

Friday, 20th August, 1920

***THE INDIAN LEGISLATIVE COUNCIL***

**Vol 59**

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

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# Proceedings of The Indian Legislative Council

Assembled for the  
purpose of making  
Laws and Regulations

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

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GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

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

The Council met at the Council Chamber, Viceregal Lodge, Simla, on  
Friday, the 20th August, 1920.

PRESENT :

**His Excellency BARON CHEELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.B.E.,**  
Viceroy and Governor General, *presiding*, and 51 Members, of whom  
42 were Additional Members.

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**OATH OF OFFICE.**

11 A.M.

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

**The Hon'ble Mr. Charles Alexander Innes, C.I.E.**

„ „ **Mr. Alexander Robertson Murray, C.B.E.**

„ „ **Mr. Arthur Henry Froom.**

„ „ **Mr. Moses Mordecai Simeon Gubbay,**  
**C.S.I., C.I.E.**

„ „ **Mr. John Hulsh.**

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- The Hon'ble Mr. Edward Robert Kaye Blenkinsop. C.I.E.  
 „ „ Dr. Sir Deba Prasad Sarbadhikari, Kt., C.I.E.  
 „ „ Colonel William Danvers Waghorn, C.B., C.M.G.  
 „ „ Mr. James Alexander Richey, C.I.E.  
 „ „ Mr. Samuel Perry O'Donnell, C.I.E.  
 „ „ Mr. Bhupendra Nath Mitra, C.I.E., C.B.E.  
 „ „ Mr. Henry Mayne Reid Hopkins.  
 „ „ Saiyid Mahomed Ali.  
 „ „ Mr. Henry Norton Hutchinson, O.B.E.  
 „ „ Mr. Ratanji Dadabhoj Tata.

### HIS EXCELLENCY THE VICEROY'S SPEECH.

**The President:**—"I will preface my remarks to-day by a brief reference to the Royal Proclamation which was published on Wednesday last to the effect that the visit of His Royal Highness the Prince of Wales to India has been unavoidably postponed. This message will, I fear, have caused intense disappointment to the millions of India who were looking forward to giving His Royal Highness such a welcome as only India can give. But the exacting nature of his recent activities has imposed so great a strain on His Royal Highness that it would be ungenerous of us to grudge him that rest which he has so well earned. Anyone who will take the trouble to peruse the reports of the Prince's tour in Australia, will appreciate the great strain to which he has been subjected.

"Meanwhile let us extend a hearty welcome to His Royal Highness the Duke of Connaught who is already well known in India and who is coming in his place to inaugurate, in the name of our August Sovereign, the new reforms. Finally let us hope that His Royal Highness the Prince of Wales may be restored to full vigour and health when he visits India next year.

"Once more and for the last time I welcome Hon'ble Members to a Simla Session. I would remind the Council of the great advance which has been made during my tenure of office in the work which is undertaken at these Simla meetings. When I assumed office, under the orders of the Secretary of State, we were precluded, except under special conditions and with his leave, from undertaking legislative work at Simla. I obtained an abrogation of those orders and we have carried through legislation in these Sessions similar to that with which we are familiar in Delhi. The necessity for this change is obvious. With the advance of political ideas the appetite for legislation grows. The cynic may deride this, but the tendency is common to all Parliamentary institutions, and as our legislative assemblies approximate to Parliamentary bodies, the same incidents, which prevail elsewhere, will inevitably find their place with us.

"This Session, as Hon'ble Members probably realise, we are providing a legislative bill of fare which should satisfy the most exacting member. This is due to the circumstances in which we meet. We have to prepare and make ready the way for the new Councils. We have to meet emergencies which have arisen since we last met, and we ought to set in order certain matters which have been long outstanding. In particular I would draw your attention to the necessity for passing such Bills as the Corrupt Practices Bill and the Devolution and

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[The President.]

Delegation Bill. This is imperative if the Reforms Scheme is to be introduced. Again there are Bills bearing upon the complicated financial position which are vital, the necessity for which will be made clear to you by the Hon'ble the Finance Member. Finally, there are Bills, the urgency of which will be explained by the Hon'ble Members who introduce them, dealing with matters which require early settlement in the public interest. I commend these to you for your earnest consideration.

" Since our last meeting one of our most respected colleagues Mr. Sita Nath Roy has passed away. The Rai Bahadur was in the Bengal Legislative Council from 1909 to 1912, and in our Council from 1913 to his death. That is a fine piece of work for a commercial man with large business interests of his own to look after. He was always ready to place his experience at the disposal of the Council, especially in Committees. He never imported into our discussions any flavour of bitterness, and we mourn his loss as a loyal true-hearted gentleman.

" Hon'ble Members will recognise on the Government bench one of their former non-official Colleagues—Mr. Sarma. He has always been one of the most diligent and industrious of our members, and I am sure that Hon'ble Members will join with me in offering him our congratulations and in expressing our confidence that that same diligence and industry which he has shown in criticising the shortcomings of Government will now be displayed in constructive statesmanship. Hon'ble Members will have noticed that another of their Colleagues has been designated by His Majesty for high office, I refer to Dr. Tej Bahadur Sapru. Dr. Sapru has always had the esteem of this Council. His contributions to our debates have been invariably weighty and conceived in a spirit of sober moderation. As Law Member, he is taking a heavy responsibility on his shoulders, and I am sure we will all offer him our congratulations on the high office to which he has been called. The Council will, I am sure, also wish me to offer Sir G. Lowndes our regrets at his approaching departure. We have all admired his legal attainments and the sureness with which he brought them to bear on problems in hand. In debate he has wielded a weapon which has won the respect of all those who have crossed swords with him, but Hon'ble Members have always known that no acute passage-at-arms in debate has ever impaired his ready willingness to help them with counsel and advice or affected their personal relations.

" In the speech which I delivered in January last, when opening the previous Session of the Council, I referred to the press of work which the passing of the Government of India Act of 1919 had involved and outlined the steps that were being taken for dealing with it. In the interval that has since elapsed we have forwarded for the sanction of the Secretary of State and have published for general information drafts of all the rules under the Act to which the approval of Parliament is required. In the preparation of these rules we have been greatly assisted by the loyal co-operation of the provinces and by the suggestions and criticisms of our advisory committee whose deliberations were marked by a spirit of reason and moderation that I gladly take this opportunity of acknowledging. We still await the orders of the Secretary of State as regards the important constitutional rules under sections 45-A and 29-A, but the electoral rules and the rules of legislative business have been approved by Parliament in a form that differs but slightly from the rules as drafted by us. I congratulate the Council on the fact that the electoral rules have been sanctioned at so early a date, because this will enable us to bring the Reforms Scheme into operation sooner than would otherwise have been possible. I am aware of the criticisms that have been passed on some of our rules. It was inevitable that there should be differences of opinion on some points, but I am glad to observe that the provisions to which exception has been taken are comparatively few. Hon'ble Members will allow me to quote paragraph 1 of the first Report of the Joint Committee of the two Houses of Parliament appointed to revise the draft rules made under the Government of India Act—

The Committee desire in the forefront of their Report to express their appreciation of the great care and ability which are displayed in the drafts, and of the remarkable expedition with which this heavy task has been achieved by the Government of India and the Local Governments.

[The President.]

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As will be seen from the Report, the Committee have made but few alterations in the rules as drafted by the authorities in India, and they desire to record their considered opinion that the rules, with these few alterations, are an accurate, but at the same time liberal, interpretation both of the general recommendations contained in their Report on the Bill and of the intentions of Parliament in framing the Act.

"To those in India who have laboured in this field it must be a matter of great gratification to receive this generous appreciation of their work, and I, who have seen this work at close quarters, would like to add my humble tribute to that accorded by the Joint Committee.

"I now turn to certain matters which alas I have been subjects of acute controversy. May what I say add no fuel to the fire.

"Since we last met Lord Hunter's Committee has reported on the events of last year in the Punjab, Bombay and Delhi. My Government forwarded a despatch to the Secretary of State recording their views on the findings of that Committee and His Majesty's Government have passed their judgment on the whole case. There are those, however, who are dissatisfied with the decision of the Government of India and of His Majesty's Government, and they have expressed their dissatisfaction in no uncertain terms. There is much that I could say with reference to the criticisms on this side or on that, but I am content to leave the issues to the verdict of history. For the present moment the matter of paramount importance is that we should concentrate on the problems of the immediate future. Much will depend on the manner in which the new Councils and the new Governments grapple with the task to be laid upon them. Are we to enter upon the new era in a spirit charged with the animosities of the past, or shall we leave those things that are behind and press forward to the things that are before? I am confident that so far as Hon'ble Members are concerned their wish is to write upon a clean slate and leave the past behind. I refrain then from doing more to-day than recording the facts and much as I am tempted from the personal point of view to reply to our critics, I would point to the future. There is much work for all of us to do; there are many opportunities opening out for mutual service and co-operation. Can we not steadfastly fix our eyes on these and refuse to be drawn away from our main purpose? It is not then because I underrate the importance or gravity of the events of last year, nor the criticisms on either side which may be passed upon them that I refrain from discussing them, but because I see in the continuance of those discussions nothing but fresh recriminations tending to further racial exacerbation. There has already been enough, indeed too much of this on either side and it is calculated to frustrate that spirit of co-operation which lies at the basis of our Reforms and through which alone we can reach the goal of India's aspirations.

"To turn from this to the Khilafat agitation and the non-co-operation movement. Hon'ble Members are fully aware of the line which my Government have taken in relation to the Turkish Peace terms, and I need not further dilate upon it. So far as any Government could, we pressed upon the Peace Conference the views of Indian Moslems, but notwithstanding our efforts on their behalf, we are threatened with a campaign of non-co-operation, because, forsooth, the Allied Powers found themselves unable to accept the contentions advanced by Indian Moslems. Could anything be more futile or ill-advised? This policy of non-co-operation must inevitably lead, if persisted in to the discomfort of the community at large, and indeed involve the risk of grave disorder. I am glad to think that everything points to this policy being repudiated by all thinking people, and it is because I and my Colleagues have faith in India's common-sense that we have preferred to allow this movement to fail by reason of its intrinsic inanity. Can we, for instance, picture to ourselves the legal profession generally foregoing its practice in support of this policy? I am proud to belong to this great profession, but I cannot envisage such a possibility, and from one example can we not learn the unpractical nature of this visionary scheme? Much has been made in speeches and the press of an answer given by the Secretary of State to a question in the House of Commons. He said—

"I am prepared to support any steps the Government of India think necessary in the very difficult situation now arising. But I will not dictate any steps to the Government of India. I would prefer to leave it to them."

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[The President.]

"I think Hon'ble Members will agree with me in thinking that he could have given no other reply. There is a point at which no Government could refuse to take action to protect the interests of the community at large, and when that point is reached, Government is bound to and will use all the resources at its disposal. That is a platitude, but even platitudes require sometimes to be stated. But, as I have said above, I have every hope that this point will not be reached, but that the common-sense of the people and the opposition of all moderate men will erect an insuperable bar to the further progress of this most foolish of all foolish schemes.

"Hon'ble Members expect from me at the opening of each Session a review of the most important matters which are engaging our attention, and I will commence with that subject so vital to good government,—Finance.—

"Since the close of the Delhi Session various important measures connected with our currency and exchange arrangements have been carried into effect.

"I need scarcely remind Council of the change which has come over our trade position, resulting indeed in the month of June last, which is the latest month for which complete trade statistics are available, in an excess of imports over exports of nearly three crores of rupees. Since the armistice, our imports have been consistently and increasingly expanding, as indeed might have been expected after the great shrinkage which the conditions of the war brought about in this branch of our foreign trade. At the same time, partly from causes of world-wide application, there has been a reaction in the demand from our customers for our products. Those who drew largely on us during the war for raw materials and finished products have now curtailed their requirements; while others who stand in need of our goods have found it difficult, and even in some cases impossible, to offer satisfactory credit facilities. For instance, the reduced purchasing power of countries which draw their supplies of raw materials from us is well exemplified in the curtailment of the demands of our principal customer for cotton, namely, Japan, where a marked change in the trade position, a curtailment of credit, and other domestic difficulties have resulted in the practical stoppage of her purchases of this article.

"We have been much concerned at the large stocks, still undisposed of, remaining from the season of 1919-20, and we have asked our representatives at the Brussels Conference to consider how far it will be possible by arrangement with representatives of other countries, particularly of Central Europe, to find an outlet for the balance of these stocks which will remain undisposed of at the end of the season; and generally too we have asked that the question of facilities for the financing of our exports to Central European countries, which have been particularly affected by the breakdown of their exchanges, should be taken into consideration. The question is, as Council is aware, largely one of making provision for satisfactory credit facilities.

"Another special cause which has very considerably diminished our export trade has been the maintenance of our prohibition on the export of food-grains, which was imposed for the benefit of the general population in India who were affected by the high food prices in the last two years.

"I have now indicated to Hon'ble Members the chief source of our embarrassments, viz., the swing-round of the balance of our Trade, from a surplus of exports to a surplus of imports. Let me now bring to their notice the favourable side of our financial picture. During the war we were compelled to impose restrictions upon the movement to and from India of the precious metals. These restrictions have now been entirely removed. Indeed, so far as silver is concerned, the position is even better than it was prior to the war inasmuch as we have removed the import duty which was imposed in 1910. As regards gold, Hon'ble Members will remember the emphasis and force with which during last Session the question of the restrictions on the importation of gold were discussed both in this Council and outside. These restrictions have now disappeared. We have found ourselves

[*The President.*]

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also in a position to remove further restrictions. There is now no restriction on the encashment of notes at Currency Offices, and we have restored the pre-war facilities in regard to their encashment at treasuries. It is satisfactory to note that the result has been to emphasise the confidence which has been shown in our note issue, for during the last two months the return of silver rupees from circulation has been on an immense scale, and we have had no fewer than Rs. 12.38 lakhs of silver tendered to us in exchange for our notes since the 1st April. We have also been able to carry into effect our determination to reduce the fiduciary portion of our note issue. Our metallic reserve on the 31st July was no less than 58 per cent.—a figure which will challenge comparison with that of any other country. Our note circulation on the 31st of January amounted to 185 crores, and has now been brought down to 163 crores—a reduction which has been entirely effected by the withdrawal of that portion of our note issue which was based on securities. Council will remember that we asked for powers at the last Session to hold as high a figure as 10 crores in the investment portion of the Paper Currency Reserve, but we gave a distinct pledge that we would not make use of these powers except for the most pressing reasons. We have discharged to the full our undertaking in this respect, and the securities we now hold as backing to our notes have been reduced to 69 crores. We shall shortly be coming before the Council with our proposals for the permanent constitution of the Paper Currency Reserve and for the transitional arrangements which will be necessary before we are in a position to bring into effect the reconstitution of the Reserve on the permanent basis we desire to see adopted.

We further propose to alter the ratio at which the sovereign is legal tender from Rs. 15 to Rs. 10 in accordance with the recommendations of the Currency Committee. But in the meantime the restoration of uncontrolled import of gold carried with it the necessity of consequential intermediate measures, for since February, when we announced our intention ultimately to adopt the new rating of Rs. 10 for the sovereign, large quantities of sovereigns have been smuggled through foreign ports for encashment at the privileged rate of Rs. 15. Clearly, it was out of the question to continue, with the restoration of the right to import gold, the obligation on us to pay Rs. 15 for every sovereign. We accordingly demonetised the latter, allowing at the same time a moratorium within which we would continue to pay at this privileged rate. We had given ample notice of our intention to introduce this change through the announcement which we made on the 2nd of February, and advantage has been taken during the five ensuing months by the holders of sovereigns of this opportunity to encash their sovereigns at this rate, for during this period there were presented to us for encashment just under seven millions of sovereigns, of which without doubt a large number represented sovereigns illicitly imported during that period.

I may next refer to the vexed question of emigration and the status of Indians in self-governing Colonies and Dominions—a question which has been engaging our very earnest attention. As you will remember, the position generally accepted at the Imperial War Conference and embodied in what is usually known as the Reciprocity Resolution was that, while each country, including India, must retain the right of deciding for itself what classes of permanent immigrants it would admit, facilities should be given for the admission of wives of persons already domiciled in the country and of tourists, students, businessmen and other temporary visitors. Negotiations on these points have been proceeding with the different self-governing Dominions and many outstanding points have now been satisfactorily settled. Where, however, the question of status becomes acute is in countries where there are already large bodies of resident Indians. I refer of course to South Africa. The Asiatic Enquiry Commission, to which I referred in my speech last January, has now been sitting for several months.

We do not anticipate that its report will be published before the end of this year, but we know that the Indian case has been very effectively placed before the Commission by Sir Benjamin Robertson, and I think that I am



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[The President.]

entitled to say that Indians in South Africa have nothing to fear and everything to gain from an impartial investigation into what is often called in South Africa the 'Indian menace'. I am quite sure that much of the feeling which is unfortunately displayed against Indians in South Africa is due to the fear, which I am afraid has been sedulously fostered by propagandists, that the white population in South Africa generally and in the Transvaal in particular is in danger of being swamped by Indians. Nothing but good can come from an enquiry in which those responsible for exaggerated statements of this kind are compelled to substantiate them in public and to submit to cross-examination. There is every reason to believe that the Commission will address themselves to this point, to which I know Sir Benjamin Robertson attached much importance, and I anticipate that the Commission's report will show how unfounded these fears are. Once the true facts are known, I hope and believe that the agitation will die away, and the way will be paved for a peaceful statesmanlike solution of the Indian problem in South Africa.

"Before leaving the subject of South Africa, I propose to say a few words on the question of voluntary repatriation. As you are all aware, the Commission has issued an *interim* report advocating a scheme of assisted voluntary repatriation for those Indians who are anxious to return to India, and the Union Government has already taken steps to give effect to this proposal. Let me make clear the position of the Government of India in regard to this scheme. We were not consulted, nor is there any reason why we should have been consulted. The Union Government are merely putting into force a section of an Act which was passed in 1914, and they are clearly entitled to do so. At the same time, the Government of India do not regard the scheme as being in any sense a solution of the Indian problem in South Africa, and they feel that they are entitled to ask for assurances that the scheme will be what it purports to be, namely, a purely voluntary scheme. We have already cabled to the Union Government on this point, and we have asked that the Repatriation Officer may be given clear instructions that no pressure must be put on Indians to accept repatriation, and that it must be left to Indians themselves to decide whether they will take advantage of the scheme or not. We also hope that the Union Government will appoint an Advisory Committee on which Indians are represented to advise the Repatriation Officer. Inasmuch as the scheme is, we understand, already in operation, we have suggested to the Governments of Madras, Bombay and Bengal that Employment Bureaux should be organised to assist returning Indians to find employment on their arrival in India. I hope that these Bureaux will be largely composed of non-official Indians.

"I now turn to the even more vexed question of the position of Indians in East Africa. We all know that this question has been discussed recently by Lord Milner with the Governor of the Colony, and that the Indian residents in what is now known as the Kenia Colony sent a deputation to England to represent their case to the Colonial Office. We have all read Lord Milner's speech on the subject in the House of Lords on the 14th July, and great anxiety has now been caused in India by a brief summary which has been received of a speech by the Governor of Kenia Colony. This speech indicates that the decision of His Majesty's Government has gone against the Indians in some of the points to which we attach most importance. I regret to say that a telegram which I have just received from the Secretary of State confirms the report of the Governor's speech. I am sorry that I have nothing satisfactory to tell you, but I will give directions for the publication at once of the information contained in the telegram. I am in close communication with the Secretary of State on these and other questions, and the Council may feel assured that the attitude I am adopting with regard to them is the same as that defined in my speech of January last, and I adhere to the position which I then took up. I do not admit that there is any justification in a Crown Colony or a Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. We have continually pressed this point of view upon the authorities at home, and we have urged that the franchise in Kenia Colony should be a common franchise

[The President.]

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on a reasonable property basis, plus an educational test, with no racial discrimination. I have only to add that if the decision of His Majesty's Government is not favourable to Indian claims, this result is not in any way due to failure on the part of the Government of India to press the Indian point of view. I reserve further remarks on the subject, and it will be a matter for serious consideration what further action the Government of India must take in order to secure the legitimate rights of Indians in Crown Colonies.

"The position of Indians in Tanganyika has also given rise to some anxiety in India, but on this subject I need say no more than that the draft mandate for the territory which, I understand, the League of Nations proposes to give to the British Empire fully safeguards the rights of Indians.

"In my speech at the opening of the Delhi Session, I also referred to the fact that two deputations had arrived in India from British Guiana and Fiji, respectively, to endeavour to persuade us to re-open emigration to these Colonies on a new basis. A Committee of this Council was appointed to consider the cases presented by the two deputations. This Committee were not prepared to recommend the immediate acceptance of the schemes put forward and suggested that the Colonies should first be required to give guarantees that the position of the immigrants in their new homes would, in all respects, be equal to that of any class of His Majesty's subjects resident in the Colony, and that if these guarantees were given, deputations should then be sent to both Colonies to investigate local conditions and to report on the suitability of the colonisation schemes suggested. Both the Colonies have now agreed to give the desired guarantees, and, in accordance with the promise made, deputations will be sent to Fiji and British Guiana, respectively, as soon as the personnel of these deputations can be satisfactorily arranged. Hon'ble Members, however, will realise that owing to the near approach of the elections we have had considerable difficulty in obtaining Indian gentlemen to serve on the deputations.

"In my speech at the opening of the last Session of this Council, I referred to the creation of the Board of Industries and Munitions—an organisation which would close down the war commitments of the Munitions Board, would work out those specific recommendations of the Industrial Commission to which effect has not yet been given and would eventually prepare the way for the new Department of Industries. In addition to the Reports of the Chemical Services Committee, the Stores Purchase Committee and the Coalfields Committee with which the reconstituted Board is now dealing, I wish to mention one or two other matters of particular importance. The first is the conference of Provincial Directors of Industries held in April last. This conference was in the nature of an experiment; the intention was to ascertain whether, by informal discussion and the interchange of views between the Imperial and Provincial Departments of Industries, ideas could be gained, difficulties cleared away, and some measure of co-ordination secured in the activities of the different provincial organisations. I am happy to say that the experiment proved most successful, and there will, I hope, be another such conference in the near future. I am looking forward to the day when these meetings will not be confined to Government officials, but will include representatives of the greater industrial interests as well.

"The second subject to which I wish to refer is that of 'Labour,' to deal with which in all its ramifications it has been necessary to supplement the existing organisation of the Board of Industries and Munitions. In view of her new international obligations, India must henceforward maintain contact with the International Labour Office and keep abreast of developments in other countries; we wish too to have at our disposal machinery to facilitate the collection and collation of information relating to labour both in this country and abroad, which will also, we trust, be of value to Provincial Governments and to all who have to deal with local industrial problems. We have already begun to build up a bureau, which we hope will help to attain this end.

"And while I am on the important subject of 'Labour' I should like to take the opportunity of making a few general remarks. India is an original

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[The President.]

member of the League of Nations and as such was represented at the Labour Conference at Washington last year. Owing to the short notice we received and the lack of industrial organisation in India, we were unable to consult all sections of employers or employed before nominating our delegates. And while I think you will agree with me that the case for India could not have been better presented than it was by the delegates we selected, we are anxious not to make nominations for the conference to be held next spring at Geneva until opportunity has been given to the interests to be represented of voicing their opinions. I note with pleasure the increasing attention that this matter is receiving from the general public.

"Our delegates at Washington found themselves in a position of singular difficulty. Few of the delegates from other countries had any true conception of Indian needs and conditions, and quite a number wished to enforce on India the same restrictions that countries with radically different climatic and economic conditions are ready to accept. Our delegates, though fortified by treaty rights, had difficulty in securing the modifications that they considered essential for India. At the same time they all felt, and I cordially agree with them, that the present position in India, as regards certain features of factory legislation, is difficult to defend. We are consulting Local Governments in connection with the revision of the Factories and Mines Acts, and hope to be able to put proposals before you very early next year. In the meantime, we have advanced a strong claim for the inclusion of India among the eight leading industrial countries of the world, which are entitled to seats on the Governing Body of the International Labour Office. It would strengthen our claim to inclusion, and would raise the status of our labouring classes and the prestige of the country as a whole in the eyes of the outside world, if we were able to point to an enlightened and efficient system of factory legislation and to an increased interest in the welfare of labour.

"But it is not only in its international aspect that the labour question in India deserves your attention. The recent rise in the cost of living, coupled with the growing consciousness of the workers, has led to considerable industrial unrest. Among working men there is no little dissatisfaction with the conditions under which they live. So far, the chief manifestation of this unrest has been an epidemic of strikes in several parts of the country. I need hardly impress upon you the necessity of reducing strikes and lock-outs to a minimum. They result not only in bitter feeling and in great financial loss to the parties directly involved, but also in deep injury to the whole community. If India is to make any real progress under the Reformed Councils, these Councils must have the means of expanding the revenue that they control. No great expansion in revenue is practicable without a substantial and continuous increase in India's resources. This increase will depend chiefly on industrial advance, and nothing will do more to check that advance than continuous conflict between employers and employed. If it proves impossible to check industrial discord, the country will be faced with a contraction of its resources that will seriously hamper the work of our legislators and administrators. Suggestions have reached us from several quarters that Government should legislate to prevent industrial disputes. But I attach far more importance to the establishment of right relations between employers and employed than to any Government machinery for arbitration and conciliation. England after many decades of bitter strife is realising that there are better means than strikes or lock-outs for settling disputes, and that the only sound policy is to prevent strikes by removing their causes.

"I would earnestly impress upon employers the necessity for sympathetic consideration of the claims of Labour. It has too often proved the case that employers, after a long and ruinous struggle, have been forced to concede claims that they might have allowed with honour and with profit as soon as they were presented. It too frequently happens that employers are in imperfect contact with those they employ, and are consequently unable to redress grievances that finally result in very serious disputes. Workers are beginning to demand not merely the right to live in comfort but a living interest in their work. This is a claim that must be taken seriously, and I see no reason why we should not

[The President.]

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make our new start abreast of the most advanced European countries. So long as Indian industry was organised on a small scale, the close personal contact between the master and each of his men secured intimate, if not harmonious, relations. With the inevitable growth of great factories and mills this contact, in its original form, has become impossible, and there is a tendency to allow the bond between employer and employed to become a purely commercial one. It is essential that machinery should be devised which will re-establish under modern conditions personal contact and good understanding. One of the latest developments designed to meet this need elsewhere is the Works Committee, which is intended to enable the employer to realise the difficulties and hardships of his men, and to give the employed an opportunity of making known their needs and of influencing directly the policy of those who control the factory or workshop in which they serve. I have observed with pleasure that this idea has already commended itself to some of the leading employers in India. We are endeavouring to establish similar committees in a few industrial establishments under our control. The welfare of workers and especially the care of women and children and provisions for the education of the latter are matters that are engaging the attention of many employers at the present time. My Government is preparing itself, in consultation with Local Governments and employers, to furnish advice and help in this important matter. I sincerely believe that employers, who are willing to meet labour in this spirit and to treat their businesses as being as much the concern of their workers as of themselves, will find their reward not merely in increased profit, for that will not be lacking, but in the gratitude and loyalty of their men, and in the knowledge that they are furthering in the best way possible the contentment and the happiness of their country.

"To those who are endeavouring to influence and focus the aspirations of labour I would counsel a similar sympathy and forbearance; their responsibility is even greater than that of the employers. Labour in India is as yet scarcely articulated. But large numbers of working men are being enfranchised and they will look to the leaders of Indian opinion for guidance and help. It will be a tragic and irreparable disaster if India is forced to repeat the long history of industrial strife in England. There will always be men ready to foment strife; some hope to achieve notoriety and influence out of the quarrels of others; more create mischief through ignorance. The great majority of disputes admit of easy settlement, and there is no direction in which sane and sagacious political leaders can exercise a greater influence for good. In any strike it is the workers that suffer first and longest. And if we have to go through a long period of strife, industry will be crippled and the good start that we are making will be lost. To Hon'ble Members I would say, if you can bring capital and labour closer together, if you make it your duty to persuade them that their interest lies in co-operation and not in conflict, you will do more in a few years to better the condition of the workers in India than can be achieved by a life-time of agitation. The future of industrial India is in your hands.

"I would especially commend this matter to your earnest consideration, for as you know Industries under the Reforms Scheme will be a transferred subject and Ministers will need all the help which we can give them in this most important matter.

"The passage from the subject of labour to that of food-supply is a natural one, for the average man of the soil thinks in terms of the price of his food.

"The improvement in the position of food-supplies in India to which I referred at the opening of the last Session of the Council has, I am glad to say, been maintained. We felt justified in removing at the end of April the only remaining restrictions on the inter-provincial movements of food-grains, and though the effect was to raise prices slightly in some of the producing provinces, the restoration of free conditions of trade conducted I believe to the benefit of India as a whole. The good yield of the crops and especially that of rice and wheat has gone far towards replenishing the country's stocks. Much, however, still depends on the future course of the monsoon. The rainfall up-to-date has been defective in many parts of India, and in the Deccan protracted

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drought has caused considerable anxiety regarding the fate of the early sown crops and the possibility of sowing a full area, but a few days ago good rain was received almost throughout the tracts which have suffered most, and I hope that it has come in time to save the crops and ensure the fodder supply. In Northern and Central India and in Burma the rainfall has been good or satisfactory. Owing to excessive rain severe floods have occurred in parts of Orissa and Bengal causing some loss of human life and extensive damage to property. I should like here to express my sympathy with the sufferers, whose distress every effort is being made to relieve.

“ Though the prices of wheat and millets have this year shown generally a marked decline, the price of rice has fallen only slightly below the figure which it reached at this time last year. Under the scheme introduced for control of Burma rice, we have arranged for the import into India of nearly 650,000 tons of Burma rice at controlled rates since the beginning of year and have set aside a further quantity to meet India's future requirements. We cannot hope that food prices in India will in the near future or, perhaps, ever revert to their pre-war standard. Apart from the depreciation in the purchasing value of money, the demands of the war dislocated and greatly reduced the agencies of normal production, and a long period must inevitably elapse before recovery is complete. It is perhaps however not generally realised how favourable are conditions in India in comparison with those in other countries. According to a statement made in Parliament last May food prices since the war had risen in the United Kingdom by 135 per cent., in France by 220 per cent. and in Italy by 306 per cent. In India the prices of rice in Calcutta and of wheat in the Punjab are now only 49 and 38 per cent. respectively above their figures in August 1914.

“ I now come to Universities. At your last Session you passed an Act for the constitution of a University at Dacca. Some controversy arose regarding certain sections dealing with communal representation on lines recommended by the Calcutta University Commission and essential for the success of the institution in the condition which obtain at Dacca. But an amicable arrangement was arrived in the Council and the measure, was received with general acclaim. I trust that its provisions regarding the fundamental proposals of the Commission may form a model for future legislation elsewhere. But the seed which the Commission had sown is already beginning to germinate and schemes for new Universities are opening around us thick as flowers in spring. There will be laid before you at this Session a Bill for the constitution of the Aligarh Muslim University. I had hoped that proposals might also be put forward for the reorganisation of the University of Calcutta. But that measure is being postponed. Legislation has also been sanctioned in local Councils for unitary Universities at Rangoon and at Lucknow. Sir Harcourt Butler has shown his usual energy in directing the attention of the educated public in the United Provinces towards the recommendations of the Commission, and he has met with a warm response. Indeed, it looks as though those recommendations were destined to bear fruit in other parts of India earlier than in the University with reference to which they were actually made. I had always contemplated that the report would be of general application, and it is gratifying to find that the soundness and wisdom of its conclusions are finding acceptance in so many quarters.

“ Coming now to the Army the only military operations to record are those in connection with the closing stages of the advance into the Mahsud country. I am dealing in that portion of my speech which relates to external affairs, with our Waziristan policy, but I must place on record here the sympathy and pride with which I have followed the story of our gallant troops in Waziristan, and I congratulate them on the success which has attended their arduous operations.

“ I regret greatly the slowness with which the demobilisation and disbandment of Indian units is taking place, but this is due in the main to causes outside our control. The shortage of shipping has been to a great measure responsible for the non-return of units from overseas. We have been obliged to maintain our formations on the frontier at a considerably higher strength than was anticipated. The position in Mesopotamia has forced us to mobilise additional formations for active service.

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"We are, however, doing everything we can to expedite demobilisation. We hope in the near future to reduce our Trans-Indus forces to normal strength, and we have pressed and are pressing the War Office to push on the repatriation of Indian units from overseas as much as possible.

"We have under consideration at the present moment a scheme for the development of education in the Army. It will be general in so far as its aim is to improve the general capacity of the men, but it will have a vocational side with a view to increasing the economic efficiency and earning capacity of the soldier when he returns to civil life.

"Two hundred special jagirs have been distributed to Indian officers in recognition of distinguished service during the war, and as a further mark of recognition of the services of the Indian Army during the war over 300 Indian officers, of whom roughly 200 have been gazetted, have been selected for the grant of Honorary King's Commissions as Lieutenants and Captains carrying substantial increases of pay and pension.

"Last September I alluded in this Council to the work on behalf of ex-soldiers which was being carried out by the Indian Soldiers' Board under the presidency of my Honourable colleague Sir George Lowndes.

"This work is still being carried on. During the past 12 months the Board acting as almoners on behalf of the Imperial Indian Relief Fund have distributed the sum of 57 lakhs of rupees in lump sum donations partly to the dependents of Indian soldiers who have been killed or who have died as the result of active service and partly to Indian soldiers who have been permanently disabled in the Great War. The actual payments of these donations have been made by Local Governments and Administrations in the case of dependents and by the Controllers of Military Accounts in the case of disabled soldiers.

"The distribution of land rewards and special pensions to be known as *Jangi Inams* to Indian officers and other ranks who have specially distinguished themselves in the war has been delayed owing to the difficulty experienced in obtaining lists of those recommended for the reward from the widely scattered units of the Indian Army.

"A commencement of the distribution has, however, now been made, and some 3,000 officers and other ranks will by the end of October have been placed in possession of valuable plots of land mainly on the Lower Bari Doab Canal, where the standard grant in the case of an officer is 50 acres and in the case of all other ranks 25 acres.

"Bills will be introduced for your consideration for the organisation of the Volunteer Force and also for the creation of a framework on which it is hoped to build up an Indian Territorial Force.

"A communiqué was issued to the public with regard to these Bills some little time ago, and I have caused copies of it to be distributed so that Hon'ble Members may refresh their memories on the principles underlying these Bills. The Report of the Escher Committee has been received and is being examined. It foreshadows extensive changes in the higher organisation of the Army and makes important proposals which will require careful examination in view of the heavy expenditure, which they are likely to entail.

"At our last Session I gave some account of the measures we were taking to restore the disturbed situation on the North-West Frontier caused by the Afghan War, and I mentioned that the rejection by the Mahsuds of our terms had necessitated the advance of troops into their country. The operations against the Mahsuds have now practically been brought to a close, and as the result of hard fighting we have occupied a central and dominating position in Waziristan. The campaign thus forced upon us, with its heavy cost in treasure and lives, has compelled us to bring under scrutiny the whole of our policy in this troublesome border tract. For many years, ever since we inherited from the Sikhs the task of controlling Waziristan, and especially since the Amir Abdurrahman formally recognised it as lying within our sphere, we have followed the policy of non-interference with its inhabitants. We have, it is true, held two lines of militia forces,

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along the Tochi in the North and towards Wano in the South, for the purpose of checking raids upon the settled inhabitants of India and upon the caravan traffic proceeding up and down the Gomal. But to this end we have employed mainly the Wazirs and Mahsuds themselves. We have not interfered with their internal affairs and beyond granting them subsidies, to enable them to live without raiding, we have had as little to do with them as possible. We hoped that, if we left them alone, they would leave us alone. This hope has, I regret to say, proved fallacious, and the time has come when we can no longer shut our eyes to the fact. We have had a campaign, more or less important, against Waziristan on an average every four years—sometimes it has been called an expedition and sometimes a blockade. Since 1852 we have had 17 of these military operations, and since 1911 we have had four, including that just concluded. These have all been occasioned by deliberate aggression against us on the part of tribesmen, who have ravaged the plains whenever they saw an opportunity. During the last few years, when we were occupied first with the Great War and then with the Afghan War, their depredations have been bolder and more intolerable than ever before, since, in spite of our efforts to the contrary, they have obtained arms of precision from certain sources. During the Afghan War they swept over the border tracts of the Derajat and Zhob and even penetrated into the Punjab, robbing and murdering the peaceful villagers, especially the Hindus; and after the signature of peace with Afghanistan they became even more truculent and absolutely refused the lenient terms which we offered them in the hope of avoiding a campaign.

“On a review of the facts we have now made up our minds that this continual and gratuitous provocation can no longer be suffered; and we have decided, with the approval of His Majesty's Government, that our forces shall remain in occupation of Central Waziristan, that mechanical transport roads shall be constructed throughout the country, especially roads linking the Gomal with the Tochi line, and that our present line of posts shall be extended as may seem necessary. It is not possible to set any limits to the period of our occupation, our main care being that we shall not lose the advantage gained during the past nine months at the cost of valuable lives and of much money and that there shall be no recurrence of the series of outrages of which I have given you an outline. We hope that the peace which must eventually attend our domination of these tribesmen will bring its usual blessings in its train; that they may be weaned from their life of rapine and violence and may find both in material improvements in their country, such as the extension of irrigation and cultivation and in civilising intercourse with India, a more stable prosperity than they have ever derived from their traditional profession of robbers and marauders.

“In order to improve our frontier communications we have, with the concurrence of the Secretary of State, sanctioned the extension through the Khyber of the broad-gauge railway which at present terminates at Jamrud. I trust that the time may not be distant when the Afghan Government similarly may build railways down to their frontier, and that in this way a connection may be made between the two countries. Nothing, I am convinced, would more conduce to the mutual advantage and good understanding between the two countries than such a connection, and if the Afghan Government were to wish for it, I can assure them that we shall be ready to co-operate.

“I am glad to say that our relations with Afghanistan have been friendly. As is known to you, the Afghan Government sent a delegation to India at the beginning of April to discuss with British representatives all subjects of misunderstanding between the two Governments, in the hope that such discussion might clear the way for subsequent negotiations for a treaty of friendship. Some 15 years had passed since Sir Louis Dane and his mission discussed matters of common interest in Kabul, and I felt that it would conduce to the mutual benefit of ourselves and Afghanistan, if another free and frank interchange of opinions were to take place. The discussions were prolonged, as their range was wide; and the Afghan delegation did not return to their country until the end of July. The Afghan Government is now in full possession of the

14 HIS EXCELLENCY THE VICEROY'S SPEECH; STATEMENTS  
LAID ON THE TABLE.

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views of the British Government on all matters affecting Afghan interests, and I hope that these discussions may not have been without their value in clearing up doubts and difficulties. I must record my warm appreciation of the labours of Mr. Dobbs and his colleagues during these long discussions, and I sincerely hope that the fuller understanding, which is the result of their work, may form the basis of a permanent establishment of really neighbourly relations between the two States.

"Much is being said on the platform and in the press both in India and England at the present moment with regard to the state of India. No one can deny that there are disquieting symptoms of uneasiness and unrest, but are these peculiar to India alone? We must maintain a proper perspective of these phenomena. Look round the world and see if there are not identical symptoms wherever you cast your eyes. They are the swell after a great storm, the aftermath of a great upheaval. And consider, I pray you the tale of ordered progress which I have unfolded to you this morning. There are high prices, but the rise in India is small as compared with those prevailing elsewhere. There are financial problems, which cause us anxiety, but, as I have indicated, we are returning to normality at a pace greatly in advance of the rest of the world. We have removed all restrictions on the flow inwards and outwards of the precious metals, and we have a metallic backing to our note issue which would be the envy of every other country. In Industry we have a country unravaged by war with vast potentialities only waiting development, and despite all the pre-occupations of the war and the aftermath of war, we have laid the foundations for this development. On our frontiers we hope, and I put it no higher, that we have a policy which will make for enduring peace. In politics we must admit, alas! but it is an admission that does not differentiate us from the rest of the world, there are harsh utterances and much bitterness, but here again within a year of the armistice we had inaugurated a Reformed Constitution which gives great scope for personal activities and introduces Indians to a progressive measure of real co-operation and responsibility.

"There are three great virtues, which have won the world's acknowledgment, faith, hope and charity, of which three the greatest is charity.

"Faith we must all have in the boundless possibilities of this great land. And surely, if we have faith, we must have hope, hope for what is to come, hope for the realisation of those aspirations, which find their first fruits in the new Constitution.

"But charity the greatest of the three! Is not charity the one thing needful to-day? Without it all our doings are nothing worth. With it we can face the future in the sure and certain knowledge that our efforts will not be in vain."

STATEMENTS LAID ON THE TABLE.

10-6 P.M.

**The Hon'ble Mr. Shafi:**—"My Lord, I lay on the table a Statement\* showing the grants made to institutions for the instruction of the blind, deaf and dumb which was promised† in reply to a question asked by the Hon'ble Mr. Patel on the 23rd February 1920."

**The Hon'ble Sir William Vincent:**—"My Lord, I lay on the table a Statement‡ showing the number of appointments in the Judicial Branch of the Provincial Civil Service in Bengal, which was promised§ in reply to a question asked by the Hon'ble Nawab Saiyad Nawab Ali Chaudhuri on the 22nd March 1920."

\* *Vide Appendix A.*

† *Vide page 871 of Council Proceedings of 23rd February, 1920.*

‡ *Not included in these Proceedings.*

§ *Vide page 1526 of Council Proceedings of 22nd March, 1920.*



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[Maharaja Sir Manindra Chandra Nandi;  
Sir George Barnes; Sir Thomas  
Holland.]

QUESTIONS AND ANSWERS.

**The Hon'ble Maharaja Sir Manindra Chandra Nandi** 12-9 P.M.  
asked:—

1. "(a) Are Government considering the desirability of again taking action under the Cotton Cloth Act, 1918, and supplying standard cloth as a temporary relief to the poorer people? The Cotton Cloth Act.

(b) Have Government received any communication from the Government of Bengal, or any other local Government, regarding the matter?

(c) Are Government aware of a strong demand in the country for standard cloth of a cheap variety?"

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

"(a), (b) and (c). In March last the Chief Commissioner of Assam applied for a further supply of standard cloth and, thanks to the co-operation of a number of firms in Bombay, arrangements were made to send 150 bales to the province. The Cotton Cloth Act is still in force and its provisions can at any time again be brought into operation. The Government of India, however, do not think that they would be justified in resuming operations under the Act until the necessity for this course has been clearly established by a widespread demand for standard cloth from the different provinces. At present there is no evidence of any such widespread demand. No Local Government other than that of Assam has addressed the Government of India on the subject."

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

2. "What progress has been made in the different provinces in regard to the organisation of Industries under State patronage?" Organisation of Industries under State patronage.

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

"The attention of the Hon'ble Maharaja is invited to the annual reports of provincial Industries Departments, copies of which will be laid on the table if so desired. The Government of India have no information other than that contained in those reports."

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

3. "(a) Have the Government any official information regarding the Seamen's Conference at Genoa, at which certain claims were put forward on behalf of Indian seamen? The Seamen's Conference at Genoa.

(b) If so, will Government be pleased to make a statement thereon?"

(c) How do the status and emoluments enjoyed by Indian seamen in the mercantile marine, generally compare with those enjoyed by men of other nationalities employed in similar work?

(d) What recognition has been made of the services of the Indian seamen during the war, and what relief has been given by Government to families of Indian seamen who met their death while on war service or to those who were disabled during the war?

(e) What are the present methods of recruitment of Indian seamen and what facilities are provided by Government for their training?"

[*Sir George Barnes; Mr. Srinivas Sastri; Mr. Shafi.*]

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

"(c) and (b). The attention of the Hon'ble Member is directed to the Press Communiqué which was issued on the 25th May last of which I should be very glad to send him a copy if he so desires. No official report of the proceedings of the Seamen's Conference has yet been received, but the Government of India lay on the table a copy\* of the questionnaire and of their reply thereto, as finally revised by their delegates in consultation with the delegates of the employers and of the workpeople.

(c) The Government of India have no information on the subject.

(d) Members of the Indian mercantile marine who served at sea for not less than six months during the period from 4th August 1914 to 11th November 1918, are eligible for the British war medal. Pensions have been granted to Indian seamen disabled through the war and to the families of Indian seamen who lost their lives through hostile action or died during internment in enemy countries.

(e) The methods of recruitment of Indian seamen are explained briefly in the Government of India's reply to the questionnaire. No special arrangements are at present made by the Government of India for the training of Indian seamen."

**The Hon'ble Mr. Srinivasa Sastri** asked :—

**The Census  
Sec. 232L.**

4. Have Government issued or do they propose to issue instructions, in connection with the forthcoming Census, for carrying out the purpose of the following resolution which was carried in the Legislative Council of the Punjab at the instance of the Hon'ble Mr. Fazl-i-Hussain and printed in the Punjab Gazette, dated May 14th, 1920—

"This Council recommends to His Honour the Lieutenant-Governor that in the next Census-taking of 1921, provision be made for the preparation of tables of boys and girls of school-going age in each village and in each town to help in the matter of developing primary education in the Punjab?"

**The Hon'ble Mr. Shafi** replied :—

"The Government of India have considered the recommendations contained in the Resolution alluded to along with other recommendations received in connection with the Age Tables of the Census. The proposal to tabulate the actual age of boys and girls of school-going age in each town and village could hardly be confined to one province, and as the compulsory age in the Primary Education Acts differs in different Provinces the effect of the proposal would be that the census sorting offices would have to take out and tabulate for each town and village the actual ages returned of children of each year from 6 to 15, which are under the present system included in the age groups 5 to 9, 10 to 14 and 15 to 20. Even if such tables were otherwise satisfactory they would obviously have only an ephemeral value.

The extreme inaccuracy of the individual age returns, as given by the enumerators in India in the census schedules, has formed the subject of comment in every Census Report. In the case of figures compiled in age groups for large areas the effect of this inaccuracy is to some extent mitigated by the law of averages, but even in the Imperial Census Tables for units as large as districts and cities the statistics are not sufficiently satisfactory to permit of anything more than rough deductions as to the general age constitution of the population, until they have gone through an elaborate statistical

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[*Mr. Shafi; Mr. Srinivasa Sastri; Colonel W. D. Waghorn; Sir George Barnes.*]

process of graduation. The Government of India think that detailed age tables of the kind proposed, based on figures obtained under the present conditions of census enumeration in India would form an unstable, if not a dangerous, foundation for any practical measures, and that the very considerable additional labour and expense involved by the proposal would not be justified by the value of the results obtained.

It may be added that mainly for purposes in connection with the vital statistics prepared by the Sanitary Department the Government of India propose to give to Local Governments discretion to have prepared in the Census offices tables showing the population of tahsils and towns in age groups which will include the groups 5-10 and 10-15. Beyond this the Government of India do not themselves think it advantageous to go; but the original census schedules will remain in the hands of the local authorities and will be available for any further analysis of the entries that may be locally required and can be locally undertaken."

**The Hon'ble Mr. Srinivasa Sastri asked :—**

5. "Will Government be pleased to state the information in their possession calculated to show the improvement made in the conditions of travel on railways of third class passengers referred to in the circulars of the Railway Board No. 552-T.-17, dated Simla, 23rd January and 23rd August 1918?"

Improvements made for 3rd class passengers on railways.

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

"It is not possible to give in any detail the information asked for by the Hon'ble Member. The Railway Board's circulars to which the Hon'ble Member refers were issued with the object of impressing on railways the need for giving constant attention to the comfort and convenience of third class passengers, and detailed replies from railways were not called for. Government Inspectors of Railways were advised to pay special attention to the different points referred to in the circulars when submitting their inspection reports. It is believed, however, that considerable minor improvements have been made on various systems in the directions indicated in the circulars under reference, and the attention of Agents has again more recently been called to the necessity for improving matters in regard to the comfort of third class passengers."

**The Hon'ble Mr. Srinivasa Sastri asked :—**

6. "Do Government propose to move the Secretary of State for India for getting the Colonial Office to appoint a Commission to inquire into the origin of the recent riots in Fiji and the measures that were taken to quell them?"

Riots in Fiji.

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

"In view of the very detailed account of the recent riots given in the despatch of the Governor of Fiji, dated the 12th March last, which was published in the Gazette of India of the 17th July, the Government of India do not think that they would be justified in moving the Secretary of State as suggested by the Hon'ble Member."

**The Hon'ble Mr. Srinivasa Sastri asked :—**

7. "(a) Is flogging resorted to as a punishment in the Indian Army?"

(b) Do Government propose to consider the question of abolishing flogging as a punishment in the Indian Army?"

Abolition of flogging in the Indian Army.

[His Excellency the Commander-in-Chief ;  
Mr. Kamini Kumar Chanda ; Colonel  
W. D. Waghorn.]

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

"(a) Yes.

(b) The answer is in the affirmative."

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

8. "(a) Is it true that the Bengali Regiment is to be disbanded ?

The Bengali  
Regiment.

(b) In case it is in contemplation to do so, do Government propose to take into their confidence the public men of Bengal connected with the movement before finally arriving at any decision ?"

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

"(a) The answer is in the affirmative. Orders for the disbandment of the 49th Bengalis were issued on the 4th June 1920.

(b) In view of the reply to (a) this point does not now arise. The attention of the Hon'ble Member is however invited to the official statement which was published by Mr. Surendranath Banerjee in the Calcutta papers on the 20th July, in which it was announced that the cadre of the 49th Bengalis would be maintained until further orders, with a view to providing a connecting link between the Regular Bengali Battalion and any Territorial Bengali Battalion which may be formed should the Indian Territorial Force scheme materialise."

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

9. "(a) Will Government enumerate the railway accidents and collisions attended with loss of lives or injuries to persons which have taken place in 1919 and 1920, with a list of the casualties in each case ?

Number of  
Railway  
accidents  
and  
collisions  
in 1919 and  
1920.

(b) What were the casualties in the recent railway collision near Moradabad (the Mewa-Newada railway collision) ?

(c) Are Government aware that the estimate of casualties made in the Government communique is alleged to be wholly inadequate according to non-official information, which puts the number of persons killed at 400 at least ?

(d) Was there any non-official on the joint committee of inquiry about the collision ?

(e) Do Government propose to appoint some non-officials to such committees in future and to provide for full inquiries being made ?"

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

"(a) The Hon'ble Member is referred to the statement\* placed on the table by Sir Arthur Anderson in answer to a question asked by the Hon'ble Mr. Sachchidananda Sinha on the 25th September 1919, giving particulars of serious accidents involving loss of life or injury to passengers which occurred up to 1st September in that year. A similar statement† giving information regarding accidents which occurred between 2nd September 1919 and June 1920 is placed on the table.

(b) and (c). The most careful search at the scene of the Moradabad accident and subsequent enquiry showed that the number killed could not have exceeded 45. The number injured was 69, and this figure includes many with injuries of a trivial nature.

\* Vide pages 557 and 558 of Council Proceedings of 25th September, 1919.

† Vide Appendix C.

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(d) and (e). In all cases of accidents involving loss, danger or injury notice of the enquiry is sent to the District Magistrate and to the Senior Government Inspector, both of whom attend the enquiry if the importance of the case requires it. A representative of the Police Department also attends as a rule. The regulations further provide for an independent investigation by the Civil authorities when such a course is considered necessary. In this way the interests of the public seem to be fully protected, and the Government see no reason for a change of practice."

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

10. "(a) Is it the policy or intention of Government that persons holding the views of the Indian National Congress should not be elected to the Legislative Councils under the Reforms?"

Election to the Legislative Councils under the Reforms.

(b) Has any circular been issued by the Government of India to this effect?

(c) Is it a fact that the Bombay Government has issued such a circular?

(d) Has any other Provincial Government issued any similar circular?

(e) If the answer to (c) be in the affirmative, was the circular issued with the knowledge or approval of the Government of India or in accordance with their policy or under their instructions? If not, do the Government of India propose to ask the Government of Bombay to withdraw the circular and to make it known to the public that it was not approved or sanctioned by them?"

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

"No such circular has been issued by the Government of India or by any local Government. As the Hon'ble Member is aware the Government have always scrupulously refrained from any interference, direct or indirect, with the elections to the legislative councils; and they are unable to imagine what has led the Hon'ble Member to suppose that they had altered, or contemplated altering, their policy in this matter."

**The Hon'ble Mr. Kamini Kumar Chanda**:—"As a supplementary question, my Lord, is it a fact that the Bombay Government issued such a circular?"

**The Hon'ble Sir William Marris**:—"I have answered that question, my Lord, I think."

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

11. "(a) With reference to the reply\* given by the Hon'ble Sir Arthur Anderson to my question put in the Council on the 8th March last about the treatment of a 1st class Indian lady passenger at Ujirpur Railway Station was any enquiry made in the matter?"

Treatment of an Indian lady passenger at Ujirpur Railway Station.

(b) What action, if any, has been taken by Government about the conduct of the parties complained against?"

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

"Full enquiry was made but all efforts to trace the passengers referred to failed."

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

12. "(a) Are the Defence of India Act and the rules thereunder still in force?"

The Defence of India Act.

(b) When will they expire?"

\* Vide page 1113 of Council Proceedings of 8th March, 1920.

[20TH AUGUST, 1920.]

[*Sir William Vincent; Mr. Kamini Kumar Chanda; Mr. W. M. Hailey; Khan Sahib Shah Nawaz Bhutto; Colonel W. D. Waghorn.*]**The Hon'ble Sir William Vincent** replied :—

- " (a) The answer is in the affirmative.  
 (b) They will expire six months after the termination of the war."

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

Increase of pensions on account of high prices.

13. "(a) Has the attention of Government been drawn to a public meeting of Government pensioners held under the presidency of Mr. H. W. B. Moreno in the rooms of the Indian Association in Calcutta on 6th May last which passed a resolution asking for a 40 per cent increase of pensions with effect from 1916 on account of high prices ?

(b) Is it a fact that the Ceylon Government has granted an increment of 25 per cent to all pensioners ?

(c) Is it a fact that Imperial Service pensioners have recently been granted increments ?

(d) Do Government propose to consider the question of granting similar increments to other pensioners ?"

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

" (a) Yes.

(b) It is a fact that the Ceylon Government has granted temporary increases to pensions. The percentage of increase ranges from 15 to 50 subject to certain maxima.

(c) The reference is presumably to the revised pension rules recently sanctioned, which provide for increased maximum limits. These rules were devised with reference to existing and future conditions and not with a view to giving relief to those who had already retired, though in pursuance of what was considered to amount to a pledge given when memorials on the subject were first presented in 1913, their benefits were extended to those who have retired since the 23rd July, 1913. The rules are not, however, as seems to be suggested by the Hon'ble Member, confined to the Imperial Services, but apply to all gazetted officers of any standing.

(d) The question whether it would be practicable to grant any relief to the poorer classes of pensioners in view of the rise in the cost of living is at present under consideration."

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

Temporary Engineers on Railways.

14. "(a) Is it a fact that substantial increase in pay on account of high prices has been given to the temporary engineers in the Public Works Department but not to such engineers on Railways ?

(b) Will Government state the reason for this difference ?

(c) Is it a fact that temporary engineers on Railways are continued as temporary indefinitely ?

(d) Do Government propose to consider the question of making these temporary engineers permanent after approved service for 5 years ?"

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

" (a) and (b). A substantial increase of pay on account of high prices has recently been given to temporary engineers on State Railways with effect

QUESTIONS AND ANSWERS; THE INDIAN LIMITATION AND 21  
CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

[20TH AUGUST, 1920.]

[Colonel W. D. Waghorn; Mr. G. S. Khaparde; Rao Bahadur B. N. Sarma; Sir William Vincent.]

from the 1st January 1920. Only in a very few cases where it was considered that the engineers were already in receipt of pay commensurate with their qualifications was no increase granted.

(c) It is a fact that a certain number of temporary engineers on State Railways have been employed from year to year for long periods. In most cases such officers are permitted to subscribe to the Railway Provident Fund and are given the benefit of the leave rules.

(d) The answer is in the negative. The qualifications of temporary engineers are not as a rule such as would have obtained for them an appointment on the permanent establishment, and it would therefore be unfair to the permanent establishment to appoint such engineers to that establishment.

The question of abolishing the temporary engineer establishment, as at present constituted, is under consideration."

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

15. "(a) Has it come to the knowledge of Government that about a thousand cows and agricultural cattle are slaughtered every day at Saugor in the Central Provinces?" Slaughter of cows at Saugor in Central Provinces.

(b) Is it a fact that a Tanning and Trading Company is proposed to be started at Saugor with the approval, and under the patronage of, the Local Government?

(c) If the answers to (a) and (b) be in the affirmative, do the Government of India propose to take steps to prevent such slaughter and discourage the establishment of the said Tanning and Trading Company?"

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

"Information on the points mentioned in parts (a) and (b) of the question should be sought in the Central Provinces Legislative Council. With reference to part (c) the Government of India do not propose to interfere with the discretion of the local Administration."

**The Hon'ble Mr. G. S. Khaparde** :—"I propose to put a supplementary question Has the Government of India any policy on this subject?"

**The Hon'ble Rao Bahadur B. N. Sarma** :—"I should like notice of the question."

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**THE INDIAN LIMITATION AND CODE OF CIVIL  
PROCEDURE (AMENDMENT) BILL.**

**The Hon'ble Sir William Vincent** :—"My Lord, I move for leave to introduce a Bill further to amend the Indian Limitation Act, 1908, and the Code of Civil Procedure, 1908. 12-53 P.M.

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22 THE INDIAN LIMITATION AND CODE OF CIVIL PROCEDURE  
(AMENDMENT) BILL; THE INDIAN MOTOR VEHICLES  
(AMENDMENT) BILL.

[*Sir William Vincent.*]

[20TH AUGUST, 1920.]

"This Bill is intended mainly to reduce the delays which have occurred in Privy Council appeals. It affects other cases in certain respects also. The question of these delays in the Privy Council has exercised the minds of the Secretary of State, the Government of India and their Lordships of the Judicial Committee for some years. On many occasions the Privy Council have criticised the want of expedition in these appeals with great severity, at times they have become almost plaintive about this. To anyone who has any knowledge of the time that is taken before such appeals are heard, these complaints must appear well founded. I have two cases here which may interest the Council. One is a case instituted in 1905 in which a decree was passed by the subordinate Judge in 1906, by the High Court in 1909, and the appeal was decided in the Privy Council in 1916, that is after a delay of 7 years. I have another case here—but I do not wish to detain the Council with all the details—in which it took 5 years to get the printed records to the Privy Council. These are exceptional cases but the system is clearly in need of modification. One great cause of delay is the printing of the paper books, and here I wish to acknowledge the assistance we have received from the various High Courts who have taken steps to expedite this process. But this action is not sufficient, and I ought to say that a recent Order of His Majesty in Council authorises the High Courts to insist upon the speedy prosecution of appeals. The Order will come into force on 1st January 1921, but before it comes into force it is essential to enact the present legislation which is in part intended to supplement that Order. The first important change in the law, for which the Bill provides, is a reduction of the period within which a person must apply for leave to appeal to the Privy Council. Those who are interested in the subject may compare the Bill with rule 1 of the new Order in Council as published. It is proposed to reduce the time prescribed from 6 months to 90 days. It is also proposed to reduce the period within which the security for costs shall be furnished from 6 months to 90 days, but this period may be extended by the Court to 150 days. Further, appellants will be compelled to furnish security in cash or in Government securities, though the court may, if it thinks fit, in exceptional cases, allow the litigant to furnish security of a different character. A third reduction in a period of limitation is provided for, and, this is the period allowed for the substitution of parties, which is also reduced from 6 months to 90 days. This change will affect the procedure in all cases, and not only in Privy Council Appeals. Another clause of the Bill provides for service of notice on the representatives of deceased parties who have not appeared, by publication in the papers, that is, by advertisements. Clause 5 is merely consequential on the previous clause and is very similar to section 23 of the Judicial Committee Act of 1833. The whole subject is, however, very technical. I do not wish to detain the Council; I will merely ask for leave to introduce the Bill. I intend at a later date to move that it be passed if it meets with no severe opposition.

The motion was put and agreed to.

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

The motion was put and agreed to.

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**THE INDIAN MOTOR VEHICLES (AMENDMENT)  
BILL.**

12-39 P.M. **The Hon'ble Sir William Vincent** :—"My Lord, I move for leave to introduce a Bill further to amend the Indian Motor Vehicles Act, 1914.



[20th August, 1920.]

[*Sir William Vincent.*]

"This is a very simple Bill. Under section 11 of the present Motor Vehicles Act, the Local Government has power to prescribe the authority by which certain licenses under the Act shall be given. Under section 18 Local Governments can suspend these licenses, and criminal courts have similar powers subject to a definite limitation. With the great growth of motor traffic in this country, and the increase in the number of motors, accidents have become very common, especially in the larger towns. When drivers guilty of negligence are prosecuted, it is found that courts merely inflict small fines which in no way meet the necessities of the case by being a sufficient deterrent to prevent a repetition of the negligence. What is required is a more effective and expeditious procedure in the matter of the suspension of licenses of reckless drivers as this is the only suitable punishment in any case. It is proposed, therefore, in this Bill that Local Governments shall be empowered to prescribe the authorities by which licenses may be suspended or cancelled. It does not follow that the authority should always be the same throughout the whole of the province; different authorities may be appointed in different parts. Further, I may say that these licensing authorities have at present power to refuse to renew licenses, and the addition of powers to suspend licenses is no very great increase in their authority. It is also urgently necessary in the interests of public safety that these additional powers should be granted."

The motion was put and agreed to.

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

The motion was put and agreed to.

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### THE INDIAN RIFLES BILL.

**The Hon'ble Sir William Vincent** :—"My Lord, I move for <sup>12-51 P.M.</sup> leave to introduce a Bill to provide for the better discipline of Police-officers enrolled in Military Police or Rifle Battalions. This is another non-controversial measure. Certain Military Police are at present subject to discipline and penalties when serving in the province in which they are enrolled, and these penalties are imposed by virtue of Provincial Acts, but the provisions of these Acts are not applicable to them when they have to serve outside the province in which the law is enacted. Military Police have frequently to be employed outside their province, and it is therefore necessary to validate those provisions of the law which impose upon them these disciplinary measures and penalties when serving outside the province in which they are enrolled and this is the intention of the Bill under consideration."

The motion was put and agreed to.

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

The motion was put and agreed to.

24 THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL; THE  
NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

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

[20TH AUGUST, 1920.]

**THE CODE OF CIVIL PROCEDURE (AMENDMENT)  
BILL.**

12-35 P.M.

**The Hon'ble Sir William Vincent:**—"My Lord, I move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908. This is another Bill intended to reduce delays in civil cases, but it does not relate to cases before the Privy Council; it relates to civil courts generally. The Code at present provides for dismissal of suits where a summons on a defendant is returned unserved and the plaintiff fails to apply for a fresh issue of process within a year. The Bombay Government, at the instance, I believe, of the Bombay High Court, pointed out that this procedure meant a great deal of delay in disposing of cases. We proposed therefore to reduce the period, and we took the opinion of other local Governments and High Courts in the matter. There is a general consensus of opinion that the period may safely be reduced to three months. Hon'ble Members will also see that this Bill goes a little further than the present law in another respect, namely, in providing that the Court shall make an order that the suit be dismissed unless it is satisfied as to certain facts, in which case it may extend the period. Under the present law the court has absolute discretion whether to dismiss a suit or not, in the circumstances already explained."

The motion was put and agreed to.

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

The motion was put and agreed to.

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**THE NEGOTIABLE INSTRUMENTS (AMENDMENT)  
BILL.**

12-35 P.M.

**The Hon'ble Sir George Barnes:**—"My Lord, I beg to move for leave to introduce a Bill further to amend the Negotiable Instruments Act, 1881.

"The object of this little Bill is simply to remedy an omission in the Negotiable Instruments Act of 1881. This Act was passed just before the English Act of 1882 and does not include the very necessary provision that delay in presentment of a Bill of Exchange for payment is excused if the delay is caused by certain circumstances beyond the control of the holder. The object of this Bill is to repair this gap on a permanent basis. I say on a permanent basis because, as this Council knows, there is in force at the present time a piece of War legislation which provides for cases of delay due to war causes, but this Act is limited to war causes and will lapse six months after the official termination of the war.

"The Bill was referred to Local Governments and to all the Chambers of Commerce, and has received approval from every corner.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL; THE  
INDIAN PASSPORTS BILL; THE IMPERIAL BANK OF  
INDIA BILL.

[20TH AUGUST, 1920.]

[*Sir George Barnes; Mr. H. R. J. Dobbs;  
Mr. W. M. Hailey.*]

“ I beg to move for leave to introduce the Bill.”

The motion was put and agreed to.

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

The motion was put and agreed to.

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**THE INDIAN PASSPORTS' BILL.**

**The Hon'ble Mr. H. R. C. Dobbs** :—“ My Lord, I rise to move that the Indian Passport Bill be referred to a Select Committee. Leave to introduce this Bill was given in the Delhi session in February last, but the further consideration of the Bill was postponed until the present session, mainly on the ground that we did not possess at that time full information regarding the intentions of other countries in the matter of passports after the end of the war. It is now my duty to commend to the acceptance of this Council the principles of the Bill. I understand from the speeches made by certain Hon'ble Members on the occasion of the introduction of the Bill that the main principle that Government should have power to exclude mischievous persons from India is generally accepted. I need not therefore dilate upon this point. It is evident that in the present state of the world an ordered society like ours must have the means of protecting itself against the insidious and hostile elements which everywhere abound. All States including our Colonies do utilise the passport system and it would be unwise for India to deprive herself of such a weapon, especially as it is most valuable for the purposes of securing reciprocity from other States. 12-37 P.M.

“ There are many points of detail which may possibly be raised in debate, but it would seem more convenient to leave these for consideration in the Select Committee.

“ I now beg, My Lord, to move that this Bill be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir William Vincent, the Hon'ble Mr. H. McPherson, the Hon'ble Mr. L. F. Morshead, the Hon'ble Mr. Surendra Nath Banerjea, the Hon'ble Mr. Ebrahim Haroon Jaffer, the Hon'ble Sir Zulfikar Ali Khan, the Hon'ble Mr. Srinivasa Sastri, the Hon'ble Raja Sir Rampal Singh, the Hon'ble Mr. Sachchidananda Sinha and myself.”

The motion was put and agreed to.

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**THE IMPERIAL BANK OF INDIA BILL.**

**The Hon'ble Mr. W. M. Hailey** :—“ My Lord, as the Council is aware, certain vacancies have occurred in the Select Committee appointed to consider the Bill relating to an Imperial Bank for India. We have lost the services of the Hon'ble Mr. Sarma, the Hon'ble Rai Sita Nath Ray Bahadur, the Hon'ble Sir Fazulbhoj Currimbhoy, the Hon'ble Mr. Cook and the Hon'ble Mr. Crum, and I now beg to move that in place of these gentlemen the following names be substituted, the Hon'ble Mr. Banerjea, the Hon'ble Mr. Nathmal, the Hon'ble Mr. Murray, the Hon'ble Mr. Gubbay and the Hon'ble Mr. Tata.” 12-40 P.M.

The motion was put and agreed to.

[Sir William Vincent.]

[20TH AUGUST, 1920.]

### THE INDIAN ELECTIONS OFFENCES AND INQUIRIES BILL.

12-41 P.M.

**The Hon'ble Sir William Vincent:**--"My Lord, I beg to introduce the Bill to provide for the punishment of malpractices in connection with elections and to make further provision for the conduct of inquiries in regard to disputed elections to legislative bodies constituted under the Government of India Act.

"As this Bill has already been published in the Gazette, it is not necessary for me to ask for the leave of the Council to introduce it. I shall before I sit down move that the Bill be referred to a Select Committee, but before I do so I am afraid I shall have to detain the Council for a short time in order to explain the main provisions of the Bill, and I hope Hon'ble Members will bear with me in this matter. I am anxious not to take up more time than is necessary and I will endeavour to deal with the matter as shortly as possible.

"The Council are aware that rules for the election of Members of the Legislative Assembly and Councils have been framed under the Government of India Act, and that these rules have received the approval of Parliament. Under these rules, however, which are not subject to alteration by this Council it is impossible in the first place to make any corrupt practice a criminal offence, or to vest Commissioners appointed to enquire into election petitions with the requisite authority necessary to enable them to carry out their enquiries effectively, and the Bill which I am now introducing is framed to meet both these defects. It falls, therefore, naturally into two parts. Now, if Hon'ble Members will refer to the Statement of Objects and Reasons for one moment they will see the reasons for the first part of the Bill which penalizes corrupt practices. The Report of the Joint Select Committee on the Government of India Act made the following recommendations on this point. They said that they themselves were firmly convinced that a complete and stringent Corrupt Practices Act should be brought into operation before the first election to the Legislative Councils; and it is in obedience to that mandate, if I may call it so, that the Government have now framed the first part of the present Bill which I will explain in greater detail later. The Council will see, however, that it proceeds beyond Council elections and deals with all elections to all public bodies. The reason for this is that in the opinion of the Government of India, there is no difference in the moral turpitude of corrupt practices, whether they are committed in regard to election to a local body or in regard to election to a Council, and uniformity in the law on such a subject is very desirable.

"Part II deals mainly with the vesting of adequate powers in Commissioners appointed to hear election petitions. I am afraid I shall have to go into a little more detail as regards some of the clauses of Part I, however, because they are of very great importance, or will be of greater importance to many Hon'ble Members here who may seek election to the new Councils.

"Clause 2 (1) merely includes in the definition of the term 'public servants' officers who have official duties to perform in connection with elections and I hope Council will agree that they should have the same privileges and obligations as other public servants. I refer in particular here to Chapters IX and X of the Indian Penal Code.

"Clause 2 (2) of the Bill is more important and introduces a large number of new sections into the Indian Penal Code. The first of these is clause 171-A which defines the term 'candidate.' This definition is based largely on section 3 of the Corrupt Practices Act of 1883, as interpreted by subsequent judicial decisions. It will be seen that 'candidate' includes a person who, when an election is in contemplation, holds himself out as a prospective candidate; these words 'when an election is in contemplation' were adopted on the advice of an eminent English Counsel who, I believe, is an acknowledged expert on election law—Sir Hugh Fraser, K.C. When the Government of India were considering the question of corrupt practices, they thought it advisable to obtain the advice of the greatest expert they could, and it is on his advice that this definition is based. The question whether a man is a candidate for election or not, and at what particular time he becomes such a candidate is, however, really one of fact. When a man has begun to promote his own election

THE INDIAN ELECTIONS OFFENCES AND INQUIRIES BILL. 27

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[*Sir William Vincent.*]

when he has started his electoral campaign it is obvious that he is a candidate for election; and this may often be some time before a vacancy has actually occurred.

"In the same clause will be found a definition of the term 'electoral right' which, by a drafting device, is made to include both the right to give a vote or to stand as a candidate as well as the right to refrain from voting or not to stand as a candidate.

"Clause 171-B defines 'bribery' and I understand that it reproduces substantially the modern English law. It will be noticed that a person who offers, or agrees to give, or who attempts to procure a bribe is deemed to be guilty of the offence of bribery. The term 'gratification' which is used in this clause is a term explained in the Indian Penal Code and the effect of using this term in the Bill and inserting these new sections in the Code will be to attract the explanation of that term given in the Code and judicial decision as to its meaning.

"Clause 171-C defines the term 'undue influence' and I should like to draw the attention of Hon'ble Members to the definition of the term in the rules which have been approved by Parliament. The essential point is that a voter should be allowed complete freedom to vote as he wishes and that his discretion should not be fettered in exercising the privilege which has been given to him by the Reforms. A declaration of public policy, promises of public action or fair arguments of any kind are, however, in no way prohibited by this clause but it is essential for the validity of elections that in the ultimate resort the freedom of the elector should not be fettered, and that he should be allowed to vote as he pleases. As an elector is not allowed to make any personal profit by the exercise of his vote, so he is equally protected from fear of injury or intimidation. Hon'ble Members will notice the reference in the section to spiritual injury which is, I believe, again based on English law; some Hon'ble Members will be interested also in comparing it with the provisions of section 508 of the Indian Penal Code. I believe that most of the cases of threats of spiritual injury in the United Kingdom have arisen in Ireland.

"Clause 171-D defines false personation and is based on section 24 of the English Ballot Act of 1872. Clauses 171-E and 171-F are the operative clauses which provide punishments for bribery, false personation and undue influence. Clause 171-G protects candidates from malicious defamation and will, I think, probably commend itself to many members of this Council. It is based on section 1 of the Corrupt and Illegal Practices Prevention Act of 1895. Clause 171-H again is taken from section 34 of the Representation of People Act, 1918. Clause 171-I penalises the failure to keep accounts. Accounts are essential for returns and the inclusion of this clause in our Bill was also recommended by the high authority, Sir Hugh Fraser, to whom I have referred. I do not think there is anything more in the first part of the Bill to which I need draw attention.

"Part II of the Bill is much simpler. Clause 4 consists of definitions, and clause 5 merely gives the Commissioners the necessary powers of a civil court, as to discovery and inspection, enforcing the attendance of witnesses, etc. Clause 6 applies the provisions of the Indian Evidence Act, 1872, to election enquiries and clause 7, following in part proviso (a) to section 35 of the Stamp Act, provides that in proceedings of this character, being of a quasi-criminal nature, documents shall not be inadmissible merely on the ground that they are not registered or properly stamped. Clause 8 imposes certain obligations on witnesses to answer questions truly, but also contains a proviso which prohibits a man from being asked to state for whom he has voted and also provides for the grant of a certificate of indemnity to witnesses who give true evidence. Clauses 9, 10, 11 and 12 merely provide for the appearance of parties by pleaders and for the payment of costs. Clause 13 is a new provision of the law of a different character. It penalises persons guilty of certain corrupt practices by disqualifying them for certain offices. They may not be appointed as magistrates and may not be elected to any office of a local authority. I believe that many of these disqualifications now attach to undischarged insolvents and that some of them are also imposed in the case of persons guilty of malpractices under the English law. There is a further provision, namely,

[*Sir William Vincent ; Sir Manindra  
Chandra Nandi.*]

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that a man who has been convicted of an offence under clauses 171-E, 171-F or 171-G or has been disqualified from voting for a period of five years is incapable of being appointed or acting as a trustee of a public trust. I believe this to be new. It was considered and, I understand, approved by the advisory committee which assisted the Reforms Department in preparing the rules. In any case I think it is a provision which will appeal to most Members of this Council.

" I have now explained the main provisions of the Bill and I have no doubt that the general principle will be accepted by the Council. There are many questions of detail which will have to be examined in the Select Committee. We have had a number of suggestions from the Local Governments and from various associations, and I can assure the Council that these will be very carefully considered by the Select Committee. But I do not think that to the main principles of this Bill any Members of this Council can have any serious objection.

" With Your Lordship's permission I would like to add two new Members to the Select Committee. I have been asked by the Hon'ble Mr. Chanda to add another non-official to the Committee, viz., Mr. Patel, and I propose, with Your Excellency's permission, to do so, and at the same time to add the name of Mr. O'Donnell.

" I now move, my Lord, that the Bill be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir William Marris, the Hon'ble Mr. Muddiman, the Hon'ble Sardar Sundar Singh, the Hon'ble Mr. Sastri, the Hon'ble Mr. Banerjea, the Hon'ble Mr. Haroon Jaffer, the Hon'ble Mr. Sinha, the Hon'ble Mr. Allen, the Hon'ble Mr. Hopkins, the Hon'ble Mr. Patel, the Hon'ble Mr. O'Donnell and myself, with instructions to report on or before the 9th September 1920."

12-5 P.M.]

**The Hon'ble Maharaja Sir Manindra Chandra Nandi:**—" My Lord, the present Bill purports to supplement the rules under the Government of India Act, and give effect to the recommendations of the Parliamentary Joint Committee for the enactment of a stringent corrupt practices legislation. I may be permitted to say that I fully appreciate the object which the Joint Committee had in view in recommending such a measure. But let us be sure that in our anxiety for the maintenance of purity at the elections, we do not fail to take proper account of our surrounding circumstances. The corresponding law in England and elsewhere has been evolved through years of practice and experience, in an atmosphere far different from ours. And an attempt to engraft its main features in India all at once, is fraught with some amount of risk. Representative institutions will be on their trial in this country for some time to come. If they are to succeed in the end, they will have to overcome a good deal of prejudices and other serious difficulties. The one test, therefore, which every well-wisher of the constitutional reforms should apply in judging the merits of all such incidental rules and legislative measures, is as to whether they would tend to make the reforms a success. Abstract considerations, however, unexceptionable in themselves, should not influence our judgment on such a practical question.

" My Lord, when I consider the present state of education in the country, the grinding poverty of a vast majority of our people, the imperfect appreciation of our rights and obligations by them, and last, though not least, the efforts in certain quarters to belittle the ensuing constitutional changes, I am sometimes filled with apprehension as to how far the elections will appeal to the popular constituencies and help their political education. If further obstacles are created during the initial stages of this great experiment, one may well sigh in despair of its ultimate success. I should have thought that the provisions made in the rules under the Government of India Act in regard to corrupt practices at elections, were sufficient for our present purposes. If it were found on some future date that they did not meet the requirements of the situation, and corruption could not be checked except with the aid of penal legislation, there would be time enough for adding to the provisions of the Indian

[20th August, 1920.]

[*Sir Manindra Chandra Nandi;  
Sir D. P. Sarbadhikari; The  
President.*]

Penal Code. Why anticipate events, and court failure of the larger object which you desire to promote. So long as the people do not learn to value their franchise for its own sake, such harsh legislation may scare them away from the polling booth, as from a trap laid for the confusion and ruin of the poor and the unwary. If this is how it is likely to affect the uneducated masses, the proposed legislation may place a powerful weapon in the hands of unscrupulous persons for black-mailing even the educated and the comparatively well-to-do. It is to be remembered that the penal provisions would apply not only to candidates for election, and voters, but to anybody who might have to do anything with the elections in any way. And if the educated classes feel that the best that they can do to keep out of harm's way, is to give a wide berth to the elections, the prospect cannot be said to be encouraging.

"It may be said that the Bill would govern elections to local bodies as well. I do not think a sufficiently strong case has been made out for such a stringent measure in their case. In any event, that is a question of minor importance, and should depend upon the decision in connection with the legislative bodies.

"My Lord, I venture to appeal to Your Excellency's Government to reconsider the matter and keep Part I of the Bill in abeyance. If, however, it is not found feasible to do so, I would strongly urge that the offences relating to elections should in no case be punishable with sentences of imprisonment."

**The Hon'ble Sir D. P. Sarbadhikari** :—"My Lord, I desire to give the Bill, which is next in importance only to the Reform Act and the rules passed under it, warm support as it is necessary for effective success of the Reform measures. I do not understand the somewhat cautiously worded expectation of the Hon'ble Sir William Vincent that the principles of the Bill would not meet with serious objection in this Council and that most of the Councillors would be with him so far. My Lord, being new to the Council, I am not aware of its temper or its temperament; but one should have thought that his expectation in this regard need not have been so very cautious, at least so far as the general principles are concerned, for no one can tolerate corrupt practices. Before I come to the question of principles, or to some details involving principles, if in order, I should like to say just one word regarding some phases of the larger measures of Reform which His Royal Highness the Prince of Wales to the delight and benefit of India was to have come out to inaugurate and also to the high appointments preceding the Reforms."

**The President** :—"I think the Hon'ble Member must confine himself to the subject under discussion, that is, the Corrupt Practices Bill which is being introduced."

**The Hon'ble Sir D. P. Sarbadhikari** :—"I was not intending to refer to anything excepting what may well be deemed to be aids and necessary safeguards in the interest of the Reform measures. Your Excellency has already referred to some of them and I wish to accord entire support to the sentiments which Your Excellency uttered in your opening speech giving expression to the keen and widespread sense of disappointment that the Prince cannot come and according warm welcome to the Duke of Connaught.

"As regards the principles of the Bill they are, I believe, freely and frankly accepted as necessary and Sir William need have pleaded no mandate in their support. We recognise that if the Reforms are to have a real chance, safeguards like those that have been thought of in the Bill, following up the rules passed by Parliament which are no longer open to discussion, are necessary. The safeguards have to be 'complete' and 'stringent' and should precede and not follow the Reforms according to the Joint Committee. One would have thought therefore that criticism would be only on details round which there may also be some questions of principles. We have the mature fruits of deliberations of those who have been long accustomed to representative

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government in their country in its different progressive phases and it would not be wise to disregard experience in the home of representative government in modern times. We are entering upon a new era and all the precautions that possibly can be, should be taken in the interest of the measure itself and those affected by it. A careful surgeon prepares his antiseptics and his ligatures in advance, not in a merciless spirit, but in order that no accidents may spoil the chances of the treatment in hand. The Reforms are more or less accepted in principle even by those who are yet unable to see eye to eye with the majority and who think that much more should have been granted. In their detached and in some cases hostile mood they should not be given the chance of urging that the new Councils come into existence under circumstances and methods not above reproach or suspicion, though people should not be scared away. Those who will be charged with the carrying out of these measures should themselves come to the Council with clean hands and clean records, such as may make them worthy associates in the great cause ahead.

“Coming to the question of details, one is faced with some difficulties, and in regard to what I propose to say, I desire to make it quite clear that it is in no spirit of hostility that I draw the attention of the Select Committee to these points. Upon the supposition that the principles of the Bill are acceptable I desire to see it *complete*, as the Joint Committee has indicated. After a very hurried examination of the Bill I do not see complete enactment of the provision about safeguards set out in paragraph 13 of the Statement of Objects and Reasons, *viz.*, that the prosecution shall not be except with the sanction of the Governor General or the Governor as the case may be, which is one of the most essential of safeguards.”

**The Hon'ble Sir William Vincent:**—“It is in the Bill. Clause 3 (1) of the Bill covers the point. I only point this out to save the Hon'ble Member trouble.”

**The Hon'ble Sir D. P. Sarbadhikari:**—“I am glad, and thankful, my Lord, that the provision is there in this particular shape. It could not have been otherwise; I did not realise that the enactment is there and hope it is complete.”

“The Hon'ble the Maharaja of Kasimbazaar has drawn attention to the mixing up, as it were, of two parts of the question. The Statement of Objects and Reasons makes it clear why it was necessary to have the first part of the Bill, and also why with regard to elections for the Reform Councils the enactment in part II is necessary. But with regard to inclusion of ‘public bodies’ and ‘public authorities,’ in the penal clauses there is room for doubt and apprehension. Among the collection of opinions that was circulated, I do not find the Bengal collection. The collection of opinions from the Punjab Government draws attention to the fact that the time for examining the Bill has been short. That criticism will probably not be permitted generally to prevail, as expedition is necessary for the enactment of penal provisions; but may it not be, my Lord, that questions affecting ‘public bodies’ and ‘public authorities’ other than Reform Councils should stand over. One is not very clear as to what the ‘public bodies’ and ‘public authorities’ are that are to be affected. From Reforms Councils to village unions, any body may come under the Bill and there may be good reasons for throwing the net as wide. But the reasons have not been made quite clear. And one does not know for example whether some of the universities now coming into existence may not be excluded from the category of public bodies in time.”

“These are some of the questions that require elaborate and careful consideration, in this particular regard which I do not think has yet been given to them. My Lord, I am not in sympathy with apprehensions that have found expression that because there is a likelihood of black-mailing or abuse the right



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thing should not be done. The Penal Code provides for black-mailing and abuse as well, and in this Bill we should provide all necessary safeguards. If we do not always get adequate relief against abuse it is more our misfortune than the fault of the law. That should not deter us from doing the right thing in the light of past experience here and elsewhere. Fortunately, my Lord, past experience in this country has not always been bad ; but it has been bad enough sometimes and it is of the utmost importance that every precaution should be taken. Conceding that where powerful influences are at work a mere fine may not be adequate ; one may have to consider the question of severe and deterrent punishment. But too drastic measures may defeat their object. We have also to differentiate, in other matters, particularly having regard to the social customs of the country and the traditions of the people. In Bengal attention has been drawn by public bodies, bodies like the British Indian Association, the Indian Association, the Marwari Association, the Council of the All-India Moderate Conference, that at least for the present it will be wise to keep out of the purview of the law provisions about treating and entertaining. Treating and entertaining is not the same here as it is in the country from where the model of these rules comes and where it has been made penal only recently. We have our traditions, we have our social customs which require that hospitality should be freely given, particularly to those who come from a distance and who may find it difficult to procure board and lodging in a strange place. One can conceive of circumstances under which voters may have to be looked after during election times, without the slightest improper motives. The provisions of the Bill are quite large to give opportunities for creating trouble even if these common amenities are extended and the Hon'ble Maharaja of Kasimbazaar has rightly voiced this apprehension. That is a matter which the Select Committee may carefully take into consideration ; and if the Select Committee see their way to exclude treating and entertaining, at least for the time being, from our point of view it would be a much needed improvement in the Bill.

" I might be permitted to draw the attention of this Council to one or two matters which may improve the Bill. In clause 171-A. (b) reference is only to persons standing or withdrawing as candidates or voting for candidates. But there is a large class of people concerned in the nomination of a candidate whom it will be wise to include. Withdrawal of nomination sometimes happens ; it may of course be enacted that withdrawal shall not be allowed to affect the nomination, still interference with nomination may well be safeguarded.

" The same observations apply to clause 171-B. (2), where the limitation is only with regard to the voter and the candidate.

" Regarding clause 171-C., neither ' interference ' nor ' undue influence ' is defined. Though there may be the greatest possible difficulty in the way of defining these, there must be adequate safeguard against the smallest things being deemed to amount to interference. I do not know whether canvassing, in any shape personal or otherwise, may not come under the clause as it stands. I am sure many Hon'ble Members will be with me in thinking that it would be a good thing if canvassing of all sorts could be really stopped. But enterprise should not be allowed to prevail while the honest candidate suffers. If it cannot be stopped, it must be considered whether canvassing such as is allowed in other countries should be allowed to come under the provisions of clause 171-C. There may come under clause 171-C., sub-clause (2) another class of ban more terrible now than divine displeasure and spiritual censure which enlightened and progressive people are learning to survive. Social ban may operate to a larger extent in deterring or inducing people, particularly in the villages where its fear is still very strong.

" Coming to clause 171-G, while the candidate himself is protected, persons in whom he is interested may also be protected, for it is possible to damage one without direct personal defamation. It is possible to damage one through one's family.

" Coming to clause 171-H, permission of the candidate or his agent should be covered. Clause 171-H, as it stands, may stop all propaganda work in the interest of any cause or party represented by any particular candidate, all work of friends of the candidate, even newspaper comments and notices of meetings in favour of a particular candidate. I may be putting extreme cases but in

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framing these provisions one has to be careful as far as possible, so that abuse of law may be minimised.

"With regard to clause 171-I, the provision relating to accounts, non-keeping of accounts is punishable; but provision with regard to false accounts has not been made possibly because it is thought that the existing law ought to be enough. If that is so, it may well be said that that applies to many of the provisions in the Bill and that creation of new offences and thereby of fresh crimes is not right.

"Regarding provisions about public bodies in Parts I and II of the Bill, my Lord, I do not wish to say more than what I have already indicated, *viz.*, that it would be desirable for many reasons to keep local bodies and other public bodies out of the purview of the proposed law for the present. The Bill and the Statement of Objects and Reasons uses the term 'Public Bodies' and 'Public Authorities' indiscriminately; one sometimes finds a difficulty in realising what is really intended to be covered. As regards clause 12 of Part II it will be an improvement to allow execution of orders of the Commissioners for costs through the civil courts not only where the person concerned has a place of residence, but also where he has property. In a place of residence there may be very little property; whereas in the place of business there may be very good chances of realisation.

"I draw attention to these matters, my Lord, to show that very careful consideration of the whole situation in detail will be necessary; and if in taking these into consideration, the Select Committee is able to accept some of the views I have ventured to place before this Council, the Bill from our point of view will to a certain extent be an improvement.

"We are all looking forward to the success of the Reforms and it is up to the people and their representatives on whose demand they came to see that they are properly safeguarded. I am sure that, in spite of what we may hear now and again to the contrary the Reforms will succeed; otherwise more will not come. They are, I fully believe, bound to succeed. But we must see that the Temple and its approaches are kept thoroughly clean, however much we may desire enlargement in time. The enemies of the scheme, for there are such, must be given no handle for wrecking the Reformed Councils or pointing the finger of scorn to unclean worshippers. It is, therefore, that I heartily support the principles of the Bill and I trust that the views put forward will help in removing some of the causes of discontent, which, as Your Excellency nobly said this morning, is the true, nay the only, way of ending strife."

L. 22. 1.

**The Hon'ble Mr. Kamini Kumar Chanda:**—"My Lord, although my doctor has forbidden me to speak, I am afraid I must say one word. I desire to offer my grateful thanks to my Hon'ble friend Sir William Vincent for accepting one of my nominations to the Select Committee. I repeat that I am specially grateful to him for having accepted Mr. Patel for service on the Select Committee as sometime ago Mr. Patel and some of his colleagues in this Council were considered to be out of doors as regards all matters about the Reforms, which bar seems now to be removed. Now that I am on my legs I wish to say one word about the speech of my Hon'ble friend Sir Deba Prasad Sarbadhikari and about the clause of the Bill which relates to undue influence at elections. In sub-clause (2) of the Bill it says that whoever induces any person to believe that he will be rendered the object of divine displeasure or of spiritual censure shall be deemed to interfere within the meaning of this section. I have nothing to say to that as far as it goes but in the part of the country from which I come and in parts of Bengal interference in the form of threats of official displeasure will be more common and more potent, and will have to be provided against. I have specific cases in mind when I say this. I know cases where the candidate and his friends are telling the people that the candidate does not desire to stand but that he was being induced by the Divisional Commissioner, or the Magistrate or some other high official. I wish to guard myself against the supposition that I assume such allegations to be true, I believe that if enquiries were made they would very often be found to be devoid of truth, but all the same the mischief is done and taking the conditions of the country into account I think the contingency should be provided against. I would therefore urge for the consideration of the Council, the Hon'ble the Home Member and the Government that something should be done to provide against cases of that sort."

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[Sir William Vincent.]

**The Hon'ble Sir William Vincent** :—“ My Lord, I am grateful <sup>1-35 P.M.</sup> to the new Member, the Hon'ble Sir Deba Prasad Sarbadhikari, for the support he has given to the principle of the measure. It is exactly what I should have expected from a man of his education and position and from my past experience of him in public affairs. I regret that he is not on the Select Committee as he appears to have such advanced views on the principles to which the Bill gives effect. He accused me, however, of ‘over-caution’. I hope I have got the word rightly. If he had heard the speech of the Hon'ble Maharaja who preceded him, he would see that I was really perfectly right in this attitude. Possibly he was in the same difficulty that I was and failed to hear the Hon'ble Member. I had great difficulty in doing so but I gathered from the speech that he was not in favour of Part I of the Bill at all. His approval of the principle of the Bill was thus very theoretical. I could not myself understand what ‘the grinding poverty of the people’ had to do with the Bill; it may have had some connection. I can not suppose that it was intended to convey a regret that poorer people were deprived of any opportunity of adding to their earning that might be afforded them by an election: I am sure that that was not the intention. Generally speaking, however, it is clear that the principles of the Bill are approved by this Council.

“There are, nevertheless, some matters of detail to which I ought to refer. The question of the election to public bodies, for instance, was referred to by Sir Deba Prasad Sarbadhikari, and we shall certainly have to examine it in Select Committee, though I am surprised that the reason he adduced for it was the fact that it might include election to university seats. If there was one class of bodies in the case of which I should expect elections would be free from a suspicion of corrupt practices, and which would therefore not be touched by this Bill, I should have thought it would have been universities.

“The Hon'ble Member then went on to mention the subject of treating. I only want to speak on this point very shortly at present. But I should like to explain that treating does not mean merely giving a man food or drink. The term is only used when food and drink are given with a corrupt motive. If Hon'ble Members will refer to the rules they will see that the rule only applies to food, drink or entertainment when given to a person with the object directly or indirectly of inducing him to vote or refrain from voting for some person, not when it is given merely as hospitality or charity. I quite agree, however, that this point will need careful examination, and if this motion is agreed to, it will be examined in Select Committee.

“I cannot think that Mr. Chanda was speaking seriously when he spoke of official displeasure as a serious form of undue influence. Indeed, I am sure that in many parts such displeasure would be looked upon as a recommendation for a candidate. I feel that the Hon'ble Mr. Chanda would secure more votes by opposing the Government than by supporting it, and his suggestion to the contrary is of little weight but will be considered. Another point on which I wish to correct a misapprehension of the Hon'ble Dr. Sir Deba Prasad Sarbadhikari arises in connection with Part II of the Bill. I understood him to say that Part II applied to elections to all public bodies. I think that is a mistake. It only applies to elections to Legislative Councils.

“Then a point was raised by the same Hon'ble Member regarding the necessity of a provision penalizing false accounts. We believe that the filing of false returns before the authority prescribed would be an offence under the ordinary penal law, and therefore there is no necessity for providing for this specifically in the Bill.

“My Lord, I have now dealt with many of the points raised. From the reception offered to the Bill, my Lord, I have every reason to hope that the motion will be passed unanimously.”

The motion was put and agreed to.

The Council then adjourned to Thursday, the 26th August, 1920.

A. P. MUDDIMAN,

Secretary to the Government of India,  
Legislative Department.

SIMLA;

The 30th August 1920.

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