed to report on the Bill further to amend the Transfer of Property Act, 1882, *vice* Mr. H. Wheeler, Mr. Achariar and Mr. Qumrul Huda."

The motion was put and agreed to.

[*Mr. C. H. Setalvad.*]

[5TH SEPTEMBER, 1916.]

**THE HINDU AND MUSSALMAN DISPOSITION OF
PROPERTY BILL.**

The Hon'ble Mr. C. H. Setalvad:—"My Lord, when I introduced the present Bill in February last at Delhi, I explained to the Council, at some length, the reasons which prompted me in bringing it forward. I then shewed how the Hindus and Mussalmans were inconvenienced owing to certain disabilities with regard to the disposition of property under which they laboured owing to the law as at present administered. I illustrated that by pointing out how a Hindu or Mussalman, who had only a daughter, and wanted to put his property in trust, so as to give the life estate to his daughter and then give the property to her children, sons or daughters, was precluded from giving effect to his desire under the law as it stood at present; while the other communities in this country were under no such disabilities, and my Hon'ble friend, Mr. Lowndes, who spoke on that occasion, gave further illustrations of the manner in which both Hindus and Mussalmans were inconvenienced with regard to this matter. It is not necessary, Your Excellency, to repeat what was then said, as Hon'ble Members are perfectly well aware of it. I then pointed out that the anomaly that existed, with regard to these two communities in respect of the disposition of their property in favour of unborn persons, had originated in the rigid application of the rule of Hindu and Mahomedan Law, that any gift, in order to be valid, must be accompanied by possession, from which it followed that an unborn person being not capable of taking possession was incapable of taking a gift. With regard to the Hindus, this was laid down by the Privy Council in what is known as the Tagore case. But it may well be said that the Hindus have never accepted the situation that the law as laid down by the Privy Council in the Tagore case with regard to unborn persons was correct Hindu law. It was then contended, and it has been contended since by some learned writers and eminent Judges, that the texts from which this conclusion was drawn were not correctly construed by the Privy Council, I am only saying this for the purpose of showing that, when it is proposed to alter by this Bill the law as laid down by the Courts, it need not be taken for granted that the real Hindu Law is what the Courts have held it to be. As already stated, a number of people still hold the opinion that the Hindu Law really allows gifts to unborn persons, and does not prohibit it in the manner decided by the Courts. And, Your Excellency, it is instructive in this connection to study the debates that took place when the Transfer of Property Act was passed in the year 1882. On that occasion, in the Bill that was originally drafted and brought in by Government, power to dispose of property in favour of unborn persons exactly under the limitations and conditions which now appear in the present Bill, was proposed to be given to all, including Hindus and Mussalmans. When the Bill went to the Select Committee, the Hindu Members, and particularly Sir Jatindra Mohan Tagore, who was then a member of this Council and also of the Select Committee appointed to consider the Bill, opposed these provisions. And if you read the debates, it will appear that he objected to those provisions being made applicable to Hindus, not on the ground that the Hindu Law did not allow dispositions in favour of unborn persons, but he contended that the Hindu Law allowed such dispositions without any limitations at all, and that therefore, inasmuch as the Transfer of Property Act made it possible for Hindus to make a gift in favour of unborn persons only subject to the limitations and conditions therein laid down, it was not in consonance with the Hindu Law, and that was why he insisted on the insertion of a proviso in section 2 that nothing contained in Chapter II shall affect any rule of Hindu or Mahomedan Law. He also hoped that, in course of time, the wrong interpretation of the texts on which the Privy Council had proceeded would be corrected some day. It was therefore that he did not want to become a party to anything which would restrict the right of Hindus to dispose of property in favour of unborn persons without any limitations and conditions.

"Then, with regard to the Mussalmans, Your Excellency, as I pointed out on the last occasion, so far as the Shias are concerned, the Mahomedan Law

[Mr. C. H. Setalvad.]

[5TH SEPTEMBER, 1916.]

allows successive life estates to be given, and certain texts have been relied on by authors like Sir Amir Ali and others, to show that even gifts to unborn persons are allowable with regard to Shias. In the case of Sunnis, no-doubt the position is different. But whatever that may be, I submitted that the time had arrived when the Mussalmans, along with Hindus, should have their present disability removed. It was under these circumstances that I ventured to introduce this Bill at the Delhi session. Since then, the Bill was referred for opinions to various bodies and individuals. I would here, with Your Excellency's permission, emphasise what I said at Delhi when I introduced the Bill, that one must not lose sight of the two main features of this Bill. First, that it is merely a permissive piece of legislation; it does not compel any person, either Hindu or Mussalman, to will away or gift away property in favour of an unborn person if he does not choose to do so, and what the Bill proposes to do, is to enable Hindus and Mussalmans to will away or gift away property in that manner only if they wish to do so. And secondly, the Bill does not profess and does not want to enlarge in any manner the testamentary or disposing power of any Hindu or Mussalman. Your Excellency, I wish to emphasise this again, because one finds from the opinions that have been circulated, that there is still a great deal of misapprehension on that point. The Bill does not alter the law with regard to what property a person may dispose of, but, with regard to the person in whose favour the disposition can be made, to enlarge the disposing power of a Hindu or Mussalman. For instance, with regard to Hindus, a person who is a co-parcener of a joint family and as such has an indefinite share in what is known as joint ancestral property, this Bill will not empower him to deal with that property over which he has no disposing power. It only empowers a person who has full disposing power over some property to dispose of that property, if he chooses to do so, in favour of an unborn person. Similarly, with regard to Mussalmans, the Bill does not propose to extend, as some apprehend it does, the testamentary power of a Mussalman which is restricted at present to one-third of his property. The Bill does not propose to do that at all. It only seeks, as I submitted on the last occasion, to remove the particular disability under which Hindus and Mussalmans labour, and not in any manner to enlarge their power of disposal over the properties they possess. And in that view one should have thought, Your Excellency, that there would be no objection raised with regard to the passing of the Bill into law either by Hindus or Mussalmans. But the opinions that have been gathered from various bodies and individuals, undoubtedly reveal that, so far as the Mussalmans are concerned, the opinion is very much divided, although, as I have pointed out, some of the objections raised are based on a misapprehension as to the real nature of the Bill.

"But however that may be, if the Mussalmans as a body are not unanimous or practically unanimous in favour of this Bill, I quite recognise, Your Excellency, that it is not possible, it will not be desirable for this Council, to proceed with this legislation so far as the Mussalmans are concerned.

"So far as the Hindus are concerned, the opinions shew a practical unanimity in favour of the Bill. Therefore, I beg to suggest that the Bill be referred to a Select Committee and proceeded with so far as Hindus are concerned. It should not be extended to Mussalmans inasmuch as they do not want it at present. Hereafter, if they think it desirable to have it, it will certainly be open to them to demand legislation on the same lines. But, when I say this, Your Excellency, about Mussalmans, there are particularly, in the Bombay Presidency, certain sects of Mussalmans who stand on quite a different footing; for instance, those known as *Khojahs* in Bombay. They are, so far as inheritance and succession are concerned, absolutely governed by Hindu law; although Mahomedans by religion, are not governed by Muhammadan law in inheritance and succession, but are absolutely by all the rules of the Hindus in this respect. Then, again, with regard to the extent of their disposing power by wills, they are governed by Hindu law, inasmuch as they are not restricted to the disposal

[5TH SEPTEMBER, 1916.] [Mr. C. H. Setalvad; Mr. Bhupendranath Basu.]

only of one-third of their property. The extent of their testamentary power has been held to be absolutely co-extensive with that of Hindus. Therefore *Khojahs*, as I have pointed out, stand on a very different footing from the other Mussalmans in this country, inasmuch as a considerable part of the law as administered with regard to them is Hindu law. And so far as I am able to ascertain their wishes in the matter, I understand that they would very much like to have this power, which is proposed to be given under this Bill, to be extended to them. That, again, I quite recognise, is a matter which requires careful consideration, and will be and ought to be considered in Select Committee.

"There are various other points also which would require further consideration in the Select Committee. For instance, as I have pointed out, the apprehension that is entertained that the Bill will have the effect of extending the disposing power of Hindus or Mussalmans as the case may be. That matter will be made clear by some re-drafting in the Select Committee.

"Then, again, there is the difference of opinion with regard to clause 6 of the Bill, and that again is a matter which will require careful consideration in the Select Committee.

"I need not detain the Council, Your Excellency, any further on this motion, and I will move that the Bill to enable Hindus and Mussalmans to make dispositions of property by transfer *inter vivos* or by will for the benefit of unborn persons be referred to a Select Committee, consisting of the Hon'ble Sir Reginald Craddock, the Hon'ble Mr. G. R. Lowndes, the Hon'ble Dr. Tej Bahadur Sapru, the Hon'ble Pandit Madan Mohan Malaviya, the Hon'ble Mr. C. H. Kesteven, the Hon'ble Mr. M. A. Jinnah, the Hon'ble Mr. A. P. Muddiman, the Hon'ble Mr. J. G. Cumming, the Hon'ble Mr. J. Walker, the Hon'ble Babu Bhupendranath Basu and the mover, with instructions to confine the operation of the Bill to Hindus, subject, however, to a discretion in the Committee to consider whether powers should be reserved to the Governor General in Council to apply, by notification, the provisions of the Bill to *Khojah* Mussalmans, and to report on or before the 19th of September, 1916."

The Hon'ble Mr. Bhupendranath Basu:—"My Lord, I wish to make a few observations on this motion of my friend, the Hon'ble Mr. Setalvad. The proposition which he has introduced is doubly necessary in the Province of Bengal from where I come. There, My Lord, Hindu law as interpreted by Jimutavahana has practically done away with the safeguards which the old system of joint family provided for Hindu families. Under the Hindu law, as interpreted in Bengal, every member of the joint family has a definite share in the estate, and is able to alienate it during his lifetime or by will. Consequently the protection which the joint family elsewhere in India under the Hindu system of jurisprudence enjoys, namely, that there is no definite share vested in any member of it, and therefore it is not capable of alienation, except in certain circumstances, does not exist in Bengal. And, therefore, it has happened in many cases that improvident members of the joint family have frittered away their ancestral estates to the great detriment of their descendants or other members of the family. Further, My Lord, when the power of disposition by will was recognised amongst us, Hindus, it was also necessary that there should be some recognition of the power of disposition in favour of persons who were not born at the time of a testator's death. As my friend, the Hon'ble Mr. Setalvad, said, that question arises with great urgency in the case of a person dying and leaving only a female heir. According to us, My Lord, a female heir is only entitled to a life estate, and if there were no male issue, at the time of the death of the testator, it often became a question of great difficulty as to how the future disposition of the property was to be made. Further, My Lord, as times advanced: trade progressed, and as individual property came more and more into evidence, people desired that they should be able to make provision for their children or their grand-children on particular occasions. Especially in a big commercial place like Calcutta, it was felt that on occasions of marriages where settlements had to be made, some provision

[*Mr. Bhupendranath Basu ; Mr. B. N. Sarma.*] [5TH SEPTEMBER, 1916.]

should be made following the English precedent of settling property upon the issue of the marriage. And that a desire like that was felt was not altogether because people wanted to keep property from the creditors, but because in some cases it was felt that the young man on whom property was going to be settled was too inexperienced to resist a certain class of creditors who were bound to come down upon him as soon as it was discovered that he had some property at his disposal. But we have had great difficulties in this direction. Ever since the decision in the Tagore case, we have had no means of settling property so as to vest it upon the immediate holder, and then, upon his decease upon his unborn issue. At the time when the Transfer of Property Act was passed, Maharaja Sir Jatindra Mohan Tagore, in reference to whose uncle's will this dictum was pronounced by the Privy Council, was unwilling to accept the extension of the principle which the Government of the day was willing to extend to us, Hindus, on the ground that that principle, so far as it applied to non-Hindus, was hedged in by limitations which were unknown to Hindu law; and that it would probably be a mistake to accept that extension with the limitations that then existed.

“ Well, My Lord, subsequent experience has shown that the expectations, entertained by Sir Jatindra Mohan Tagore at that time of a modification of the Hindu law on the lines he wanted have not been realized, and we are still unable, in cases of the nature that I have indicated, to make any suitable or safe provision for a man's family and children or grand-children. I have personally had much experience in these matters both amongst Hindus and Mussalmans, and I have found that Mussalman parents and guardians are quite as anxious as Hindus to effect some settlement which would inure for the benefit of the unborn children of the beneficiaries, not that it would mean a deviation from the Mussalman law as understood, for a Muhammadan holder of property may, by *Hiba*, give away his property. Nor would it entail any deviation from the power of testamentary disposition that Muhammadans enjoy. But I see in the opinions that have been placed before us that there is a considerable divergence of opinion amongst Muhammadans in accepting the proposal of my friend, the Hon'ble Mr. Setalvad. I agree with him that it would be expedient for the present to leave the Mussalman community alone, and leave them at liberty, at some future time, to come forward and adopt the principle of this legislation if they should be so advised.

“ With these few observations, I have much pleasure in supporting the motion of my friend.”

The Hon'ble Rao Bahadur B. N. Sarma :—“ Your Excellency, the Bill is now proposed to be confined to Hindus. Madras Act I of 1914 covers substantially the same ground as that proposed to be covered by the present Bill. The reason why I rise now to make a few observations is, that no provision is sought to be made under this Bill for retrospective effect being given to dispositions made prior to the passing of this measure, where the dispositions come into effect after the date on which the proposed Bill may become law. In Madras, the question was considered and provision was made by section 2, clause 2, of Act I of 1914, on the footing that the Hindu law always recognised the validity of dispositions in favour of unborn persons. Provision had to be made for cases where the Courts have held the contrary view, and estates and property passed from one hand to another, on the footing of such decisions. The Madras legislature recognised the justice of the validity of dispositions made prior to the passing of that Act, if those dispositions should come into operation after the passing of the Act. For example, if a testator executed a will before the date fixed, say—1914, here it may be 1916—and possibly later before the date of the coming into force of this Act, and the disposition in favour of an unborn person should come into effect after the passing of the Act, that disposition would still be valid, notwithstanding the execution of the will and the death of the testator prior to the date of the passing of the Act. But clause 3 of this Bill provides that the disposition should be valid only from and after the date when this Act

[5TH SEPTEMBER, 1916.] [*Mr. B. N. Sarma ; Sir Manindra Chandra Nandi ;
Rai Sita Nath Ray Bahadur.*]

comes into force. There have been cases decided in Madras in the past on the strength of this retrospective provision in the Madras Act, and dispositions which were made have, by the passing of that Act, been held to be valid, notwithstanding the fact that those dispositions were made prior to the passing of the Act. I hope, therefore, that the Select Committee will not consider it a contravention of the principles of this Bill to make a similar provision, at any rate in the case of Madras, if they are not able to see eye to eye with the Madras legislature in this respect. The Madras Government have suggested to the Government of India in their last despatch that this point should be borne in mind, and that the feeling of Madras is that the Bill should be given retrospective effect by including a provision similar to section 2 (2) of Madras Act I of 1914. I hope, therefore, My Lord, that the Select Committee will take into consideration this expression of opinion from Madras, and exclude Madras from the purview of the Bill, or, if Madras should be included in this Bill, provision should be made as regards Madras in the case of wills and gifts made prior to the passing of this Act."

The Hon'ble Maharaja Sir Manindra Chandra Nandi of Kasimbazar :—" My Lord, as the representative of the Bengal landholders and the spokesman of the orthodox community of my province, I have great pleasure in according my whole-hearted support to the principle underlying the Hon'ble Mr. Setalvad's Bill. There can be no doubt that the absence of such a provision in the Hindu Law of succession has been very often attended with great difficulty and inconvenience, and the removal of the existing restriction will be hailed as a great relief by the bulk of the people of the Hindu community.

" With these few words, I beg to support the motion for the reference of my Hon'ble friend's Bill to a Select Committee."

The Hon'ble Rai Sita Nath Ray Bahadur :—" My Lord, as a Member of the Hindu community, governed by the Dayabhaga school of law, I beg to give my whole-hearted support to the Bill.

" Since the decision of their Lordships of the Judicial Committee in the well-known Tagore case, it has always been a great grievance with the Hindu community that they have been debarred, by a wrong interpretation of the law, from making dispositions of their property in favour of unborn persons. I do not like to go into the details of this Bill. The only objection that I have to make, is to clause 6, which, as recommended by the Government of Bengal, should be omitted.

" With these few words, I beg to support the Bill."

The motion was put and agreed to.

The Council adjourned to Tuesday, the 19th September, 1916.

SIMLA ;

The 14th September, 1916. }

A. P. MUDDIMAN,

Secretary to the Government of India,
Legislative Department.

APPENDIX A.

Statements showing by provinces the total strength and cost of the Criminal Investigation Department (officers and men, excluding the Finger Print Bureau) for each of the years 1904-05, 1911-12, 1912-13 and 1913-14.

Strength and cost of the Criminal Investigation Department for the years 1904-05, 1911-12, 1912-13 and 1913-14—MADRAS.

Year.	Deputy Inspector General.	Assistant to Deputy Inspector General.	Deputy Superin- tendants.	Inspectors.	Sub- Inspect- ors.	Head Con- stables.	Constables.	Clerks.	TOTAL.		Total cost.	REMARKS.
									Officers.	Men.		
1904-05.	..	..	..	..	..	..	..	..	..	..	..	..
1911-12	1	1	3	11	11 (a)	16	13	23	26	51	1,12,835	
1912-13	1	1	3	11	11 (a)	16	12	23	27	51	1,16,957	
1913-14	1	1	3	11	11 (a)	16	12	24 (b)	27	53 (b)	1,16,179	

(a) 2 sergeants.

(b) 1 temporary.

* No figures are available for this year as the Criminal Investigation Department in Madras was formed in 1906.

NOTE.—Besides criminal investigation work the Deputy Inspector General and his office are in charge of railway police work. A proportion of their salaries, based on an estimate of the proportion of railway police to criminal investigation work, has been deducted from the figures in the column of total cost.

Strength and cost of the Criminal Investigation Department for the years 1904-05, 1911-12, 1912-13 and 1913-14—BOMBAY.

Year.	Deputy Inspector General.	Assistant to Deputy Inspector General.	Deputy Superintendants.	Inspectioners.	Sub-Inspectors.	Head Constables.	Constables.	TOTAL.		Cost.	REMARKS.
								Officers.	Men.		
1904-05	...	2 (e)	...	5	13 (b)	13	81	19	45	66,415	
1911-12	...	3 (e)	1	20	36 (c)	44	85	61	159	2,09,114	
1912-13	...	3 (e)	1	20	36 (c)	44	85	61	159	2,06,123	
1913-14	...	3 (e)	1	21 (e)	36 (c)	48 (e)	92 (e)	62	140	2,13,039	

(a) 1 Assistant to Inspector General and 1 Superintendent for Bombay city.

(b) Includes 8 Jemadars for Bombay city.

(c) Includes 1 Deputy Commissioner of Police and 1 Superintendent of Police for Bombay city.

(d) Includes 2 Jemadars for Bombay city.

(e) 1 temporary for Bombay city.

Strength and cost of the Criminal Investigation Department for the years 1904-05, 1911-12, 1912-13 and 1913-14—BENGAL.

Years.	Deputy Inspector General.	Assistant to Deputy Inspector General.	Deputy Superintendents.	Inspectors.	Sub-sections.	Head Constables.	Constables.	Circles.	TOTAL.		Cost.	REMARKS.
									Officers.	Men.		
1904-05	...	2 (a)	...	12	2	8 (b)	27	3	16	38	57,027	
1911-12	2 (c)	4 (d)	5 (e)	40 (f)	28 (g)	45 (h)	100 (i)	42 (j)	100	247	4,32,066	
1912-13	2 (k)	7 (l)	6 (m)	51 (n)	64 (o)	54 (p)	223 (q)	46 (r)	130	321	3,96,065	
1913-14	2 (s)	6 (t)	5 (u)	49 (v)	56 (w)	48 (x)	226 (y)	50 (z)	117	324	4,50,351	

(a) 1 Superintendent of Calcutta Police.
 (b) Indian Sergeants of Calcutta Police.
 (c) 1 temporary.
 (d) 2 temporary Superintendents of Police.
 (e) 4 temporary.
 (f) 14 do.
 (g) 31 do.
 (h) 22 do.

(i) 65 temporary.
 (j) 0 do.
 (k) 1 do.
 (l) 1 Deputy Commissioner of Calcutta Police and 3 temporary Superintendents of Police.
 (m) 4 temporary.
 (n) 22 do.
 (o) 44 do.
 (p) 36 do.
 (q) 132 do.
 (r) 6 do.
 (s) 6 sanctioned cost " of the provincial police and the actual cost of the city police and the clerical establishment of both provincial and city police.
 Besides criminal investigation work the Deputy Inspector General and his officers are in charge of railway police work.

(t) 85 temporary.
 (u) 0 do.
 (v) 1 do.
 (w) 1 Deputy Commissioner of Calcutta Police and 3 temporary Superintendents of Police.
 (x) 4 temporary.
 (y) 22 do.
 (z) 44 do.
 (aa) 36 do.
 (ab) 132 do.
 (ac) 6 do.

(ad) 1 temporary.
 (ae) 1 Deputy Commissioner, Calcutta Police, and 2 temporary Superintendents of Police.
 (af) 1 permanent Superintendency kept vacant from 1st December 1913.
 (ag) 3 temporary.
 (ah) 16 do.
 (ai) 28 do.
 (aj) 1 permanent post abolished 'et.
 (ak) 26 temporary.
 (al) 93 do.
 (am) 6 do.

NOTE.—The expenditure shown above is that on the " sanctioned cost " of the provincial police and the actual cost of the city police and the clerical establishment of both provincial and city police. Besides criminal investigation work the Deputy Inspector General and his officers are in charge of railway police work.

Strength and cost of the Criminal Investigation Department for the years 1904-05, 1911-12, 1912-13 and 1913-14 - BURMA

Year.	Deputy Inspector General.	Assistant to Deputy Inspector General.	Deputy Superintendents.	Inspector in Charge.	Sub-Inspectors.	Head Constables.	Constables.	Clarks.	TOTAL.		Cost.	RE MARKS.
									Officers.	Mcu.		
1904-05	1 (e)	...	...	8	...	...	2	...	1	2	88,835	
1911-12	1	1	...	9	7	11	10	...	18	21	94,789	
1912-13	1	1	...	9	...	11	10	...	18	21	97,524	
1913-14	1	1	...	8	7	11	10	...	17	21	81,415	

(e) Superintendent of Police.

NOTE.— Besides criminal investigation work the Deputy Inspector General and his officers are in charge of railway police work.

Strength and cost of the Criminal Investigation Department for the years 1904-05, 1911-12, 1912-13 and 1913-14—BIHAR AND ORISSA.

Year.	Deputy Inspector General.	Assistant to Deputy Inspector General.	Deputy Superintendents.	Inspectors.	Sub-Inspectors.	Head Constables.	Constables.	Clerks.	TOTAL		Cost.	REMARKS.
									Officers.	Men.		
1904-05*	...	...	...	...	...	...	...	...	...	...	...
1911-12*	...	...	...	...	...	...	...	...	...	...	...
1912-13	1	1	1	7	9	4	18	...	19	22	70,326	
1913-14	1	1	1	8(e)	15(f)	4	28(e)	...	20	32	77,467	

(a) 1 for six months.

(b) 6 temporary.

(c) 10 temporary.

* Figures for these years are not available as Bihar and Orissa was formed into a separate province in April 1912.

NOTE.—Besides criminal investigation work the Deputy Inspector General and his office are in charge of railway police work.

Strength and cost of the Criminal Investigation Department for the years 1904-05, 1911-12, 1912-13 and 1913-14—UNITED PROVINCES.

Year.	Deputy Inspector General.	Assistant to Deputy Inspector General.	T Deputy Superintendents.	Inspectors.	Sub-Inspectors.	Head Constables.	Constables.	Clerks.	TOTAL.		Cost.	REMARKS.
									Officers.	Men.		
1904-05	1 (e)	...	...	1	...	...	...	...	2	...	30,790	
1911-12	1	3	1	15	9	66	...	...	39	65	1,21,080	
1912-13	1	3	3	17	9	66	...	...	39	66	1,25,401	
1913-14	1	3	3	17	9	50	...	...	39	65	1,26,060	

(e) Superintendent of Police.

Note.—Besides criminal investigation work the Deputy Inspector General and his officers are in charge of railway police work. A proportion of their salaries, based on an estimate of the proportion of railway police to criminal investigation work, has been deducted from the figures in the column of total cost.

Strength and cost of the Criminal Investigation Department for the years 1904-05, 1911-12, 1912-13 and 1913-14—PUNJAB.

Year.	Deputy Inspector General.	Assistant to Deputy Inspector General.	Deputy Superin- tendents.	Inspectors.	Sub- Inspectors.	Head Constables.	Constables.	Clerks.	TOTAL.		Cost.
									Officers.	Mm.	
1904-05	...	1	...	...	...	...	...	...	1	...	9,600
1911-12	1	1	1	9	9	14	19	...	21	33	92,293
1912-13	...	2	1	9	9	14	19	...	22	33	91,658
1913-14	1	2	1	9	9	14	19	...	22	33	1,13,763

NOTE.—Besides criminal investigation work the Deputy Inspector General and his office are in charge of railway police work.

Strength and cost of the Criminal Investigation Department for the years 1904-05, 1911-12, 1912-13 and 1913-14—CENTRAL PROVINCES.

Year.	Deputy Inspector General.	Assistant to Deputy Inspector General.	Deputy Superintendents.	Inspectors.	Sub-Inspectors.	Head Constables.	Constables.	Clerks.	TOTAL.		Cost.	REMARKS.
									Officers.	Men.		
1904-05*	..	..	..	..	..	..	..	..	..	..	..
1911-12	1(e)	..	1	6	10	12	8	..	18	20	50,890	
1912-13	1(e)	..	1	8	11	10	8	..	21	18	11,514	
1913-14	11(e)	1(f)	..	6	11	10	7	..	20	17	67,461	

(e) Superintendent's Assistant to Inspector General of Police.

(f) Second Assistant to Inspector General of Police for two months only.

* There was no separate Criminal Investigation Department in the provinces in 1904-05.

Strength and cost of the Criminal Investigation Department for the years 1904-05, 1911-12, 1912-13 and 1913-14.—ASAXI.

Years.	Deputy Inspector General.	Assistant to Deputy Inspector General.	Deputy Superintendents.	Inspectors.	Sub-Inspectors.	Head-Constables.	Constables.	Clerks.	TOTAL.		Cost.	REMARKS.
									Officers.	Men.		
1904-05	
1911-12	
1912-13	3	...	2	3	...	2	5	7,833	
1913-14	4	4	3	10	...	8	13	10,115	

* Figures for those years not available as Aman was formed into a separate province in April 1912.

Strength and cost of the Criminal Investigation Department for the years 1904-05, 1911-12, 1912-13 and 1913-14.—Bombay.

Years.	Deputy Inspector General.	Assistant to Deputy Inspector General.	Deputy Superintendent.	Inspectors.	Sub-Inspectors.	Head Constables.	Constables.	Clerks.	TOTAL.		Cost.	REMARKS.
									Officers.	Men.		
1904-05*	
1911-12*	
1912-13	...	1 (e)	1 (b)	1 (b)	2 (c)	7 (d)	45 (c)	...	5	52	7,323	
1913-14	...	1	1	1	5 (f)	9 (g)	44 (h)	1	8	54	27,311	

(e) for two months.

(b) for four months.

(c) 1 for six months and 2 for three months.

(d) the number varied from 2 to 7 during the year.

(e) " " " 26 to 36 " " "

(f) " " " 2 to 6 " " "

(g) " " " 6 to 9 " " "

(h) " " " 1 to 45 " " "

*There was no separate province of Delhi in these years.