

(railway and inland steam vessel) Tax Act, 1917, be referred to a Joint Committee of the Assembly and of the Council of State and that the Joint Committee do consist of 20 members.

Owing to a point of constitutional Law raised by Dr. Gour supported by Messrs Iyer and Norton, Mr. Hailey withdrew his motion so that the House may straightway consider the Bill next day.

The Factories Act

Sir Thomas Holland moved that this Assembly do recommend to the Council of State that the Bill further to amend the Indian Factories Act, 1911, be referred to a Joint Committee of the Assembly and of the Council of State, the Committee to consist of 12 members. He said that there would be no objection to this question of factory as there was to the Finance Bill on a constitutional basis. After a short discussion Sir Thomas assured the House that Government would see that all interests including capital and labour were represented, and the motion was carried.

Bills passed and considered.

The Calcutta University Bill and the Bill to further amend the Code of Civil procedure as passed by the Council of State were passed. The Indian Electricity Bill was introduced, while the Maintenance order Bill, the Indian Penal Code Amendment Bill and the Civil Procedure Code Amendment Bill to provide against institution of fraudulent suits were referred to select committees.

The Council of State

DELHI—17TH MARCH 1921

Indianisation of Educational Service

Replying to Raja Sir Harnam Singh, the Home Member said that the extensive employment of Indian troops overseas was due to the world-wide war, and this action of the Government of India was generally approved by the press and later on by the Imperial Legislative Council. The Government of India were, however, unable to place on the table the correspondence between the Secretary of State and themselves relating to the employment or non-employment of Indian troops overseas.

Replying to Mr. Khaparde's question regarding the Indianisation of Indian Educational Service, the Home Member said that the Royal Commission on the public services in India recommended that three quarters of the posts contained in class I of the Indian Educational Service, in accordance with the reorganisation they proposed, should be filled by officers recruited in Europe, provided suitable candidates could be obtained, and that one quarter of the posts should be filled through recruitment in India. As new posts were created, recruitment in Europe and India should be so adjusted that additional officers would be taken half from the one country and half from the other. The Government of India, in addressing the Secretary of State, recommended that the proportion of Indians,

who could suitably be included in the Indian Educational Service, was 50 per cent, and that this should be regarded as the average proportion throughout India as a whole, variations being permitted in different provinces and Burma being for the present excluded from the calculation. This recommendation of the Government of India constituted a marked advance on the proposals of the Public Services Commission. It was sanctioned by the Secretary of State in November, 1919, with a view to showing the manner in which this recommendation has already been carried out. It will be convenient to consider the proportion of Indians in the Indian Educational Service at the time when the Commission concluded its sittings and the proportion which exists to-day. On the 1st July, 1915, the number of Europeans in this service was 201 and that of Indians five. The percentage of Indians to the total number was 2.42. On the 1st March, 1921, the number of Europeans and Anglo-Indians in the service was 205 and of Indians 111. The proportion of Indians to the total number was thus 35.12. Of the 111 Indians in the service, 31 have been appointed direct, 75 have been promoted from the Provincial Educational Service and five have been promoted from outside posts. The figures which I have given exclude Directors of Public Instruction, members of the Women's Indian Educational Service and members of the Chiefs' Colleges' Cadre.

The Bills Considered and Passed

The Bill validating certain indentures, transferring properties formerly held by enemy mission in trustees, the Land Acquisition Amendment Bill and the Deputy President (Legislative Assembly) Salary Bill were passed.

The Exchange Question

Mr. Kale then moved a resolution recommending the urgent necessity of an enquiry by a special representative Committee into the exchange situation, with a view to suggest suitable remedies to relieve the existing tension connected therewith, and to consider if it is not desirable to propose an alteration in the exchange value of the rupee fixed by law and a modification of the currency system so as to place it on the gold standard basis.

Sir Alexander Murray, Sir M. Dadabhoi, Sir Dinshaw Wacha and a few others opposed the motion, as no committee, not even the Brussels Finance committee, could stabilise exchange. Messrs. Khaparde, Lala Sukhbir Singh and Maung Po Bye supported the motion. Mr. Khaparde said that had Mr. Dalal's recommendations been acted upon, the exchange crisis would not have come. The resolution however was lost.

The Legislative Assembly

DELHI—18TH. MARCH 1921

The Finance Bill

On March 18th the Finance Bill was the only item on the agenda paper. The Secretary placed on the table Bills passed by

the Upper Chamber yesterday. The President ruled that the amendments regarding the preamble of the Bill be postponed till the body of the Bill was amended and shaped.

Mr. Samarth moved that the Finance Bill shall remain in force only till the 31st March, 1922. He emphasised the fact that at the end of the year following the practice in the House of Commons, the Assembly should have power to review the whole Finance Bill with reference to the then existing conditions.

Mr. Hailey readily agreed to allow the House to review at the end of the year the Post Office Act and the Income-Tax Act, but pointed out that the question of tariff was much more complicated. If it was voted that tariffs would come under the review of the Assembly at the end of the year, it would bring great uncertainty in the course of trade, and the result would be detrimental to the commerce of this country.

After a short discussion, Mr. Samarth withdrew his amendment, and the Government's amendment was carried.

Inland Postal Rates

Rai Sahab Lakshmi Narayan Lal moved for the omission of clause 3 of the Bill relating to inland postage rates on letters, postcards, packets, registered newspapers and parcels.

Mr. Jatkarn moved his amendment touching letters, postcards and registered newspapers. The President ruled that he would put this amendment in three parts separately. Mr. Jatkarn moved his whole motion, and the discussion first began on the portion regarding postcards. After discussion, Mr. Jatkarn's motion to the effect that in the case of letters for weight not exceeding half a tola, half anna be charged, that for weight exceeding half and not exceeding one tola, one anna be charged, and for every tola or fraction thereof exceeding one tola, one anna be charged, was put and declared lost.

There was a short discussion on the third part of Mr. Jatkarn's motion relating to postage on registered newspapers, and it resulted in the following amendment, which was accepted. For a weight not exceeding five tolas, quarter anna be charged, for a weight exceeding five tolas, half anna, and for every fifteen tolas or a fraction thereof, exceeding fifteen tolas, half anna.

Tariff Act

Mr. Manmohandas Ramjee moved that the proposed Tariff Act should be in force with effect from the first day of April this year. This would, he said, greatly satisfy the importers in India, because no collection should be made one month before the Bill was passed. Mr. Hailey had already stated that Government had collected

seventy lakhs under the proposed tariff. This was objectionable. The speaker had received a number of telegrams protesting against this kind of collection. The Government should collect tariff only after the Bill was passed and not before that.

Mr. Hailey and Mr. Price opposed Mr. Ramjee's motion, while Messrs. Shahabuddin and Rangachari supported it; the latter pointed out that even though there was a risk of sacrifice of some lakhs, the motion had the merit of justice and equity.

Mr. Ramjee's motion was put and lost.

Mr. Venkatapathi Raju's motion that the Tariff Bill should take effect from 1st March this year was accepted by Mr. Hailey who said that the Government felt secure with this amendment.

Sir Frank Carter moved that, with effect from 1st April next, in the third schedule to the Tariff Act, 1894, the item No. 5 relating to Tea be omitted. The motion was lost.

Mr. Pickford moved that, with effect from the 1st April of this year, in the third schedule of the Indian Tariff Act, the third entry relating to raw hides and skins should be omitted. This too was lost.

Next day, March 19th, the discussion on the Finance Bill was taken up. Numerous amendments were proposed by the non-official members most of which were subsequently withdrawn and lost, and some only were either accepted by Govt. or passed by a majority of votes of the House. The Finance Bill was eventually put and passed.

On March 21st the Assembly met with an agenda containing a large number of questions, two non-official bills, two resolutions and a very important official Bill on Emigration.

Dr. Sapru laid on the table the Select Committees Report on the Esher Report.

Select Committee on the Esher Report

"A Committee of the Assembly has, for the past week, been engaged in considering the Report of the Esher Committee. The Report of the Committee takes the form of a series of draft resolutions, which, they suggest, should be moved in the Assembly. The Committee advises the Assembly to recommend to the Governor-General-in-Council to repudiate the assumption underlying the whole report of the Esher Committee, that the administration of the Army in India cannot be considered otherwise than as part of the total armed forces of the Empire, and that the military resources of India should be developed in a manner suited to the Imperial necessities. They hold, that the purpose of the Army in India must be held to be the defence of India against external aggression and the maintenance of internal peace and tranquility. They advocate organisation, etc., on up-to-date lines, and in accordance with modern standards, with due regard to Indian conditions, and demand efficiency, in order that, when the Indian army has to co-operate with the British Army, there should be no such dissimilarities as to make co-operation difficult. They

hold that for any other purposes, other than protection from external aggression and the maintenance of internal peace, the obligations resting on India should be no more onerous than those resting on the Dominions, and should be undertaken, subject to the same conditions.

The Committee desires the Assembly to recommend that the Army in India should not, as a rule, be employed for service outside the external frontiers of India, except for purely defensive purposes, or, with the previous consent of the Governor-General-in-Council, in very grave emergencies, provided that Indian troops may be employed on garrison duties overseas at the expense of His Majesty's Government, and with the consent of the Government of India. The Committee thinks that the absence of full Responsible Government in India, the difference in conditions between India and England, in regard to the ultimate control of, and responsibility for the defence of the country. They hold that, in view of the desirability of assimilating the system of administration in India to that of the United Kingdom, which has been arrived after prolonged experiments, and the desirability of emphasising the principle of the ultimate superiority of the civil power, it is essential that the Commander-in-Chief should, without prejudice to his official precedence, cease to be a Member of the Governor-General's Executive Council, and that the portfolio of defence, including supply, should be entrusted to a Civilian Member of the Executive Council, assisted by an Army Council, including the Commander-in-Chief and other high military experts and a certain number of civilians, more or less on the model of the Army Council in England. If this recommendation is not accepted, they favour the minority proposal of the Esher Committee for the appointment of a Surveyor-General of Supply, who, they think, should be a civil member of the Commander-in-Chief's Military Council. This, they think, would be more logical and economical than to follow the proposals of the majority of the Esher Committee to set up a separate department for production and provision under a separate Member of the Executive Council, thereby adding to the Government an additional civil member in connection with the army administration.

A minority of the Committee favours the retention of full responsibility by the Commander-in-Chief. They make a variety of recommendations as to the procedure to be followed in the selection and appointment of the Commander-in-Chief and other high military officials. They consider that the Military Secretary, India Office, should be appointed by the Secretary of State for India on the recommendation of the Government of India, after advice obtained from the Chief of the Imperial General Staff. They think that he should be ex-officio, have the status of a Deputy Chief of the Imperial General Staff, that he should have the right to attend meetings of the Army Council when questions affecting India are under consideration, but that he should not be under the orders of the Chief of the Imperial General Staff. The Committee considers that the Commander-in-Chief's right of correspondence with the Chief of the Imperial General Staff should be subject to the restriction that it does not commit the Government of India to any pecuniary responsibility or to any line of military policy which has not already been the subject of decision by them. Copies of all such correspondence at both ends should be immediately furnished to the Government of India and the Secretary of State.

Indianisation of Commissioned Ranks

A large part of the Report of the Assembly Committee is devoted to proposals for the Indianisation of the commissioned ranks of the Army. They desire that the King-Emperor's Indian subjects should be freely admitted to all arms and services of His Majesty's military, naval and air forces in India, subject to the prescribed standards of fitness, and they desire that, in selecting

candidates for the entrance examination, unofficial Indians should be associated with the nominating authority. They think that to start with not less than 25 per cent of the King's Commissions should be given to Indians. They ask that adequate facilities should be provided in India for the preliminary training of Indians to fit them to enter Sandhurst, and that the desirability of establishing a similar College in India should be kept in view. They think that the formation of an adequate Territorial Force on attractive conditions is essential as a preparation of India to undertake the burden of self-defence. They recommend a gradual and prudent reduction of ratio of British to Indian troops. The Committee ask that there should be no distinction between the status of officers of the Indian Territorial Force and those of the Indian Auxilliary Force. They recommend that no proposal for the interchange of officers between the British and Indian services should be carried out, unless it can be done without appreciably increasing the cost to Indian revenues, without interfering with a steady expansion in the proportion of the King's Commissions in the Indian Army thrown open to Indians, and without affecting the control of the Government of India over the entire army in India. The Committee asks that having regard to the recent creation of two additional commands in India, the expediency reducing the size of the administrative staff at Army headquarters should be considered. They recommend that, so far as their proposals are concerned, the Anglo-Indian should be considered to be conversed by the term Indian or India's subject.

A Proposed Committee

Their concluding recommendation is one of even greater importance than those by which it is preceded. They ask the Assembly to recommend to the Governor-General-in-Council that as soon as the external and internal conditions of India permit, a Committee should be appointed adequately representative of non-official Indian opinion for the purpose of examining and reporting upon the best method of giving effect to the natural rights and aspiration of the people of India to take an honourable part in the defence of their country and prepare the country for the attainment of full Responsible Government which has been declared to be the goal of the British policy in India. They asked that the proposed Committee shall also examine the financial capacity of India to bear the burden of military expenditure, her claim to equality of status and treatment with the Self-Governing Dominions. They recommend that the Committee should also report upon the methods of recruitment to the commissioned ranks of the Indian Army.

Transfers and Bequests

On the motion of Mr. Seshagiri Iyer, the Bill to declare the rights of Hindus to make transfers and bequests in favour of unborn persons in the Madras City was passed without discussion.

Transfer of Property Act

Mr. Rangachari next moved for leave to introduce a Bill further to amend the Transfer of Property Act, 1882. This was carried.

Emigration Bill

Mr. Innes then moved a Bill to amend the law relating to emigration,

"Sir George Barnes speaking on this Bill said in the course of a long speech :

"Indentured emigration was killed in 1917, but the weapon by which it received its death blows was not a Statute, but a rule made under the Defence of India Act. The rule is still in force, because the War has not yet officially come to an end, but the Defence of India Act cannot look for much longer life, and the rules, which were made under the Act, will, of course, expire when the Act still comes to an end. If the rule, of which I have spoken, did not stand in the way, indentured emigration would still be lawful under the Emigration Act. When the Defence of India Act expires, there must be some new enactment to take the place of the existing rule. In the Bill which Mr. Innes seeks to introduce we have tried to frame safeguards for the health and protection of would-be emigrants in this country, and for their help and protection in the land of their adoption. I do not propose to go through the Bill clause by clause, for that is done in the statement of objects and reasons attached to the Bill. I refer only to the clauses which seem to me to be vital.

Protection of Unskilled Worker

"The class of workers which most needs help and protection is obviously that of the unskilled worker, and with regard to him the most important protection the Bill affords is to place in the hands of the Indian Legislature the power to decide in each case whether the emigration of unskilled workers should be permitted or prohibited. Emigration of all unskilled labour will be forbidden, unless and until both Chambers of the Legislature agree that the door should be opened. This will give the two Houses of the Legislature opportunities to scrutinise each scheme and opportunities, also to lay down such conditions as they may in each case think necessary in the interests of the emigrants, for example, be within the powers of the two Houses of the Legislature to refuse approval to any scheme of emigration of unskilled workers to any country where Indians do not enjoy the same political rights as other classes of His Majesty's subjects.

"Under Clause 7 power is taken to appoint Agents of the Government of India overseas. Of course, this power can only be exercised with the permission of each Government concerned. The duty of the agent would be, first to keep the Government of India informed of all matters which affected the welfare of the status of the Indians. He would further, of course, be at the service of any member of the Indian community who might wish to seek his advice. The skilled worker much more capable of looking after his own interests,

and, consequently, requires less help and protection from the Government. At the same time we feel that the emigration of the skilled worker should be under some measure of control. Clause 14 of the Bill, provides : That, whoever desires to engage or to assist any person to emigrate for the purpose of skilled work, shall apply for the permission of the local Government having jurisdiction at the port of departure, and shall state in his application certain information, including particulars of the accommodation to be provided before leaving India and during the voyage, the provision to be made for the health and well-being of the skilled worker during the period of the proposed engagement and for the return journey at the end of the engagement. Further, the terms of the agreement must be set out and security given for the due observance of the agreement, and generally for the proper treatment of the worker. Clause 17 provides : That the local Government may, after such enquiry as it may deem necessary, grant the permission applied for on such terms and conditions as it thinks fit, or withhold its permission.

Free Emigration.

"The Bill does not provide for any control over free emigration, that is to say, cases where the emigrant wishes to leave India without any assistance from anybody. It would, we think, be very wrong to endeavour to hamper or control free emigration.

India and the Dominions.

"The relations between India and the Dominions have never been satisfactory. But, now India has been admitted as an equal member of the Imperial Conference and her representatives take their seats in the great Councils of the Empire. At the Imperial War Conference of 1917, Mr. Chamberlain moved a resolution in favour of reciprocity of treatment between India and the Self-Governing Dominions, and in the course of his opening speech, said : 'We are anxious that the entry of India into these Conferences should pave the way to a better understanding between India and the other Dominions, and we hope that, in time with that better understanding and with patience and forbearance on both sides, we may arrive at a solution of some of the difficulties which we have hitherto been unable to solve.

"The principle of reciprocity was supported by Lord Sinha and by all the representatives of the Self-Governing Dominions, and at the Imperial War Conference held in 1918, the question of reciprocal treatment was again brought up by Lord Sinha, when a valuable Memorandum, which has since been published, relating to the disabilities of Indians overseas was laid by him before the Conference

On Lord Sinha's motion, a resolution was passed which makes it perfectly clear that the right of India is recognised to enact laws having the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting and residing in India, as those imposed on Indians desiring to visit and reside in such countries.

"After the passing of this resolution, the Government of India, of course, considered anxiously and carefully whether legislation in this country on reciprocal lines would be a wise step, in other words, whether legislation would result in any material benefit to India or the Indians overseas. We came to the conclusion that legislation would not help us towards our goal. Any legislation undertaken would, of course, in some way or other, restrict the coming to this country of Australians, Canadians, South Africans and New Zealanders with the intention of residing and settling here. So far as I know, we have hitherto had no emigrants from the Dominions with the object of settling in India. Nor are any emigrants likely to present themselves, for climatically the country is not suited for settlement by persons whose home is in the higher latitudes. Restrictive legislation would consequently be, in a great measure, futile. Though futile, any such legislation would, nevertheless, have a flavor of retaliation about it. History tells us that retaliation is seldom a successful weapon even when it injures the person against whom the retaliation is directed, and I think that it follows that a measure, which has the disadvantage of retaliation, but, at the same time, is incapable of inflicting an injury, is a weapon which the wise man will refrain from using. What we want are better relations with the Dominions. We want a full recognition of equality and citizenship, and submit that pin-pricks will not help us to that end. We should prefer to build on firmer foundations, the foundations of mutual good-will and respect.

"Each year, of late, we have made some progress, but I am bound to acknowledge that the progress has been slow. The progress, however, is real and will constitute, especially if India continues to send her best men to the great Councils of the Empire, men like Lord Sinha and Mr. Sastri who are capable of holding their own with the first statesman of the Empire. (Applause.) The sending of Sir Benjamin Robertson and Mr. Corbett by the Government of India to South Africa in order that they might represent the case of the Indians settled there before the South African Commission had, I am sure, been fruitful of good results by the removal of misconceptions and the creation of a better understanding in a part of the world, where the difficulties of Indians have been most acute".

The Bill was then introduced,

DELHI—23RD MARCH 1921

N. C. O. & Repressive Policy

On March 23rd Mr. Hullab moved that the Land Acquisition Amendment Bill as passed by the Council of State be taken into consideration. Several amendments were proposed and strong objection was taken to the restriction of Appeal to the privy Council imposed by the Bill. Mr. Seshagiri Iyer moved that further consideration of the Bill be postponed till the next session was carried.

The motion by Mr. Rangachariar on the amendment of the Income-Tax Act was defeated. Mr. Kabraji's motion to expedite the new Delhi works so that 2 crores instead of 1 crore a year be spent was carried on Govt. welcoming the resolution.

A very interesting question arose on Mr. Jatkar withdrawing a motion standing in his name on non-co-operation.

Sir William Vincent said that when the Government of India received notice of this resolution, the notice was not in time, and Mr. Jatkar was at his own request given the official day, because he (speaker) was willing to take that opportunity of stating the Government's case. Now Mr. Jatkar in taking the present course had treated them with scant consideration, for the Government had been put to considerable inconvenience in preparing their case.

Dr. Nandlal : Sir, May I be permitted to move this resolution.

Mr. Jamnadas Dwarakadas : Sir, I want your ruling on the point as to whether a Member can be allowed to withdraw his resolution, if he has given notice of it, and after it had been put on the agenda. There were many members who were anxious to get the Government declare their policy on this important question of Non-Co-operation, but we refrained from giving notice of our resolution after seeing this resolution on the agenda. Now that Mr. Jatkar has withdrawn his resolution, we cannot move any resolution as there is no time left. Is it fair that such a thing should be allowed ?

Sir William Vincent : I can devise some method of bringing in time on the agenda any other resolution if Mr. Jamnadas would give notice of it.

The President : The Hon. Member (Mr. Jatkar) had been permitted by the chair and the Government to move his resolution on the official day. Now he does not wish to move it. Neither the House nor the chair possess any power except that of peaceful persuasion to compel him to move it. He is perfectly within his right in withdrawing it. But what I have got to say is that the Hon. Member has shown the greatest discourtesy, firstly, to the Assembly, secondly, to the chair, and thirdly, to the Government,

in that he did not give the Government an opportunity of explaining their position.

Mr. Jatkár : I withdraw my resolution.

The President : The chair must now use its discretion and permit any other member to move the resolution.

Col. Gidney : I wish to move it.

President : No, Dr. Nand Lal had got the opportunity.

Dr. Nand Lal then moved Mr. Jatkár's resolution that the Government should adhere to the declaration of its policy made in October and November last and ask the Local Governments to stop all repressive measures now being used all over India. He asked the Government to declare their policy once more.

Mr. Jatkár, in supporting the resolution, said that he did not wish to move the resolution, because he was not ready for its being discussed to-day. He wanted Sir William Vincent to get his resolution tabled on the next official day, 26th. So he was surprised to see it on to-day's agenda.

Sir William Vincent : May I say that Mr. Jatkár himself wanted this resolution to be put on the official day to day.

Mr. Jatkár begged the pardon of the House, and said that he did not wish that the resolution should be moved by himself, although he was in entire sympathy with it. He quoted certain passages from the Government declaration of November last, and said that the position to-day, however, was that repression had been applied to nearly one hundred and twenty-five persons in his own province (Central Provinces). Prosecutions had been started, one of the victims being the Vice-Chairman of the Nagpur Municipality. Securities had been demanded from volunteers for preaching temperance. Famine, scarcity and fear of additional taxation had disturbed the whole country, and any repressive measure would only add to the complexities of the situation. The principle of Non-Co-operation had come to stay, but the Government should not do anything which would drive it underground. They should, on the other hand, by a policy of conciliation, create confidence in representative institutions by allowing them greater control over the affairs of the country.

Govt. Statement on N-C-O

Sir William Vincent, speaking on the resolution, said that the Hon. Member who had just spoken had felt surprised that his resolution was on the agenda to-day. That, however, had not prevented him from making a long manuscript speech. He had repeated that he did not expect to see this resolution on an official day, but his own letter pressed that resolution must be put on the official day. Now, however, the moment was particularly opportune for him to make a declaration of the Government's policy. The great motive behind the Government was the progress of this country towards Responsible Government and the simultaneous

preservation of public tranquility. He knew of no country in which the charges contemplated and inaugurated in the Government had ever been effected peaceably. The Government of this country was difficult because of great distances. To this had been temporarily added difficulties which had been exploited by the Non-Co-operation party to the utmost limit. There was no doubt that their efforts are intended to paralyse the Government, because that was their declared object. There was no measure to which they had not resorted. Whenever there were differences between employers, and employees, between landlords and tenants, emissaries of Non-Co-operation fostered discontent and created unrest and disorder. A movement of this kind could not but be extremely dangerous and full of evil potentialities. It was purely destructive, and so far as he had been able to ascertain, it had no element of construction. The object of Non-Co-operation was Self-Government, but Self-Government connoted Self-protection which India had not. The British Government had undertaken a great trust on behalf of India, and the withdrawal of that protection from India at this juncture would lead to anarchy and the destruction of sixty years of work in this country. The Government always hoped that the sanity of the people would counteract this mischievous propaganda of Non-co-operation. The Government took this opportunity of acknowledging many efforts that had been taken by the saner section of this country in this behalf, and they believed that Mrs. Besant and Mr. Sastri had earned the thanks of all good people. The Home Member explained what he thought of Mr. Gandhi's present position. He said that Mr. Gandhi had failed with the educated classes. Boycott of Councils had proved a failure and renunciation of titles had been very little and very few lawyers had given up their practice. It was true that there was a temporary success in connection with students, but this evanescent madness had passed away, and most of the young men were now returning to colleges. There was much economic unrest and political unrest, partly local and partly caused by the world-wide War, and upon this it was very easy to rouse ill-feeling and passion. Any interference with those who exploited these causes would not be consistent with the spirit of reform. Increased racial feeling among the people in social and political progress would be inconsistent with the spirit of reform. It would have been possible to suppress the tactics of Non-Co-operation much earlier, but the Government felt it their duty to exercise some patience.

"We are doing our best" he said, "to meet the situation. It was in response to demand on that account that the Government appointed a Committee on repressive laws which will sit in due course, and the same course was adopted in regard to press legislation. Throughout this session, the Government of India (Home Department) was actuated by a desire to meet the wishes of the Legislative Assembly as far as possible. That is the spirit in which I have attempted to approach this subject, and, I am glad to say, I have received the greatest consideration from the Assembly, a consideration which I cannot express too greatly to the members. The Government is in a position of great anxiety. Nobody can exaggerate the dangers of it. It would be equally futile to minimise it. I do know that we have to suppress disorder wherever it occurs and to punish those who incite disorders. In that, I seek the support of this Council (Applause). In Rae Bareilly, at the instance of political agitators, the mob had cried that the British Raj was coming to an end, and Mr. Gandhi will be the King. The Government must proceed at least under the ordinary law of the land against those who are guilty of such conduct (Applause). We have prosecuted wherever we could, but prosecutions are getting very difficult, because witnesses are being intimidated, and still we have always advocated prosecution under the ordinary law. But our policy has been challenged by one Hon. Member who was rather unduly harsh. Our

instructions to the Local Governments dated 28th January of this year are mainly as follows;—(1) To keep the closest possible watch on the attempts made by the Non-Co-operators to spread disaffection among the laboring classes; (2) to initiate early legislation, wherever necessary, as in matter of tenancy; (3) to conduct propaganda by giving the widest publicity to the intentions of the Government; and (4) to rigorously prosecute under the ordinary law of the land all persons making seditious speeches and inciting people to violence. It is quite true that Mr. Gandhi himself is an idealist and a visionary. He does advocate or profess to advocate non-violence. But are his coadjutors actuated by the same motive? Now, take the cases of the two prominent Mubammadans. Has it not even been said that the invasion of this country had been foretold within a short time from outside in which Mahammadans inside this country are to aid? There has been social boycott and reduction of soldiers. In such circumstances, is it not right that the Government should take such action that will be necessary to the preservation of public tranquillity? Are we to stand aloof and allow these incitements to go on merely because we are accused of repressive measures? Sir William referred to the recent happenings in the Punjab, Madras, Bihar and the United Provinces, and pointed out that in all these cases Local Councils had approved of the action taken by the respective officers. He said that the Government's policy was this—to meet the legitimate demands of the people, strengthen Moderate opinion, make the Reforms a reality, remove agrarian and other grievances, go out of our way even at the sacrifice of efficiency in order to satisfy legitimate demands. But, at the same time, where we have disorders and excitement either direct or indirect we should punish them. Now, I want this Assembly to support me in the announcement of this policy of the Government.

After this there was a long debate on this point, some members urging Government to withdraw their repressive policy while others whole-heartedly supported it. Mr. Rangachariar made a firm stand against the Govt and moved an amendment that Local Governments be not given a *carte blanche* in repression. This, however, was withdrawn and finally an amendment moved by Mr. O'Donnell, the Home Secretary, that "the Govt. should adhere to its policy as announced to the Assembly this day, and as far as possible avoid resorting to any proceedings under exceptional legislation in dealing with the N.C.O. movement" was put and carried amidst some cries of "No".

The Council of State

DELHI—23RD. MARCH 1921

On March 23rd the Council of State also met to discuss the Finance Bill. The Secretary placed on the table the Bill as passed by the Assembly. Some minor amendments were carried, one most debated being the postal rate on letters, Mr. Sethna's motion, that a one-anna letter be charged 9 pies, and for a letter between one and two and half tolas the charge be one anna, was accepted by the Finance Secretary on behalf of the Govt. Another motion of Mr. Khaparde altering rates on registered newspapers was also passed. The Finance Bill as amended was then finally passed.

Next day, March 24th., on the Council reassembling, Mr. Raza Ali moved a resolution recommending to the Governor-General in Council to convey to His Majesty's Government, through the Secretary of State for India, the considered opinion of the Council that any attempt made in certain quarters in England to place obstacles in the working of the Government of India Act, 1919, in accordance with the wishes of the people of India, was calculated to endanger the new regime.

After a short debate it was pointed out by many members that such a recommendation was useless and unnecessary and eventually it was withdrawn.

Mr. Khaparde moved that a Committee of the Council be appointed to examine the recent distribution of portfolios among the Members of the Viceroy's Executive Council and to make recommendations. The resolution was negatived.

Dr. Ganganath Jha moved that steps be taken towards the appointment of a Committee of lawyers and Sanskrit scholars to consider the advisability and possibility of codifying the Hindu Law as administered by the British Courts of Justice and to advise upon the desirability of introducing such changes as may be consistent with the text of Hindu Law. He said that the existing application of Hindu Law was not in strict accordance with texts of Hindu Law. It was desirable, therefore, that a system should be evolved out of the existing conflicting rulings on Hindu Law. He knew of the great and complicated task which he asked the Government to undertake. But he pressed it as it was important.

On Dr Sapru opposing the resolution was withdrawn.

Mr. Lallubhai Samaldas moved that the following rule under Section 43 (1) of Act V of 1918 be sanctioned for the ascertainment of the total taxable income of an assessee carrying business in two or more places in the same or in different provinces. On Govt. agreeing to the spirit of the resolution, it was withdrawn.

Mr. Maung Po Bye moved a resolution recommending the desirability of establishing Peace and Vigilance Committees in all towns and villages to render active assistance and advice to the Government for the prevention and putting down of riots, disturbances, unrest and sedition. The mover said that this step would keep the people in touch with the position of the Government and make them realise where they could come into conflict with the law.

Mr. Khaparde moved an amendment saying that these Vigilance Committees be elected by either municipalities wherever they existed or by Taluq Boards. He said that the sphere of these committees was to keep the public and the Government informed of either's position, and thus avert unforeseen and undesirable develop-

ments. These committees must be elected, if they had to serve any useful purpose.

Sir William Vincent said that such a course would do more evil than good, and several speakers pointed out that some of the local bodies were in the hand of the non-co-operators.

Mr. Khaparde's amendment was put and lost.

Mr. Maung Po Bye, replying to the debate, said that his motion was not directed against the Non-Co-operation movement, but merely sought to invite the attention of the Government to the usefulness of such committees in Burma wherefrom he came. He was willing to withdraw if the Home Member would forward to the Burma Government a copy of the debate on this resolution. Sir William Vincent promised to send a copy to the Burma Government and not to other Governments.

The resolution was thereupon withdrawn.

The Legislative Assembly

On March 24th the Legislative Assembly met to consider the Finance Bill as amended by the Council of State. At the outset strong objection was taken by several members that the Bill as passed by the Assembly was further amended by the Upper Chamber. Mr. Ginwala raised the constitutional question as to whether the Upper Chamber had any power to make amendments to the Money Bills passed by the Assembly. After a good deal of strong criticism of the Council of State, on the suggestion of Mr. Hailey the House adjourned for one hour and the President withdrew and there was an informal discussion over the matter. On the House re-assembling Sir Sivaswami Iyer asked the members to proceed with the question from a practical point of view. If the Assembly refused to pass the Bill because of the amendments made by the Council of State and the latter refused to pass the Bill as accepted by the Assembly, there would be a dead-lock, and then the only course left was for the Viceroy to use his veto. Was the House prepared in the first year of its existence to make a recommendation to the Viceroy that they were not able to work the new constitution without friction? He urged for a compromise. The House agreed to this and the Bill as amended by the Council of State was taken up for consideration. Dr. Gour wanted again to throw up the Council of State's recommendation for a nine pies letter and replace it by a clause that half anna be charged for a half tola letter. Mr. Hailey observed that the best course was to pass the recommendations of the Council of State as they were and to allow the Government to introduce half anna for half tola separately

by executive order. This was agreed to and finally the Bill as amended by the Council of State was passed.

On the 26th Mr. Bagde moved for the appointment of a Committee to consider the question of the codification of Hindu Law and, if possible, to prepare a draft for submission to the Indian Legislature.

Dr. Sapru, on behalf of Govt. opposing, said that the Govt's position in the matter was this:—They would address the Local Governments, various High Courts, Bar Libraries and Legal associations as to whether in their opinion the time had arrived for the codification of the whole of Hindu Law and, if so, on what lines and by what means. Until the Government had obtained their views, it would be impossible to give a more decisive or more affirmative reply. Mr. Bagde then withdrew his resolution in view of the Law Member's assurance.

Civil Appeals

Dr Gour then moved that early steps be taken to establish a Court of ultimate appeal in India for the trial of civil appeals now determined by the Privy Council in England and as a court of first appeal against convictions for serious offences occasioning failure of justice. In a long speech Dr. Gour traced the history of the Courts of Appeal and made long references to existing practice in other countries and the British Dominions. He emphasised that he had no intention of destroying the Judicial Committee of the Privy Council or in any way limiting the King's prerogative. What he wanted was a final Court of Appeal in India leaving it to the suitor to bring his case either before the Privy Council or the Court proposed and thereby lighten the work of the Privy Council.

Dr. Sapru moved the following amendment that for the words "to establish a Court of ultimate appeal in India for the trial of all civil appeals now determined by the Privy Council in England and as the Court of First Appeal against convictions for serious offences occasioning the failure of justice" the following be substituted, namely, "to collect the opinions of the local Governments, the High Courts and other legal authorities and to ascertain public opinion generally as to the desirability of establishing a Supreme Court of Appeal in India for the trial of civil appeals and its relation to the Privy Council and as to whether such a Court of Appeal should also have any jurisdiction in regard to criminal cases."

Dr. Sapru pointed out that Dr. Gour's resolution could not be accepted by the Government without carefully examining the whole position by eliciting the opinions of various learned bodies. The questions raised by Dr. Gour were of such a far-reaching

character that opinions of legal bodies etc., were necessary before taking action thereon. The resolution as amended was carried.

The Council of State.

On March 26th after the passage of certain official bills, such as the Calcutta Universities Bill, which were passed by the Assembly, Mr. Rangaswami Iyengar moved a resolution urging the extension of amnesty to Savarkar Brothers. The resolution was negatived.

The Arms Act.

Lala Sukhbir Singh moved that all Magistrates and Members of the Provincial Legislative Councils, the Assembly and the Council of State also be exempted from the operations of the prohibition and restrictions contained in the Arms Act. He said that the U. P. Council had passed a much wider resolution on this subject. He asked, was it not in consonance with the dignity of this House to accept a resolution of such narrow applications?

On the motion of Sir Maneckji Dadabhoi who supported, the resolution was put in parts, and exemption in the case of Magistrates was carried, sixteen voting for and fourteen against. Exemption in the case of the members of Local Councils was lost, while in the case of members of both the Houses of Indian Legislature, exemption was agreed to by a majority, the Government members voting against it.

Reparations to India

Mr. Kale moved that the Secretary of State be moved to secure for this country through His Majesty's Government an adequate share of indemnities and reparations to be obtained from Germany. He said that India was a member of the League of Nations. It had contributed to War both in men and money, and out of the 22 per cent share of the British Empire India should get a sum consistent with her sacrifices.

This was carried unanimously.

The Legislative Assembly

On March 28th the Legislative Assembly met for the last time to transact business in the winter session. The most important business on the agenda was the resolution on the Esher Report.

Dr. Sapru made a very important statement absolutely denying the alleged bombardment of Najafi Ashraf and giving details of the steps taken to exact fines of 3,000 rifles from the city.

Dr. Sapru also stated that Nujjatul Islam Hazarat Sharif Asphane died of old age and not from any other cause.

Mr. Lathe introduced a Bill to amend the law relating to the emoluments claimable by Watandar Hindu priests.

The Army in India.

Sir Sivaswamy Iyer then moved the first of a long series of resolutions embodying the Assembly Committee's Report on the Esher Committee's recommendations. He moved: "That this Assembly recommends to the Governor General in Council that the purpose of the Army in India must be held to be the defence of India against external aggression and the maintenance of internal peace and tranquility. To the extent to which it is necessary for India to maintain an Army for these purposes, its organisation, equipment and administration should be thoroughly up-to-date and, with due regard to Indian conditions, in accordance with the present day standard of efficiency in the British Army, so that when the Army in India has to co-operate with the British Army on any occasion there may be no dissimilarities of organisation, etc., which would render such co operation difficult for any purpose other than those mentioned in the first sentence. The obligations resting on India should be no more onerous than those resting on the Self-Governing Dominions and should be undertaken subject to the same conditions as are applicable to those dominions. (b) To repudiate the assumption underlying the whole Report of the Esher Committee, (1) that the administration of the army in India cannot be considered otherwise than as part of the total armed forces of the Empire and, (2) that the military resources of India should be developed in a manner suited to Imperial necessities."

Sir Sivaswami Iyer, speaking on this resolution, traversed the ground occupied by his fifteen resolutions, which formed the recommendations of the Assembly Committee. He pointed out the difficulty of the Committee in going through all recommendations of the Esher Report in the course of the six days at its disposal. The Assembly Committee felt that the Esher Committee took unduly restricted view of their terms of reference inasmuch as they did not touch the strength and composition of Army, financial effect of their report, methods of recruitment to commissioned ranks of the Indian Army, and the best way of giving effect to the natural aspiration of the people of India to play an honourable part in the defence of the country, and the ratio of British to Indian troops. The Army Committee confined itself to the contentment and efficiency of the army. The result of the Committee's Report was that it created disappointment and alarm with regard to fiscal burdens and with regard to the question of the national claim for self-defence. However, the Assembly Committee had attempted to put forward constructive proposals, but for want of time they could not deal with

auxiliary services such as medical and engineering. The speaker here expressed his surprise that as announced by the Chancellor of the Exchequer some days ago, an Army of 340 thousand would cost England only 69 millions, while an Indian Army at far lower figure would cost India 58 crores of rupees. His resolutions dealt with a most important point, that of the purpose for which the Army in India existed. He would make it clear that not a single pie should be spent on the Indian Army except to keep internal unrest, and to ward off external aggression and that for this purpose the efficiency of the Army would be the same as that of the British Army. India did not desire to shirk obligations. Let them be the same as those rested upon the Self-Governing Dominions. The speaker deprecated the idea underlying the whole of the Esher Report that the Indian Army be developed suitable to Imperial necessities and that its administration could not be considered otherwise than part of the total armed force of the Empire. He was glad that there was little difference on this point between him and Sir Godfrey Fell.

The second resolution standing in his name specified the purpose for which the Army was maintained. It urged that the Indian Army should not be used outside India except in the case of grave emergency affecting the Empire. Thus the Indian Army could not be used for offensive purposes, and they had inserted a proviso making it permissible for the employment of Indian troops for garrison purposes at home expenses. Although this proviso was objected to by certain Members of the Assembly Committee, it was insisted upon at the instance of Dr. Gour who convinced other Members that the employment of Indian troops for garrison duty would furnish Indian soldiers with valuable experience of war in other countries and under different conditions.

The third resolution intended to place the portfolio for defence under a Civilian Member of the Executive Council. This was a step towards the assimilation of Indian and English systems by maintaining the supremacy of the civil over the military power. The absence of Responsible Government did not preclude India from following the example of England in this respect. Moreover, this was consistent with the approach of India towards Self-Government, and without interfering with the prestige and dignity of the Commander-in-Chief, it would relieve him of the great burden falling upon his office. The Assembly Committee also emphasised that to secure unity, the Surveyor-General should be a Civilian Member of the Commander-in-Chief's Military Council and that production and provision should not be entrusted to a Civilian Member of the Executive Council, as this would unjustifiably strengthen the Army element on the Executive Council.

The fifth resolution dealt with the appointment of the Commander-in-Chief, Army Commanders and Secretary to the Military Department, India Office. In all these cases, the Government of India and the Secretary of State should be consulted when appointments were to be made, and the Military Secretary, India Office, should be ex-officio Deputy Chief of the General Staff, and not under orders of the Chief of the Imperial General Staff.

The sixth resolution proposed to subject the direct right of the Commander-in-Chief's correspondence with the War Office to restrictions that it did not commit the Government of India to any pecuniary obligations and any military policy which had not been decided by them. He pointed out that the right of restricted correspondence was allowed, as the Committee had been satisfied that it resulted in the expedition of work. It was a harmless and business-like proposition.

The seventh resolution wanted free admission of Indians into commissioned ranks, including military, naval, air forces, auxiliary services such as Medical and Engineering, and for this purpose, to begin with twenty-five per cent of the King's commission be granted every year to Indians. There was a feeling in the country that the Government had not in the past given a fair chance to this experiment, and whatever Indians were recruited, were taken from the aristocratic class. To make this experiment a real success, educated middle classes be freely admitted to commissioned ranks.

The eighth resolution wanted an Indian Sandhurst. The Assembly Committee was told by Sir Godfrey Fell that even if 25 per cent commissioned ranks were given to Indians, the number of these candidates would not exceed 12 or 15 in the beginning. Thus the immediate establishment of Sandhurst here would be extremely expensive owing to the very small number of candidates. The Committee, therefore, agreed to ask the Government to establish Sandhurst as soon as the number of Indians increased.

The ninth resolution urged that in the interest of economy, the pay of commissioned ranks be fixed on the Indian basis with overseas allowance in case of both Indians and British when serving overseas. He was afraid that the Indian Civil Service to which they were grateful for many things had set the bad model of most costly service. This bad example was even followed by all other services thereby raising the standard of living. However, retrenchment could only be effected by forming an adequate Territorial Force on attractive conditions by introducing a system of short color service and by gradually reducing the ratio of British to Indian troops.

The tenth resolution intended to remedy the great heart-burning

among the Indian intelligentsia when their ranks in the Indian Territorial Force differed from those of the members of the Auxiliary Force. Mr. Spence was afraid that although the Territorial Force had been established, its provisions could not inspire confidence. Therefore, all distinctions between two sister services be removed by giving the same ranks to members of both services. Then, again, there should be no interchange of officers between the British and Indian services, provided this did not interfere with the proper administration of the Indian Army according to India's needs.

The next demand was that economy be effected by the reduction of ministerial and clerical staff at Army headquarters.

The fourteenth resolution that stood in the speaker's name recommended for the appointment of a Committee to examine and report those points which had not been touched by the Esher Committee, such as Indian aspirations, financial capacity of India to bear the military burden, claims of equal status with other Dominions and the method of recruitment to commissioned ranks of the Army. But in view of the Non-Co operation movement and soul-force and the attitude of Muhammadan leaders to welcome an Afghan invasion, and in view of the Bolshevik menace, the Assembly Committee had thought it fit to recommend that such a Committee be appointed only when external and internal conditions were favourable. Speaking on Indian representation on the Esher Committee, Sir Sivaswami Iyer said that Sir Umar Hayat Khan was, as rightly described by some of his friends, a friend of all countries but his own.

The last resolution asserted that 'Anglo Indians' were included in the term 'Indian' in all of his resolutions.

Sir Sivaswami Iyer expressed the great sense of humiliation which the Indians felt in having all through been treated in the Army as hewers of wood and drawers of water. He appealed to the characteristic phase of British policy to do the right things at the right time by following a line which would restore the emasculated nations to its full vigor and further add to the efficiency and contentment of the Indian Army.

An Amendment proposed by Mr. Reddier to the 1st resolution was defeated. The third resolution of Sir Sivaswami that the Commander-in-Chief should not be in the Executive Council met with considerable opposition led by Mr. Seshagiri Iyer and Dr. Gour and was finally defeated. An Amendment moved by Mr. Renouf of Punjab to the 7th and 8th resolution of Sir Sivaswami, adding the following clause, "that in granting the King's Commissions, after giving full regard to claims to the promotion of officers of the Indian

Army who already hold commissions of His Excellency the Viceroy, the rest of the commissions granted be given to cadets trained at Sandhurst" was carried by 30 to 29 votes.

Mr. Jawar Saran moved an amendment to the 8th resolution on Indian Sandhurst—"That, as soon as funds be available, steps should be taken to establish in India a Military College such as Sandhurst and the desirability of establishing in India training and educational institutions for other branches of the Army should be steadily kept in view."

The Commander-in-Chief accepted the amendment, and promised to start a College at Dehra Dun for the education of young Indians, particularly sons of Indians officers in service, as soon as funds would permit. The resolution as amended was then carried.

After a large number of amendments had been moved and lost, Sir Sivaswamy's other resolutions were passed.

Mr. Samarth moved the last resolution on the agenda that the Assembly expressed no opinion on such recommendations of the Report of the Esher Committee as had not been dealt with in foregoing resolutions.

Sir Godfrey Fell opposed this most strongly. He said that the Report had been before the country for several months. The Select Committee of the House had criticised and even damned the Report. Was it now fair for the mover, who was himself a member of this Committee, to turn round and say that they had not expressed an opinion on their recommendations? The Government of India had specially asked the Secretary of State to withhold action on the Esher Report till the Assembly had expressed its opinion on it. Was it in accordance with the traditional generosity of Indians to now turn round and disclaim responsibility for the rest, especially when the Government had given them opportunity to express opinion on any recommendations of the Committee?

Mr. Samarth, replying, said that he could not understand the reasons for the outbursts of Sir Godfrey Fell when the Select Committee itself had stated that for lack of time, they could not examine all parts.

The resolution was carried almost all non-officials voting for it. Next day, March 29th, both the Houses met in the morning and the Viceroy, Lord Chelmsford, prorogued the first session of the Reformed Indian Legislature and bade farewell to them.

The Central Legislature.

SEPTEMBER SESSION.

The Second Session of the Central Legislature was held at Simla in September 1921. The new Viceroy Lord Reading addressed a joint sitting of the two Houses on September 3rd. In the course of a long speech His Excellency referred to the more important of the problems that faced the country. He first referred to the coming visit of the Prince of Wales and hoped that India would accord to His Royal Highness a fitting welcome. He next turned to the Munitions case scandal and paid a high tribute to Sir Thomas Holland (See Vol. I, p. 259). Turning to the Afghan treaty and the affairs of the frontier, he expressed satisfaction at the progress of operations. His Excellency then continued :—

Turkey.

"Unhappily, Greece and Turkey are still at war, notwithstanding the strenuous efforts of the Allies and notably of His Majesty's Government to effectuate a settlement of the grave disputes between these two countries. My distinguished predecessor, Lord Chelmsford forcibly and persistently represented the views of the Indian Moslems to His Majesty's Government, and to the best of my capacity I have pursued and shall pursue the same course. It is also well known that the Secretary of State for India has laboured most loyally and strenuously to persuade the Allies to adopt a policy more in consonance with the opinion of India. I dare not, at this moment when operations of war are proceeding, hazard an opinion as to the future. But I may express my fervent hope that a treaty of peace may soon be concluded on terms which will be reasonably satisfactory to Turkey and also to Indian Moslem opinion. May I also observe that differences between some portions of the Moslem population that hold extreme views and the rest of Indian Moslem opinion do not strengthen the representations which I may make to His Majesty's Government in order that we may bring about a settlement satisfactory to Moslem opinion in India (Applause.)

League of Nations.

"It is some consolation in these days to turn from the contemplation of warlike operations to the labours of the League of Nations. India took its stand from the first for the League, which in my judgment gives the best hope of preventing future wars.

The creation of a permanent International Court of Justice is one step and not an unimportant step in the settlement of disputes by the arbitrament of reason, and in this connection I am pleased to be able to inform you that His Majesty has been graciously pleased on behalf of India to ratify the acceptance of the statute for the constitution of a permanent Court of International Justice which was accepted by the representatives of India on the Assembly of the League of Nations. The Judges of the Court will be elected by the Assembly of the League of Nations and by the Council from lists of persons nominated by national groups representing the various nations which have accepted and ratified this statute. In appointing this national group for India my Government have endeavoured to elect persons of the highest reputation and competency, and I am confident you will agree with me that Mr. K. Srinivasa Iyengar, now a Member of the Executive Council at Madras, Mr. Justice Rankin, Judge of the High Court of Calcutta, Mr. S. Hassan Imam, Barrister-at-Law, Patna, and Sir Thomas Strangman, Advocate-General in Bombay, who have accepted the appointments as members of the national group to fulfil these conditions. Their duties will be to nominate persons from whom the Judges of the Court will subsequently be elected. The Court will have jurisdiction in cases of disputes between members of the League which the members agree to refer to it and also in international disputes, in Labour cases and in transit and communication cases.

The Imperial Conference.

"I have followed with the deepest interest the events at the Imperial Conference in London where India had the good fortune of being represented by the Secretary of State, the Maharaja of Cutch and the Right Hon. Srinivasa Sastri, one of His Majesty's Privy Councillors. Although they were not able to achieve all they wished, it cannot be doubted that they have secured a notable recognition of the status of Indians in the Empire. It may be a tardy recognition, but it established beyond all question and authoritatively by the conclusions of the Premiers assembled at the Imperial Conference, with one dissentient, the equal status of Indians in the Empire. Secondly, the attitude of His Majesty's Government and their recognition of this principle will mean that it will be applied in other parts of the Empire which are not under Dominion Government and notably in East Africa. In India we cannot but rejoice at these conclusions notwithstanding that we deeply regret that the representatives of South Africa felt themselves unable to accept them. We must not close our eyes to their

difficulties. These are of a special character, but we must continue our efforts to bring about a recognition in South Africa. Assuredly we need not be discouraged by the result at the Imperial Conference. Indeed we should be stimulated to continue our labours and I give you my assurance that I will strive to the full extent of the power and ability I may possess to obtain the recognition in South Africa and elsewhere of the principle accepted by the other Dominions and His Majesty's Government and to secure that it shall be so interpreted as to satisfy Indian pride and patriotism. I cannot pass from this subject without expressing gratitude to the representatives of India who represented the interests of Indians so ably and eloquently. I have read with great pleasure the reports of the reception of the Maharaja of Cutch and Mr. Sastri. It is beyond doubt that they have raised the status of Indians in the Councils of the British Empire. They have contributed to the appreciation of the intellectual capacity, the graceful courtesy and the sensitive responsiveness of Indians and have made a deep impression upon all with whom they have come into contact in England and elsewhere."

The Moplah outbreak.

Turning to Moplah outbreak, H. E. said :—

"I trust, I need not assure you, that having passed my life in the profession of the law and steeped as I am in the Liberal traditions of England, I would never proclaim martial law unless I was convinced that it was absolutely necessary for the security of the country and for the safety of the population in the disturbed areas. In my judgment, I should have failed in my duty if I had not taken this step in the emergency that arose and had not given to the local Government all the assistance and support that could be rendered in quelling the uprising of the Moplahs and in protecting innocent citizens against the criminal acts of a violent mob. We must, however, be careful to view those disturbances in their proper setting. It would be rash, and in my view wrong, to assume that this rising is to be taken as symptomatic of the condition of the whole of India. It must be remembered that this district has always been a storm centre and serious disorders have occurred in the past. I shall not enter into a lengthy discussion of the events and conditions that led to this serious outbreak, which may be said without an exaggeration of language to have assumed the character of a rebellion. Because I am well aware that you will have opportunities of discussing these matters in the course of your debates, I shall only make some general observations for your consideration. It is obvious from the reports received that the ground had been carefully prepared for the purpose of creating

an atmosphere favourable to violence and no effort had been spared to rouse the passions and fury of the Moplahs. The spark which kindled the flame was the resistance by a large and hostile crowd of Moplahs, armed with swords and knives, to a lawful attempt by the police to effect certain arrests in connection with a case of house-breaking. The police were powerless to effect the capture of the criminals and the significance of the incident is that it was regarded as a defeat of the police and therefore of the Government. Additional troops and special police had to be drafted to Malabar in order to effect the arrests. The subsequent events are now fairly well-known, although it is impossible at present to state the number of the innocent victims of the Moplahs. These events have been chronicled in the press and I shall not recapitulate them. The situation is not to all intents and purposes in hand. It has been saved by the prompt and effective action of the military and by naval assistance for which we are really grateful, although some time must necessarily elapse before order can be completely restored and normal life under the civil Government resumed. But consider the sacrifice of life and property. A few Europeans and many Hindus have been murdered, communications have been obstructed, Government offices burnt and looted, and records have been destroyed; Hindu temples sacked, houses of Europeans and Hindus burnt. According to reports, Hindus were forcibly converted to Islam and one of the most fertile tracts of South India is threatened with famine. The result has been a temporary collapse of civil Government. Offices and courts have ceased to function and ordinary business has been brought to a standstill. European and Hindu refugees of all classes are concentrated at Calicut and it is satisfactory to know that they are safe there.

The Responsibility

"But, apart from direct responsibility, can it be doubted that when poor unfortunate and deluded people are led to believe that they should disregard the law and defy authority, violence and crime must follow. This outbreak is but another instance, on a much more serious scale and among a more turbulent and fanatical people, of the conditions that have manifested themselves at times in various parts of the country and, gentlemen, I ask myself and you and the country generally what else can result from instilling such doctrines into the minds of masses of the people? How can there be peace and tranquillity when ignorant people, who have no means of testing the truth of the inflammatory and too often deliberately false statements made to them, are thus misled by those whose design it is to provoke violence and disorder. Passions are,

thus easily excited to unreasoning fury. Although I freely acknowledge that the leader of the movement, to paralyse authority persistently and as I believe in all earnestness and sincerity, preaches the doctrine of non-violence and has even reproved his followers for resorting to it, yet again and again it has been shown that his doctrine is completely forgotten and his exhortations absolutely disregarded. When passions are excited as must inevitably be the consequence among emotional people, to us, who are responsible for the peace and good government of this great Empire and I trust to men of sanity and common sense in all classes of society, it must be clear that the defiance of the Government and constituted authority can only result in widespread disorder, in political chaos, in anarchy, and in ruin. There are signs that the activity of the movement or at least of one section of it, may take the form of even a more direct challenge to law and order. There has been wild talk of a general policy of disobedience to law, in some cases, I regret to say, accompanied by an open recognition that such a course must lead to disorder and bloodshed. Attempts have even been made by some fanatical followers of Islam to educate His Majesty's soldiers and police from their allegiance,—attempts that have, I am glad to say, met with no success. As head of the Government, however, I need not assure you that we shall not be deterred one hair's breadth from doing our duty. We shall continue to do all in our power to protect the lives and property of all law-abiding citizens and to secure to them their right to pursue their lawful avocations and above all we shall continue to enforce the ordinary law and to take care that it is respected. It is the manifest duty of every loyal subject of the King-Emperor, just as it is the interest of all who wish to live peaceful lives with a security of protection against violence and crime, to oppose publicly a movement fraught with such dangerous possibilities and to help the officers of Government in their task of preventing and suppressing disorder. And all this time I and my colleagues are ready and anxious to do all that is possible to allay legitimate discontent and to remedy the grievances of the people of India. I am free to admit that there are grievances to be remedied and we are constantly directing our attention to devising the proper remedies for this purpose, and I am well aware that we can rely upon your assistance in this and future sessions for you to sit here to mirror public opinion, and I and my Government will continue gladly to welcome the help you may give to us."

Then referring to the Press Act which was going to be repealed in that session, His Excellency said :—

"There is however one part of the report upon which I think it is necessary to make some reservation and that is in relation to the

protection hitherto afforded since 1910 to ruling Princes against seditious attacks upon them in newspapers published in British India. If the Press Act is repealed it may become necessary to consider what form of protection shall be given to them in substitution. I will not pursue the subject now but it will doubtless be discussed at a later stage. The Repressive Laws Committee, another committee of a very similar character, has recently made a careful examination of certain laws and regulations which confer extraordinary powers on the executive Government. Their Report will shortly be published and I trust that it will command your approval and that of the country at large. I cannot make an announcement regarding the Legislative measures that will result from the committee's labours as they have not yet been considered by my Government, but I think I may safely state that a number of laws popularly regarded as infringements of the liberty of the subject will in all probability be repealed. The consideration of this subject brings me not unnaturally to the cases of the 86 men sentenced in connection with the Punjab disturbances of 1919 who are still in jail. I wish it had been possible for me to-day to have announced my decision to you, but I am not yet quite ready to declare it. I confess that when I undertook myself to examine each of these 86 cases I under-estimated the labour involved and I did not sufficiently realise the constant demands upon my time consequent upon the responsibility of the position I occupy. Unexpected events happen and decisions must be made immediately and I am sure that I need not remind you of the unexpected incidents that have happened during my short period of office."

After referring to the Fiscal Commission which was going to sit from the next month and the great industrial unrest and the formation of Trade Unions all over the country, His Excellency then touched on the insulting behaviour of Europeans towards Indians in their own country, and said :—

Racial Antagonism

"The evidence of strong racial antagonism, that to some extent prevails, has caused me the greatest concern since my arrival in India. Regrettable incidents have come to my notice on both sides. At the same time, I am far from asserting that the fault is all on one side. It seems to me that, among the factors contributing to this unhappy racial tension, instances of violence and discourtesy by Europeans against Indians, which occur from time to time, although in truth I believe infrequently, cannot be overlooked. There is in general, I venture to assert, no ground of complaint to be made, but any instance of incivility attracts far more attention

than the usual and infinitely more numerous instances of courtesy by Europeans to Indians. Neither can it be said that the results of the trials of Europeans concerned in criminal cases arising from acts of violence or from improper conduct have always given satisfaction to the public. I have been made aware of a very prevalent feeling amongst Indians that in such cases strict justice does not always result when a European is concerned and it cannot be said that the result of such trials always satisfies the public conscience. In particular my attention has been directed to the differences in the legal procedure applicable to Europeans and Indians. Local Governments have been consulted and an opportunity will be taken during the course of the present session to lay before you the proposals of my Government as to the steps which should be taken for further examination of this question, and I trust that in the result means will be found to satisfy public opinion, that justice will be done both to Europeans and Indians."

After congratulating the Legislature on the wisdom it had displayed at the last session, and eulogising the patriotic service of the members, His Excellency concluded his speech.

The Legislative Assembly

SIMLA—5TH SEPTEMBER 1921

On Sept. 5th the Assembly met with a heavy agenda. After interpellations, Mr. T. Rangachari moved for an adjournment of the House to consider the Moplah situation in Malabar to which the House agreed.

Dr. Gour moved a resolution extending a dutiful and loyal welcome of address from the Indian Legislature to H. R. H. the Prince of Wales setting forth the national aspirations of the people of India as voiced by their representatives in the Indian Legislature, and appointing for that purpose a Joint Committee of both Houses on which eleven members of the Assembly would sit. The motion was well-received by the majority of the members, Mr. Agnihotri opposing it on political and economic grounds for which several speakers assailed him. The President put the resolution to the vote which was carried amidst acclamations.

Mr. Lakshmi Narayan Lal moved a resolution welcoming the Viceroy which was carried unanimously without discussion.

Parliamentary Delegation to India.

Sir William Vincent submitted for vote the grant of one lakh towards the cost of the proposed Delegation of the Empire Parliamentary Association to India during 1921-1922. The Home Member said that the Parliamentary Association contained members of all self-governing dominions and travels throughout empire to keep

itself in touch with all parts of the British Commonwealth. The necessity for seeking an early grant was due to Government's anxiety to issue an early invitation to the Delegation. Other supplementary grants were to be introduced by the Finance Member later on. The speaker informed the House that when the matter of this grant was placed before the Standing Finance Committee a desire was expressed by the body that India should also be represented on Parliamentary Association. Government communicated this desire to the Secretary of State who informed that the Association would decide India's request according to its own constitution which at present only admitted self-governing dominions, but it was hoped that when the delegation visited India it would have several opportunities of discussing the position with Indian Legislature. India had much to gain by voting a grant for the visit of the Delegation which would gain a first-hand knowledge of a practical form of the capacity, industry and one of responsibility exhibited by the Indian Legislature. Money asked for would thus be well spent.

Messrs Rangachari and Joshi supported the grant, the latter emphasising that, due to objectionable attitude of South Africa towards Indians in that country, India could not extend heartfelt welcome to the South African members of the Delegation.

Mr. Spence on this pointed out that the South African attitude towards India was the added reason why South African members of the Delegation welcomed to gain the first-hand knowledge of India thus making a solution of the Indian problem in South Africa easier. The grant was put and agreed to.

Coming to the legislative business the House agreed to the addition and substitution of some members to the four Select Committees appointed at the Delhi Sessions.

The motion for the reference of the Code of Civil Procedure 1908 Amendment Bill to a Select Committee was postponed for the present on a request of the Home Member.

On the motion of Mr. Hullah, Revenue Secretary, the House agreed to commit the Bill to amend the law relating to emigration to a Select Committee consisting of Dr. Sapru, Mr. Innes, Mr. N. M. Joshi, M. C. W. Rhodes, Rai Sahib Lakshmi Narayan Lal, Mr. Bhupatiraju Venkatapatiraju, Mr. Salebboy Karimji Borodewalla, Haji Wajibuddin, Sardar Gulab Singh, Babu K. C. Neogy, Rao Bahadur T. Rangachariar and Mr. Hulla.

Another Bill to amend the Post Office Act 1898 was also introduced by Mr. Innes.

Indian Marine Act

Sir Godfrey Fell, the Army Secretary, was allowed by the Assembly to introduce the Indian Marine Act 1887 Amendment

Bill which proposed to confer on the Director of the Royal Indian Marine power to convene the Indian Marine Court for trial of a gazetted officer of the Royal Indian Marine. The power to confirm sentences awarded by such courts will however remain with the Governor-General in Council. The amendment was necessitated by delays and inconveniences involved in the present procedure of requiring previous sanction of the Governor-General in Council to the Assembly of an Indian Marine Court.

The Indian Works of the Defence Act 1903 Amendment Bill was also introduced. The amendments are purely of a formal nature and are necessitated by the recent changes in the organisation of the Army in India.

War Relief Trust.

When leave for introducing the last bill on the agenda for constituting a War Relief Trust was sought for, Government incurred an unexpected defeat, Mr. Price, who opposed the motion, carrying the majority of the House with him in favour of refusing the introduction of the Bill.

Mr. Hailey who was in charge of the Bill said it was intended that the War Relief Trust for India be constituted to take over the balances of the Great War Relief Distress Fund and the Patriots and the Indian Heroes Funds totalling 28 lakhs to be reserved as a permanent fund to relieve the trouble arising out of future military operations in which the Indian Army be employed and the remaining eleven lakhs to be allocated as a grant in aid towards the election of educational establishments which would cater solely for the children of the Indian officers and soldiers.

Mr. H. L. Price vehemently opposing characterised the Government Bill as misappropriation of funds over which the Assembly was asked to grow grass by an act of legislature. His main objection was the diversion of the fund from its original purpose especially when those who suffered in the great war were in need of help.

The Moplah Debate

Mr. T. Rangachariar who had moved for adjournment of the House in the morning then rose and commenced his remarks by giving a graphic account both historical and temperamental of the Moplahs whose chief characteristic was extreme religious fanaticism which led them to think that it was glory to die in fighting for one's faith. The past century had sufficiently shown the stuff they were made of. In fact, it was due to their murderous outrages that the Moplah Act of 1859 was passed. It was, therefore, no wonder that extreme violence had now been resorted to by these people, but to him it seemed that the District Magistrate

of Malabar had done a wrong thing in going to arrest highly respected leaders of these extraordinary people without taking with him sufficient force and without beforehand taking adequate precautions for the protection of law-abiding citizens, knowing, as the Magistrate did, that there was every chance of resistance. The result was that the District Magistrate had to retire leaving the Moplahs encouraged by their so-called defeat of the police to play havoc with the population in the surrounding villages. He was also surprised to find why Government had so long been shilly-shallying and dilly-dallying with the Khilafat agitators who had stirred the Moplahs to their present passion for violence. His great consolation, however, was that no non-Moplahs had sided with the rebels. The Government of India had, in his opinion, acted very wisely in declaring Martial Law. (Applause). But he felt bound to emphasise that too much reliance should not be placed on the authorities of Government of Madras and the local authorities, and that the Central Government should keep effective check on them to make a repetition of the Punjab affairs impossible, because he strongly felt that the officers and even Sir William Vincent were liable to lose their heads (Laughter). He criticised the action of the Civil authorities in handing the situation over to the Military before the declaration of Martial Law and demanded that whenever machine guns were used the number of casualties ought to be announced which unfortunately the Government had been all through neglecting. They also had no information as to whether medical relief was given to the wounded. Mr. Rangachariar urged that the Government of India should see that precautions were being taken to see that the bulk of the innocent population was not subjected to unnecessary hardships during the administration of Martial Law, and that local non-officials with intimate knowledge should first be consulted by the Military authorities before deciding upon any course of action.

Colonel Gidney, in a long speech directed mainly against non-co-operation, condemned the whole movement asking the Government to take effective and immediate measures to check Mr. Gandhi's revolutionary, murderous and insurrectionary propaganda which was bearing fruit in Malabar.

Mr. Subramanyam questioned the utility of lecturing the House on non-co-operation and its evils and condemning Mr. Gandhi who was not present in the Chamber. Touching the Moplah situation the speaker considered that the terms of the Martial Law ordinance were quite fair and satisfactory. He, however, desired the Government to explain as to how it was that the local authorities, the men on the spot, as they were always called who were em-

powered even to restrict certain persons from going to Malabar, how could these—in the words of Government “efficient and zealous officials”—remain ignorant of the warlike preparations in which the Moplahs were engaged in collecting arms and manufacturing war-knives? To him it was still a mystery which could only be explained by the fact that the officials were too much after things on the surface never knowing what was going on beneath it.

Sir William Vincent speaking on behalf of the Government expressed great regret that the tone of the previous speakers did not suit with the message of encouragement which the Assembly ought to send to the officers facing great difficulties. It was no use saying that the District Magistrate did not requisition the military help before-hand, for, he asked, whether the Assembly would vote a grant for these military expenses. In fact, the District Magistrate had taken with him a force which would ordinarily appear as quite sufficient to meet the situation. He was, however, glad that now the situation was well in hand although the Moplah casualties had been very heavy owing to their being absolutely regardless of life. He announced that the Government was that day issuing another supplementary Ordinance creating Special Tribunals consisting of one High Court Judge and two Sessions Judges subject to Section 401 and 402 of the Criminal Procedure Code empowering the Government of India and the Local Government to make orders in respect of the persons sentenced by special tribunals. The right of appeal to the High Court in case of all sentences of death or transportation for life or of imprisonment for a term of ten years or more was also granted. The Government of India had issued instructions about the manner in which Martial Law would be administered and were waiting the Madras Government's reply, but he asked the House to have confidence in the sense of justice and humanity of officers (Hear Hear). Instructions had already been sent to guide the officers to treat the rebels with as less severity as possible. As for non-co operation, although the political situation was dangerous, the Government's policy towards that movement could not be changed by an isolated disturbance in Malabar. However, he wanted to emphasise that there had been attempts, though unsuccessful, to tamper with the loyalty of troops which no Government could view with equanimity. Although Government did not propose any deviation from the policy laid down by the Assembly at the last Delhi session towards the non-co-operation movement, he hoped that whatever measures the Govt. would take to bring certain persons to justice, it would have the cordial support of the Assembly.

Mr. Kabiruddin Ahmed repudiated the idea that the Moplah outbreak could in any sense be attributed to the activities of the

Khilafat for, he asked, how could it be that Moplahs should attack the Hindu Temples and forcibly convert Hindus to Mahomedans which was in direct conflict with the fundamental issue of the Hindu-moslem unity which was the bedrock of the Khilafat.

Mohamed Yakin Khan observed that there was no justification for placing responsibility for the Moplah riots on non-co-operation and the party politics should not bind them to blame the other party for all the rash acts of the Moplahs.

After a few more observations from members, Mr. Rangachariar withdrew his motion.

The Council of State

SIMLA—5TH SEPTEMBER 1921

In the Council of State, Sir M. Dadabhoy gave notice of an adjournment of the House to discuss the Moplah outbreak.

On the House agreeing, Sir Maneckjee Dadabhoy then moved his resolution proposing an address of welcome to H. R. H. the Prince of Wales. Sir Dadabhoy said that a similar resolution was being moved in the Assembly to-day, and after hearing the result thereof, he would suggest names for the Committee to draft the address of welcome. This was carried.

After a similar motion of extending welcome to the Viceroy was passed, Sir M. B. Dadabhoy moved for an adjournment of the House on the Moplah disturbances and said that he had no desire to embarrass the Government or express any opinion on the action of the Madras Government in connection with the atrocities which had been committed but was representing the sentiments of the Indian nation when he said that the catastrophe that had happened in Malabar was prominently occupying the attention of the general public and every news was watched with great anxiety. They had read with horror and grief the reports of destruction of private and public property and forcible conversion of Hindus to Mahomedanism, but, as a whole, the history of the case had not been presented by the Madras Government in a collected narrative. He had expected to hear from the Home Member that for the last six months seditious agitators were preaching their doctrines to the fanatical Moplahs of Malabar and the Government had been aware of the impending danger, and he, therefore, could not understand why stringent measures of a precautionary character had not been taken by them especially when they knew that the Moplahs were collecting firearms, swords and other materials. If that had been done, they would have averted bloodshed and the loss of innocent lives that had unfortunately occurred. There was havoc and consequent con-

sternation. There were forces of disruption and disorganisation and things were going from bad to worse. The Government should take measures for their suppression and the maintenance of law and order, in all of which this Council would whole-heartedly support. He demanded from the Government the causes of the outbreak and the total number of casualties both European and Indian. Of course, he was satisfied at H. E. the Viceroy's statement that he being nurtured in the traditions of the Inns of Court, he could not have declared the introduction of Martial Law unless he was convinced of its absolute necessity. That statement put the matter beyond all controversy. But as Martial Law was a negation of the law, and with the experience of the Punjab before them, he hoped that it would not be enforced a moment longer than it was necessary and would be removed the moment peace and order were restored. He referred to the Secretary of State's despatch on the Hunter Committee Report pointing out that there were certain canons of procedure for the consideration of the Military Authorities, and, in conclusion, asked the Government to take the public into their confidence and place before it every important matter concerning the outbreak.

Sir William Vincent then made a long statement supporting and justifying the measures taken by the officers of Government and said that unless the House voted more money such wide-spread disturbances could not be more quickly quelled. After a few other members had spoken the motion was withdrawn.

Next day, September 6th, the Council of State met to transact some official business. The Home Secretary was to have withdrawn the Cr. Pr. Code and Court Fees Act Amendment Bills, but he announced that since a withdrawal would reflect on the dignity of the House, Govt. had come to the decision to let the bills remain introduced only. On Feb. 21st the motion for a joint committee of both Houses to consider the bills was passed by the Council of State but was thrown out by the Leg. Assembly. As another motion for a joint Committee could not be moved in the same session, Government had to leave the matter as it stood.

The Cattle Trespass Act Amendment Bill and a bill providing for a preliminary warning for dispersing an assembly before using fire-arms were then introduced.

The Legislative Assembly.

SIMLA—9TH SEPTEMBER 1921

The Assembly met on the 9th to transact non-official business. After interpellations Mr. Seshagiri Iyer moved for leave to introduce

a Bill to amend the Hindu Law relating to the exclusion from inheritance of certain classes of heirs and to remove certain doubts. In doing so he said that he wished to confine the measure to bringing the laws in various provinces into conformity with each other.

The Bill was allowed to be introduced by 56 against 21.

Dr. Gour moved for leave to introduce the Bill to prescribe a registered instrument merely to change the law of evidence relating to adoption and not the substantive portion to Hindu Law.

Mr. Joshi moved that the Government should take steps to introduce at an early date legislation for the repeal of the Workmen's Breach of Contract Act No. 13 of 1859 and Sections 490 and 492 of the Indian Penal Code. His motion, said Mr. Joshi, was designed to secure equality for all workmen in the eyes of the law. He wished that the existing legislation placing criminal liability on labourers for the breach of a civil contract should henceforth be done away with. His main objection was why a civil offence should be punished as a criminal offence and why this should be done in cases only of the working classes. The legislation was class legislation, providing for indentured labour, which was nothing short of slavery. The basic principle of indentured labour was criminal punishment for a civil offence and now that the Government of India was protesting against this sort of labour in other parts of the Empire, why should the Government let this labour remain on its own Statute Book?

SIMLA—15TH SEPTEMBER 1921.

After question time several official Bills were passed and then the most important items on the agenda *viz.*, the repeal of the Press Act and Mr. Samarth's resolution were taken up.

Bills to amend the Negotiable Instruments Act, Post Office Act, Indian Works of Defence Act, which were introduced on the 5th instant were all passed without discussion.

Mr. Innes was given leave to introduce a Bill to provide for the levy of customs duty on lac exported from British India.

The House gave leave to Mr. Hullah to postpone the consideration of his Land Acquisition Act Amendment Bill as passed by the Council of State.

Repeal of Press Act.

Sir William Vincent then asked for leave to introduce his Bill to repeal the Indian Press Act (1910) and Newspapers Incitements to Offences Act (1908) and to make certain provisions in regard to the liability of editors of newspapers and to facilitate the registration of printers and publishers and to provide for the seizure and disposal of certain documents.

He said that the Bill merely proposed to give effect to the recommendations of the Press Committee in 1910. The proposals of the Committee had been before the public for some time, and he hoped that the criticism against the printing of editors' names on every issue of the paper would be considered by the Select Committee when appointed. The Bill provided for the confiscation of seditious documents by the local Governments, the Customs and Postal Authorities, and that in all cases the aggrieved party had the right of final appeal to a special Bench of the High Court, the onus of proving the seditious nature of the documents falling on the Government. In the case of the Customs and Postal authorities the appeal lay first with the Local Government whose order could be further challenged in the local High Court. The High Court, in the absence of proof, shall set aside the order of the forfeiture. The bill also provided for two copies of each issue of the newspaper to be delivered gratis to the Government, failing which the offender may be punished with a fine to the extent of 50 rupees for every default. A person whose name had been incorrectly printed as Editor may make a declaration before the Magistrate within two weeks of his becoming aware of it. Then again, the term of imprisonment prescribed in sections 12, 13, 14, and 15 of the Press and Registration of Books Act shall be reduced from two years to six months. Two months provision had been made in the bill to render it unnecessary to declare a new forfeiture already made. Opportunity had at the same time been taken to make two small changes in Section (1) of the Press and Registration of Books Act to meet the inconvenience which resulted from the wording of that Section. The alterations were intended to enable a declaration under the Act to be made at the place of printing where the place of printing and publishing a paper differed, or at the place of residence of the printer or publisher, and to enable the declaration to be made through an authorised representative.

The Home Member was then given leave to introduce his Bill.

Trial of Europeans.

Mr. Samarth moved his resolution about the removal of racial distinctions between the European British subjects and Indians in the eyes of Indian Criminal laws on the matter of the mode of trial, the sentences to be passed, and the right of appeal. Mr. Samarth, after requesting the government for the allotment of a Government Day thus showing its solicitude to try to arrive at a satisfactory solution, appealed to both the Indian and European members to avoid all unnecessary heat being imported into the discussion of the question and to contribute now to arrive at an understanding by the mutual good-will. (cries of hear, hear)

from European members.) Thus, said Mr. Samarth, the first part of his resolution wanted to put right a matter which almost fifty years ago the Government itself recognised as just by giving equal status to both European and Indian members of the Indian Civil Service. The times now were too spacious to allow these invidious distinctions to continue. Mr. Samarth referred to the several anomalies which the existing system necessarily involved. For instance, an Additional Sessions Judge, if he happened to be an Indian, could not try a European although he could hear an appeal of his case against the order of a subordinate Court. Then again, the Sessions Judge and District Magistrates were restricted in the matter of the period of punishment of a European. The result was that even if a trying Judge considered that an accused deserved severe sentence beyond his competence he would naturally rather pass a mild sentence allowed to him by the law than send the case up to the High Court. The second part of the resolution, said the speaker, was comprehensive inasmuch as it required that effect be given to the interpretation of the Court of Directors in 1833 that Europeans be made amenable to the ordinary tribunals of the country both in civil and criminal cases except in the case of sentence of death as provided by the Government of India Act 1919, which provision, in fact, had been enacted and re-enacted since the days of the East India Company.

Sir William Vincent moved the following amendment to Mr. Samarth's resolution :—That, for sub-clauses A and B of the resolution, the following be substituted, namely, that a committee be appointed to consider as to what amendments should be made in those provisions of Cr. P. Code 1898, which differentiate between Indians and European British subjects, Americans, and Europeans who are not British subjects, in criminal trials and proceedings, and to report on the best methods of giving effect to their proposals.

Mr. Rangachari moved an amendment to the Home Member's amendment. After a good deal of discussion the House passed the Home Member's motion as amended by Mr. Rangachari in place of Mr. Samarth's original motion.

The motion as passed finally reads as follows :—That, in order to remove finally all racial distinctions between Indians and Europeans in the matter of their trial and punishment for offences, a committee be appointed to consider what amendments should be made in the provisions of the Code of Criminal Procedure 1898 which differentiate between Indian and European British subjects, Americans, and Europeans who are not British subjects in criminal trials and proceedings and to report on the best methods of giving effect to their proposals.

The Council of State*SIMLA—15TH SEPTEMBER 1921*

After interpellations Lala Sukhbir Sinha moved that the Provincial Governments be asked to take the necessary steps for introducing religious and moral education in all aided and Government schools and colleges. As this was opposed by a majority of members, the resolution was withdrawn.

Syed Raza Ali requested that his resolution for the removal of the highly centralised system of administration be postponed to the 17th instant. The Council agreed to this proposal.

Sir Maneckjee Dadabhoy moved "that this Council be authorised, if necessary by statute, to receive from the public petitions on all matters relating to public wrong, grievance or disability or to any act or acts of public servants or to public policy, to investigate that complaint and make a report to this Council, and that a Committee be constituted on public petitions with powers to examine witnesses and record evidence." He wanted to endow the Council with Parliamentary traditions which were bound to come sooner or later, sooner he hoped rather than later. He reviewed the position of the Council and argued that people had more confidence in the Central Legislature than in the Executive, and expressed that the members could be expected to use their power with discretion. For some time past there had been several committees appointed, consisting of non-official gentlemen, to inquire into disturbances and disorders side by side with the committees appointed by the Government, and in almost every case it had been found that the people believed more the reports of the non-official committees than those of the official committees. This fact contributed a great deal to the present discontent, and if a committee, as suggested in his resolution, was formed much of the discontent would be removed.

Mr. Craik, replying on behalf of the Government, acknowledged the moderation of Sir M. B. Dadabhoy's language and sympathised greatly with his wishes to create a Parliamentary tradition and to increase confidence of the public in the legislature. But the resolution raised several difficult questions of constitution and involved formulation of rules of procedure by which petitions should be presented. The right of petitioning the Crown and Parliament was acknowledged to be the fundamental principle of the British constitution and it was exercised from very early times when legislative and judicial functions were combined in Parliament. But at a later stage it was found that petitions for private bills began

to increase abnormally with the result that an early date of Parliament was allotted for presentation to it of private bills etc. But no debate was allowed on these petitions and in 99 cases out of 100 nothing happened and further, the Parliamentary Committee never made investigations in the practice. The right of petitioning Parliament was largely obsolete with one or two exceptions, particularly petitions for private bills and petitions on general matters of public policy. For example, the monster petition on Woman Suffrage Bill presented to Parliament was withdrawn and no action was taken. These petitions might have had a certain amount of influence on the course of the Bill relating to the subject matter of the petition, otherwise it had practically no effect whatever. The present constitutional procedure of pressing popular grievances on Government was by asking questions, moving resolutions and moving for adjournment. The practice in the Madras legislature was that petitions were received only on matters under consideration by the House. This practice could be extended without objection but no petitions on miscellaneous subjects could be received because it would encroach on the powers of the local Government and local legislature. The whole question was very important and could be fully considered only by a small expert committee and not in the full House in the course of a single debate. Government were therefore prepared to the appointment of a small committee if the House so desired.

Sir Maneckjee Dadabhoy summing up the debate said his object was to break the ice and open the debate with a view to securing to the people of this country greater liberty. He accepted readily the undertaking given by Mr. Craik and asked for the appointment of constitutional lawyers and retired High Court Judges among the members of the Committee.

The resolution was with permission withdrawn.

SIMLA—17TH SEPTEMBER 1921

Rhodes Scholarship Fund

On the 17th. Mr. Sethna moved his resolution recommending the transfer to India of the German portion of the Rhodes Scholarship Fund. Rhodes Scholarship settlement was one of the greatest benefactions by any philanthropist made at the beginning of this century. Dr. Cecil Rhodes while alive had conceived the idea that the closer consolidation of the British Empire into an organic whole was an object of supreme political importance. When he died in 1902 he left a great portion of his fortune for scholarships for capable young men from the different Colonies and the United

States of America to prosecute their studies at Oxford as this would, he thought, instill into the minds of scholars from the Colonies the breadth of view, instruction in life and manners, and the advantages of unification of the British Empire. Dr. Rhodes used to emphasize that when a man accepted citizenship of the British Empire there was no distinction between races. Dr. Rhodes had also left five scholarships for the Germans to further his idea of a closer affinity between Anglo-Saxon races, but since the beginning of the war these scholarships have been discontinued. If these scholarships were now allocated to India or, failing which, some new scholarships for India were created, that step would certainly be furthering the donor's intention and purpose. The trustees, who had a free hand in the Rhodes settlement, were statesmen like Lord Grey and Lord Milner, and Mr. Sethna hoped this opportunity would not be lost and that scholarships would be allocated to India now when there was greater necessity than ever for closer understanding between British and Indians. He hoped the Indian Student's Committee would also take up this matter.

On the 19th. after questions Sir Maneekjee Dadabhoi asked for leave to move for an adjournment of the House to consider the arrest of the Ali Brothers and others and the policy of the Government in the matter of political arrests of this nature.

Mr. Bhurgri pointed out that the cases of the Ali Brothers and the others were "sub-judice", and asked if in the circumstances leave to move the House for an adjournment was in order.

Mr. Craik replied that the Government of Bombay had decided to prosecute seven persons in all under Sections 120, 131 (B) and 505 of the Indian Penal Code. The prosecution had been launched in respect of support given by those persons to a resolution passed at the Karachi Khilafat Conference.

The President—Order, Order. The question is if these persons had been arrested by an order of the Magistrate that is in the ordinary process of law or by any special Act.

The Hon. Mr. Craik said :—Four persons have been arrested, namely, Messrs. Mahomed Ali, Shaukat Ali, Dr. Kitchlaw and Pir Gohar Mujaddid. The fifth is already in jail on another charge. Mr. Mahomed Ali was arrested by an order of the Government of Madras under the Security Section of the Criminal Procedure Code and was detained at the place where he was arrested pending the arrival of a police official who held a warrant for his arrest issued by the Magistrate of Karachi. That police officer has now arrived and consequently Mr. Mahomed Ali was taken in custody. Dr.

Kitchlew was arrested in Simla on a warrant from the Magistrate of Karachi. Mr. Shankat Ali was arrested in Bombay presumably also by the Magistrate of Karachi. There is, therefore, no question of exercising any executive action and the prosecution is not under the Defence of India Act, Regulation III, or any other special Act.

The President : The point was whether the arrests have been made in the ordinary course of law. I understand from the Hon. Member that it is so.

Sir Maneckjee Dadabhoj : Now it is perfectly clear that the arrests are under the ordinary law. I would not therefore press my motion and I beg to withdraw it.

Mr. Craik, the Home Secretary, moved a resolution 'recommending to the Legislative Assembly that a Bill further to amend the Criminal Procedure Code and the Court Fees Act be referred to a Joint Committee of this Council and of the Legislative Assembly and that the Joint Committee do consist of twelve members' The motion was agreed to without discussion.

Mr. Craik next moved for the consideration of a bill to provide that when firearms are used for the purpose of dispersing an assembly, a preliminary warning shall in certain circumstances be given. He said that it was impossible to define in a Bill what warning should be given in all cases and in all circumstances, because there might be circumstances when it would be physically impossible for the officer to give warning. The Bill was intended to give legislative sanction to what was till then an executive order. Mr. Raza Ali said that if the spirit of the executive order had been kept up, the new bill would have been unnecessary. The Raja of Dighapatia moved an amendment to insert the words "reasonable notice" which was lost. The Bill was then passed.

The Cattle Trespass Act Amendment Bill was passed without a discussion.

Mr. Craik next introduced a Bill further to amend the Criminal Procedure Code by providing for the issue, by courts in British India, of Commissions for the examination of witnesses to such courts of the Princes and Chiefs in India as are notified in this behalf and for execution by courts in British India of commissions issued by such courts.

The Legislative Assembly

The Assembly met again on the 19th for official business. A long string of questions were answered. The Carriers' Act Amendment Bill was passed and also a bill to provide for the levy of customs duty on exported lac. Mr. Hailey then introduced the

Incom Tax Amendment Bill. Dr. Gour introduced his Contract Act Amendment Bill which met slight opposition but was accepted by the majority.

On the Legislative Assembly meeting on the 20th, Dr. Gour referred in very feeling terms to the sad and untimely death of Raja Shivanandan Prasad of Monghyr and moved that 'this Assembly places on record its appreciation of the public services the deceased had rendered and that the President be requested to convey to the family of the deceased the sympathy and condolence of the Assembly.' The resolution was put and carried, all standing in silence.

Ali Brothers' Arrest.

After questions, which included a long series of enquiries regarding Dr. Gour's Civil Marriage Bill which were answered, the President announced the receipt of a notice from Mr. Kabiruddin Ahmed asking for leave to move for an adjournment of the House to discuss the arrests of certain leaders of the non-co-operation movement.

Sir William Vincent explained the circumstances under which and the offences for which Messrs. Mahomed Ali and Shaukat Ali and others were arrested, and as the cases were "sub-judice" asked the President if a discussion at that juncture was in order. The President read out the provisions of Rule 23 and after pointing out that the cases were under adjudication asked Mr. Kabiruddin Ahmed if he had any representation to make. Mr. Ahmed said that he had nothing to do with a matter which was "sub-judice."

Mr. Rangachari moved that the bill to amend the Transfer of Property Act be referred to a Select Committee. In doing so Mr. Rangachari explained the necessity of the amendment in a law by detailing the statement of objects and reasons and observed that opinions varied so much in the matter that it was better that the whole question were considered by a Select Committee. After a good deal of discussion in course of which the President's ruling was invoked to interpret the rule of the House as to the effect of sending a Bill to Select Committee, Mr. Rangachari's motion was put and negatived.

Dr. Gour moved that his Bill to prescribe a registered instrument as necessary for a valid adoption be circulated for the purpose of eliciting public opinion thereon. This too was the subject matter of a long debate, the opposition being lead by Dr. Sapru on behalf of Government with many non-official supporters. Eventually Dr. Gour's motion was put and negatived.

Putting Down Corruption

Mr. Venkatapathi Raju moved for the appointment of a Joint Committee of officials and non-officials to enquire into and report upon the best means of preserving the purity of administration in the various departments of the Government by putting down corruption, if any. He said the purity of administration was the basis of every good government and there was no use hiding the truth that there was corruption. There was no justification for Government officials to supplement their salaries by illegitimate means such as accepting presents or engaging themselves in trade because of late there had been revision and re revision of their salaries. In the railways, corruption had become a sort of systematic blackmailing in the matter of wagon-supply and sometimes ninety per-cent of goods were lost in transit. In the Public Works Department there was a good deal of unnecessary waste, and the danger was that they entirely left this waste in the hands of experts whose judgments they could not dispute. A building which really cost fifty thousand cost a lakh of rupees and the balance was a loss to the poor tax payer. This disease of corruption was contagious and it existed in almost all departments. The Punjab Government had already begun to tackle this evil by an enquiry into the methods which facilitate corruption and the Government of India should follow that example.

Mr. Bryan moved an amendment to the effect that instead of enquiry into the various departments of the Government the enquiry be confined to the railway department, and in too loud a voice urged acceptance of his amendment because corruption was on a very great scale in the Railway department and quoted the admissions of Sir George Barnes and others in support of his statement. His amendment reduced the whole matter to manageable proportions and it was better to deal with one department at a time than making a mess of the whole.

Dr. Nandlal remarked with great emphasis that all public servants including even some District Magistrates and Judges took bribes (cries of "no" "no"). Steps must, therefore, be taken to put an end to this corruption in all Government departments.

Mr. Bryant eventually withdrew his amendment.

Sir William Vincent replying assured the House that the Government was more anxious than the Assembly to see that corruption in the Government departments ceased, but the proposal for a roving commission to enquire into all departments, both Central and Provincial, was the worst remedy that could be proposed for the evil. Moreover, the departments concerned were then all under the provincial control and it would be most inadvisable to

dictate to the Local Government in matters which concerned them solely. Moreover, the Punjab Government had already appointed a Committee to report on the corruption while the United Provinces Council had deliberately refused to refer the matter to a Committee. For a successful and complete eradication of corruption what was needed was the ripening of public opinion which should not any more countenance the state of corruption.

Mr. Rangachari, while bearing evidence to the fact that every year corruption was decreasing, asked the Government to give a definite undertaking that instructions would be issued to all departments pointing out the necessity of taking serious steps to put an end to all corruption. Sir William Vincent readily agreed to undertake to issue a circular letter as desired by Mr. Rangachari and said that the Government of India would also invite the opinions of the Local Governments as to the need for any change in the existing law. The Government would emphasise to all heads of departments of the Government of India the necessity for greater vigilance over their subordinates. After this undertaking from Government Mr. Venkatapatiraju withdrew his motion.

Separation of Judicial and Executive Functions

Rai Bahadur T. P. Mukherjee moved that Judicial and Executive Functions should be separated and steps taken to appoint a committee consisting of officials and non-officials for preparing a scheme for the purpose at an early date.

Dr. Nandlal characterised the combination of Judicial and Executive functions as a remnant of medieval times. It was indeed an anomaly that a District Magistrate who issued orders to prosecute certain accused persons should himself preside over their cases on appeal.

Mr. Bishambar Nath and Lala Girdhari Lal Agarwala gave further support to the resolution, the latter suggesting that the proposed Committee should frame a scheme within one year.

Mr. J. Choudhuri moved an amendment to the effect that all Provincial Governments be asked to submit schemes for the separation in their respective provinces in consultation with the Provincial Legislative Councils and the schemes when received be submitted to a committee consisting of the members of the Indian Legislature composed of two-thirds of non-official and one-third of official members to consider and recommend measures necessary for effecting such separation.

Sir William Vincent assured the House that when the proposals of the Local Governments were received the Government of India would appoint a committee but he definitely declared that the

Government of India would offer to no Local Government any pecuniary help to effect such a separation.

Mr. Chaudhuri then withdrew his amendment.

Mr. Kabiruddin Ahmed moved an amendment that Judicial and Executive functions should be altogether separate. This was lost. The original resolution was then put and was pressed to a division. At this stage Mr. Rangachari suggested that the first part of the resolution containing the principle of separation of Judicial and Executive functions be put to the vote first. The President ruled it out of order as coming too late. The original resolution was again pressed to a division and carried, forty-six voting for and thirty-five against it.

After Mr. Mukerjee's resolution on the separation of Judicial and Executive Functions was carried amidst loud non-official applause, the question arose as to whether Mr. Jadunath Majumdar should be allowed to move the next resolution on the agenda regarding further grant of constitutional reforms both in the Central and Provincial Governments. The President pointed out that in spite of representations made to him he could not according to rules allow the discussion at such a late hour because the discussion on this important resolution which had so many amendments could not be finished that night. Several members suggested that in view of the great importance of the matter the President should exercise his discretion and following the precedence set up in Delhi about Mr. Preece's resolution on the expedition of Assembly business, allow Mr. Mazumdar to formally move the resolution that evening adjourning the discussion thereon till next day. Sir William Vincent promised that he would do his best to see if the Government could give an opportunity to Mr. Mazumdar on an official day.

On Sept. 21st. after question time Sir J. Jeejeebhoy was elected as the Deputy President in place of the Hon. Mr. S. Sinha resigned. There was a tie between him and Dr. Gour, all the officials voting for the former. The president gave his casting vote in favour of Sir Jamsatjee.

Mr. Anna Babajee Latthi then moved for the reconstitution of the Provinces of India in consultation with the various Local Governments with a view to facilitating the constitutional development of the provinces. He referred to complaints raised during the last few years for the reconstitution of the provinces on a linguistic and geographical basis and illustrated the cases of Kanara, Orissa, Sind, etc.

Mr. J. C. Nag referred to the amalgamation of Sylhet with Assam and urged for its re-amalgamation with Bengal. He moved an amendment to the effect that the re-distribution should be under-

taken after ascertaining the wishes of the people of the areas primarily concerned through the various Local Governments. This was put and carried. The discussion then turned on the principle of the resolution, namely, whether reconstitution of the Provinces was necessary. It was lost by a majority of votes.

N. W. F. Province Administration.

Sir Sivaswamy Iyer moved that the power of control and superintendence over the Judicial administration of N. W. F. Province be transferred to the Punjab High Court and that a Committee be appointed including a certain number of elected members of the Indian Legislature for the purpose of reporting whether separation of the administered districts of the North-West Frontier Province from the Punjab province has fulfilled the expectations of the Government of India from the political, military or financial point of view, or has been attended with any substantial advantage to internal administration and whether it is expedient to re-amalgamate the said district with the Punjab Province leaving under the direct control of the Government of India the political administration of the unadministered tracts on the British side of the Durand.

Sir Sivaswamy Iyer, in the course of a long, exhaustive and impressive speech which was full of facts and figures taken from official records, surveyed the administration of North-West Frontier Province during the last twenty years of its separation. He hoped that Government would not allow any false prestige to stand in the way of redressing the state of things which could only be described as a scandal (applause). Dr. Nandalal supported the resolution.

Dr. Sapru in the course of an elaborate reply challenged the scathing condemnation made by Sir Sivaswamy Iyer of the Frontier administration. The speaker, however, offered that the Government would make its own enquiry by consulting the Punjab Government and the Chief Commissioner and the Judicial Commissioner, North-West Frontier province, if they had any suggestions to make regarding the transference of Judicial administration of the Frontier to the Punjab High Court. Beyond this the Government could not go. But he expressed Government's readiness to discuss in a round table conference any matter which any member proposed to discuss with the Foreign department. The resolution was then put to the vote in two parts separately and both parts were carried by a majority.

Supplementary Grants

The Assembly met next day, the 22nd September, to vote Supplementary grants under 35 heads, the demand under all heads amounting collectively to Rs.3,43,32000.

Mr. Hailey, Finance Member, in a general review of the financial position with regard to supplementary grant said that although collectively the supplementary grants were a high figure the House would analyse every particular item and the necessity for it as explained in a short memorandum supplied to all of them. In fact the budget for the year and the possibility or otherwise of further taxation would depend very largely on the Assembly's votes in respect of the supplementary grants. So far the receipts were up to his anticipations although there was some considerable fall in customs receipts than had been forecasted. But everything depended upon the course of events of the next few months. Although his department possessed such great experts whose estimates could defy any amount of strict scrutiny, the Finance Member emphasised that he had been working in a spirit of fairness, absolutely confident that when subsequently necessity for supplementary grants arose the Assembly would honestly and fairly grant them on the merits of each case. The demands under several heads, he added, were due to inevitable increases in the pay of Ministerial Establishments and wages of labour. Concluding, the Finance Member remarked that every item of the grants had been placed before and been approved by the Standing Finance Committee of the House. He paid a great compliment to the spirit of responsibility with which this Committee had discharged its duty (applause).

The Assembly granted without discussion most of the demands made while a few raised a storm of protest. One such was the demand of Rs. 2 lakhs for enabling the Indian Students Committee then working in England under the presidency of Lord Lytton to visit India. Mr. Samarth led the opposition. He said that no useful purpose was to be served by the Committee visiting India in a question upon which the Sadler Committee had already reported. The Committee would only come to spend some months and enjoy at India's expense.

Mr. Shahani : Also tiger shooting (laughter).

Dr. Gour pointed out that the committee had already visited Oxford, Cambridge and other places in England and interviewed Indian students there, but the necessity of migration of the committee from Europe to Asia had not been justified.

Sir Sivaswamy Iyer suggested that instead of the Committee visiting India for no useful purpose it could better be asked to visit the United States, Germany or Japan to enquire how far educational facilities existed there for Indian students. The English people ought not to be insular and presume all knowledge was to be sought within the four corners of England.

After a long and lively debate the motion for the deletion of

the full grant of two lakhs for the Committee was put and carried by 46 to 37 votes. With this exception the Assembly granted all demands amounting to Rs. 341,32,000.

Mr. Majumdar's Early "Swaraj" Resolution

An important debate was inaugurated in the afternoon when Rai Bahadur Jadunath Mazumdar moved amidst applause his resolution that the Governor-General in Council may be pleased to move the Secretary of State for India in Council to take the necessary steps for ensuring the transfer from the beginning of the next Legislative Councils, of all provincial subjects to the administration of the Governor acting with Ministers, the transfer from the beginning of the next Legislative Assembly from among central subjects all subjects except the Army, Navy, Foreign and Political departments to the administration of the Governor-General acting with Ministers ; provision being made for such constitutional changes as may be necessary in that behalf on the lines of provision for the administration of transferred subjects of local Government, and the conferment from the beginning of the fourth term of the Legislative Assembly of full Dominion self-government in India.

Mr. Mazumdar said there was a general demand over the whole of the country that India should be granted full Dominion status. The British people were friendly to this aspiration, but there was difference about the means to achieve that end. All must recognise that a prosperous British Commonwealth depended upon free and contented India. He deplored that not in a single proclamation, not even in the Government of India Act, was a definite period laid down as to when full autonomy would dawn upon India. What guarantee was there that the Commission to sit after 10 years would be the first and last of its kind, and that it would not be the forerunner of Commissions *ad infinitum* ? Continuing Mr. Mazumdar said : I say to our British brethren, "We have made up our mind to get Swaraj. It will be to your glory and to your privilege to help us in winning it, and if you have really made up your mind, please no longer stand between us and the goal of our evolution."

A very lively debate then began and the whole house warmed up to the discussion when Sir William Vincent rose and moved that in view of the fact that the debate would be very prolonged and that every day the Assembly was sitting very late in the evening the debate be adjourned till September 29 on which day, after legislative business, the remaining discussion would be taken up.

The Council of State

SIMLA—22-24 SEPTEMBER 1921

On the Council meeting on the 22nd. for non-official business

Sirdar Jogendra Singh moved :—"This Council recommends to the Governor-General in Council that in so far as the recommendations contained in the report of the Sugar Committee suggest action by the Central Government, such action be not delayed by previous consultation with the Local Governments, that effect be given to the recommendations contained in the report of the Sugar Committee as early as possible, and that the Government should Foster the Industry by providing compact blocks of land for sugarcane plantations in all districts where 50,000 acres is already under cane, by providing compact blocks from waste forest lands etc., in suitable localities and by the guarantee of interest on the capital raised either in India or in England or in both for the establishment of sugar factories."

A number of amendments were proposed and several speakers opposed the resolution as it treated of a matter which came under the Provincial transferred list. The resolution was amended and finally carried as follows :—"That in so far as the recommendations contained in the report of the Sugar Committee suggest action by the Central Government, such action be not delayed, and that as far as possible effect be given to the recommendations of the Sugar Committee's report as early as possible and that the Government should foster the Sugar industry."

Indians in East Africa

Mr. Lalubhai Samaldas moved that "all necessary steps be immediately taken to secure effect being given to the policy of equality of status for Indians in East African colonies and protectorates in every respect as laid down in the Government of India's despatch on the subject."

After giving the history of India's trade with South Africa in early days, the preferential treatment to White settlers there, the gradual change of official attitude, specially mentioned in the Milner despatch and the Indian agitation, he said that the Indians, however, continued their agitation and the Europeans were now enlisting the support of the South African Dominion and of General Smutts. They raised the cry of segregation on the ground that their contact with Indians would lead to their morality being spoiled. Indians, it must be remembered, had a clean sheet as regards land grabbing and their morals could stand comparison with any race in the world. Indians were asking nothing more than mere equality of status when they asked for the franchise of a common electoral roll, the right of acquiring land in open competition, including the so-called highlands, and the right to live in any part of the town. He, therefore, appealed to British friends in the Council and to non-official Englishmen outside to do their level best to remove all misunder-

standings. Unless there was equality of status the present strain on India's loyalty would reach the breaking point. Equality of rights was recognised by the Imperial Conference and the Government of India must make a spirited move in securing it to Indians in the Colonies.

The Council of State met again next day, the 23rd September, when the discussion was taken up on Mr. Lalubhai Samaldas's resolution.

Mr. Sarma speaking on behalf of the Government accepted the resolution and said that the Government would abide by their despatch and that negotiations were proceeding with the Home Government for the equality of status of Europeans and Indians in East Africa and there was every reason to hope that a satisfactory solution would be arrived at and an announcement made thereon. The Govt. had been preventing as far as possible friction and racial jealousy between the component parts of the Empire. It had been expressly understood that in so far as British Indians had lawfully migrated to any part of the Empire they should be treated perfectly on equal terms with the rest of His Majesty's subjects. This principle had been re-enunciated and accepted at the recent Imperial Conference. The resolution was then passed.

Dr. Ganga Nath Jha moved that the time had now arrived for securing by legislation the use of a uniform system of weights and measures throughout British India.

Mr. H. P. Lindsay, Industries Secretary, agreed with the general principle of the resolution and detailed the difficulties of adopting a uniform system. The Government, he said, should proceed with the question slowly and cautiously, rather than attempting to effect an immediate transformation. It should be left to the Local Govt. to take such measures as to introduce a standard weight, but as regards the question of measures this should be left entirely out of consideration at present. He moved an amendment to the effect that the Government of India should declare themselves in favour of the ultimate adoption in India excluding Burma of a uniform system of weights based on the scale now in use on the railways. This was carried.

The Council met again on the 24th with a meagre attendance.

Mr. Kale had in his name a resolution for an early opportunity to be taken to safeguard the rights and liberties of Indians in Kenya Colony and in South Africa and to communicate their views to the Secretary of State for being pressed on His Majesty's Government and the Government of the Union of South Africa. But in view of the previous day's discussion on Mr. Lalubhai Samaldas' motion Mr.

Kale amended his resolution to the effect that early steps be taken to secure equal status for Indians in South Africa.

Mr. Sarma on behalf of Government expressed his sympathy with the motion, but urged that the fact that two ordinances, which would have still further endangered the position of Indians, had been disallowed by the South African authorities showed that there was no cause for alarm and that the Union Government would not succumb to racial prejudices. He asked the House to remember that when excitement prevailed and racial bitterness was at its height both logic and reason were at a discount and that the need was not for making this atmosphere worse but for calming it by removing misapprehensions. For instance, the misunderstanding that the great influx of Asiatics would destroy the interests of the South African was entirely wrong. The Asiatic Enquiry Commission had made this clear that there was no danger from the influx of Asiatics. The Government of India for its own part should try to see that both the educational and economical interests of Indians in South Africa were advanced so as to impress upon South Africans the fact that Indians were as good as they themselves, and that if treated well they would be an ornament to that country. The Government of India would shortly announce its views on the report of the Asiatic Enquiry Commission.

The resolution as amended by the mover was then carried.

Sayed Raza Ali moved for the removal of the highly centralised system of administration that obtained in this country under which many classes of officials, especially District Magistrates and Collectors, had vast powers.

This was lost, only the mover voting for it.

The Legislative Assembly

SIMLA—23RD. SEPTEMBER 1921.

The Assembly met on the 23rd. for official business. On the motion of Sir William Vincent the Maintenance Order Bill, the Cr. Pr. Code Amend. Bill, the Indian Penal Code Amend. Bill were passed. Next, the Indian Limitation Act Amend. Bill was recommended to a select committee. Mr. Hailey moved that a Bill to consolidate and amend the Law relating to income tax and super tax be referred to a joint committee of both Houses. This was put and agreed to.

Sir Vithaldas Thackersay moved that 'the High Commissioner for India in London be instructed by the Government of India to buy ordinarily stores required for India in the cheapest market consistently with quality and delivery, and every case where this rule has not been followed should be communicated to the Government of India

with full reasons for information of the Legislative Assembly that when placing large orders the High Commissioner should insist that contracting parties if required shall give every facility for admitting as apprentices in their works Indian students to acquire practical knowledge of manufactures. The first part of this resolution was put and carried unanimously.

Mr. S. C. Shabani moved that the capital needed for the construction of Sukkur Barrage be raised without any further delay. The resolution was carried.

The Legislative Assembly.

SIMLA—25TH SEPTEMBER 1921.

The Legislative Assembly re-assembled on the 26th.

Sir William Vincent moved, "That the Assembly do agree to a Joint Committee of twelve members of both the Chambers on the Bill further to amend the Code of Criminal Procedure of 1899, and the Court Fees Act of 1870." The Home Member said that he was sure that the Assembly had now had sufficient time since the last Delhi Session to consider the Bill and that the motion for a Joint Committee, which was rejected in Delhi, would now be agreeable to the House. The motion was put and agreed to.

Mr. Seshagiri Iyer introduced his bill to amend the Hindu Law of inheritance. The main clause of the bill provides that the estate of a Hindu not held in coparcenary shall in the absence of heirs down to brother's grandson be inherited in certain order mentioned by him. Mr. Seshagiri Iyer said that his bill was quite harmless and only wanted to extend the order of inheritance to certain very near relations of the deceased person. The proposed law would only extend to the Provinces of Madras and United Provinces.

Sir William Vincent's motion to refer the Press Bill giving effect to the recommendations of the Press Act Committee to a Select Committee was agreed to. The House then agreed to the postponement of the consideration of the bill requiring warning before firearms were used.

Next the Cattle Trespass Act Amendment Bill, giving the Local Governments greater elasticity in the administration of fines under this Act, was passed without amendment.

Mr. Hulla moved that the Bill to amend the Land Acquisition Act be further considered. This bill provides that the appeal to an award of the High Court shall not be taken to the Privy Council unless the amount in dispute is Rs. 10,000 or upwards and the appeal involves some substantial question of law. Sir

Sivaswamy Iyer moved an amendment that appeals to the Privy Council shall be subject to the same limitations which exist in Section 110 of the Code of Civil Procedure and in its order 45 with regard to the decrees of the High Court. The bill so amended by Sir Sivaswamy's motion was passed.

Mr. Abul Kassem moved for the introduction of a Bill to provide for the registration of the Waqf Estates and proper rendering of accounts by the Mutwallis of such estates in British India.

Mr. Innes then moved six resolutions regarding the recommendations of the International Labour Conference at Geneva. The signatories of these recommendations included the Govt. of India representative to the Geneva Conference and yet the resolutions moved and passed purported to negative some of the recommendations of the Geneva Conference especially with regard to the age limit of sea-men, limitation of hours in the fishing industry, unemployment indemnity in the case of loss of a ship at sea and other matters affecting sea-men, or Indian Lascars.

The Council of State.

The Upper House also met on the 26th. After questions, the Hon. Mr. Cook moved for the acceptance of the recommendation of the Assembly that the Bill to consolidate and amend the law relating to income tax and super-tax be referred to a Joint Committee of both Houses consisting of sixteen members. In urging the Council to accept this motion Mr. Cook said that the Bill was the result of the report of the Committee on income tax which was published last July. The motion was carried.

Mr. Craik moved for the consideration of the bill further to amend the Criminal Procedure Code of 1898 by providing for the issue of courts in British India of commissions for the examination of witnesses to such courts of Princes and Chiefs in India as are notified in this behalf and for execution by courts in British India of commissions issued by such courts. The bill was passed without discussion.

On the motion of H. E. the Commander in Chief the Indian Marine Amendment Bill was passed without discussion. Similarly was passed the Works of Defence Act Amendment Bill.

Syed Raza Ali moved a resolution recommending to the Governor General in Council to initiate a policy of appointing Indians to the offices of Secretary, Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign, Political and Public Works Departments of the Govt. of India. Mr. Craik moved an amendment to the effect that Indians should be given opportunities

for becoming qualified for the appointments mentioned by Syed Ali. The amendment was then carried.

Mr. Sethna moved that a representation be made to the Secretary of State that the administration of Aden be continued under the Government of India and not transferred to the Colonial Office. The resolution was carried.

Mr. Lallubhai Samaldas moved that instructions be sent to the High Commissioner in England that at the time of placing orders for materials required in India by Government he should put them in the cheapest market for materials of the same quality.

Next day, Sept. 27th., the Council met to formally pass some of the bills already passed by the Assembly. These were the Maintenance Orders bill, the Negotiable Instruments bill, the Lao Customs bill, the Post Office Act Amendment bill and the Penal Code Amendment bill. The six resolutions about seamen adopted by the Geneva Conference as passed by the Assembly were also passed.

The Legislative Assembly.

SIMLA—27TH SEPTEMBER 1921

On the Assembly meeting on the 27th for non-official business, Mr. Lathe moved that his private bill proposing to do away with the right of the "Watandar" (Hindu priests) to force through law courts Hindu non-Brahmins to pay for their service which the non-Brahmins neither desired nor utilised be referred to a Select Committee. This was agreed to.

Anti-Drink Movement

Mr. Beohar Raghubir Sinha moved that the expression of opinion that the Assembly declared its sympathy with the Anti-Drink Movement in India be conveyed to the local Governments, with the request that they may consider the advisability of adopting measures to put a stop to the drink evil as soon as possible. Bakshi Sohanlal suggested an amendment to the resolution so as to enforce prohibition by an Act of the Indian Legislature. The President pointed out that this amendment was not quite in order in as much as it was not within the competence of the Indian Legislature to pass an act of the nature proposed. Mr. C. K. Innes said that if the resolution was amended so as to simply express the sympathy of the Assembly towards the temperance movement the Government would not oppose it. Mr. Innes' amendment was carried.

Indians in High Posts

Lala Girdhari Lal Agarwalla moved a resolution recommending the desirability of equalising the number of Indian and Europeans

in the following posts by filling future temporary or permanent vacancies by Indians till the deficiency has been made up, viz.: (1) Governors of Provinces, (2) Chief Justices or other heads of the highest judicial courts in India, and (3) High Court Judges or Judges of other highest courts in India, and that a copy of this resolution be submitted to the Home Government with favourable recommendations.

Some of the Indian members spoke in favour of the motion while Sir William Vincent opposed it on the ground that those posts were filled by the Royal Sign Manual.

Dr. Gour took a strong exception to Sir William Vincent's statement that the appointments of Chief Justice and Judges were made only by the King. The King only signed the Royal Manual as a matter of course, while in fact the appointments were made by the Government of India and by the local Governments.

Dr. Gour said even Lord Morley in his "Recollections" had pointed out that he got a particular person appointed Governor although the King himself wanted some one else. It was thus within the competence of the Assembly to ask the Government of India to keep the House's desire in view for future appointments and to forward that desire to the Home Government. He further asked why should the foreign articles in the shape of Chief Justices be imported when articles of the same value, if not better, were available locally. Moreover, the imported Chief Justice did not understand local customs.

Sir William opposed both the resolution and the amendment. Dr. Sapru thought that interests of law and justice would not be safe for some time to come if services of English barristers were entirely dispensed with. The resolution was lost, 35 voting for and 47 against it.

The British Medical Council's Threat

Next day, Sept. 28th, Rai Babadur C. S. Subrahmanyam moved that "This Assembly recommends to the Governor-General in Council: (A) that with reference to the letter of March 9th 1921, from the General Council of the Medical Education and Registration of the United Kingdom to the Secretary of State for India on the subject of the recognition of medical diplomas of the Indian Universities, the various local Governments be advised to make more satisfactory arrangements for giving practical training in midwifery to the students undergoing instruction for Medical degrees and diploma in their provinces, (B) so that in the event of the General Medical Council carrying on their threat to withhold recognition to the Medical Degrees and Diplomas of the Indian

Universities, the Secretary of State for India be moved to stop recruiting in England for the Indian Medical Service and order recruitment exclusively from India or, at any rate, to prescribe the possession of a medical degree or a diploma of any Indian university hitherto recognised by the General Medical Council as an alternative qualification for admission to the competitive Examination for entrance into the Indian Medical Service." He made a lengthy speech characterising the order of the British Medical Council as an ultimatum and asked whether Indians were so hopeless in the matter of Medical knowledge that they should put up with such an insulting order.

There was a heated debate on the motion, the Indian members strongly resenting the insult inflicted on Indians by the British Medical Council.

Mr. Lakhmi Narayan moved an amendment to clause (A) to provide that Indian Universities should bring their Medical Education to the standard of the Universities in the United Kingdom.

Dr. Nandal moved an amendment omitting the second clause of the main resolution as it was a threat, and to simply ask the Secretary of State to influence the Medical Council to reconsider their drastic decision.

Dr. Gour moved that the second clause of the bill be so amended as to provide that if the Medical Council did not allow India three years to bring her Universities up to the required standard in midwifery then the Secretary of State should stop recruitment in England for the Indian Medical service.

Col. Gidney speaking on the resolution said except in Madras there was no Medical University in India which came up to the level of the standard set up by the British Medical Council. Col. Gidney quoted statistics to show that the Bombay, Punjab and other Medical Universities had not come up to the required standard. These facts, he said, showed the disgraceful, scandalous and appalling state of affairs in training in midwifery in India reflecting the greatest discredit not only on the Local Govts. but also on the Govt. of India.

Mr. Shafi on behalf of Government deprecated the introduction of racial or political controversy but it was undeniable that the decision of the British Medical Council had caused widespread stir in this country and should it be carried out it would do incalculable injury to India and Indian Medical men. The first intimation of this decision of the Medical Council was received by the Government of India on the 9th May from the Secretary of State who, it was clear, realised the seriousness of such a decision. So far as the Government of India was concerned they had no

intimation whatever direct from the General Medical Council of their intended action. The procedure adopted by the Association was, to say the least of it, hardly courteous. Subsequently the Govt. of India in their cablegram to the Secretary of State stated that they were collecting authoritative information from Medical Associations and Local Governments as to where and how improvement was necessary in midwifery training, and that there had been no deterioration but rather improvement in the facilities provided for Indian students and that such facilities even in Great Britain had only recently undergone improvement. They also protested strongly against the short notice given for the withdrawal of recognition hoping that the Secretary of State would make representations to the Medical Council pointing out the undesirable political consequences resulting from the Council's action. In reply to this cablegram the Secretary of State assured the Government of India that he fully recognised their concern regarding the decision of the Medical Council but that the president of the Medical Council insisted on carrying out the terms of the resolution. The Government of India thereupon cabled for the postponement of the operation of the Council's decision.

Thus it would seem, said Mr. Shafi, that the Government as well as the Secretary of State had already taken all necessary *ad-interim* action in order to represent Indian views on what, it undoubtedly appeared, would result in disastrous effect but it was undeniable that the practical training in midwifery did not come up to the standard laid down by the British Medical Council. On this score it was perfectly reasonable, but it must be remembered that practical training in midwifery was disturbed during the war and began to be improved even in England only after the war.

Mr. Shafi then informed the House that the Government of India had replies received from all Local Governments and assured the House that they would make due representation to the Secretary of State. He, therefore, accepted the first part of the resolution as well as the amendments of Mr. Lakshmi Narayan Lall and Dr. Nandlal.

Mr. Subrahmanyam replying to the debate dissociated himself from the political and racial colour lent to the debate but he strongly objected to Indian Universities being told by the Medical Council that they must at once raise themselves to a required standard which they had not the means to do within the prescribed period. He was, however, glad that the Government of India had taken up an attitude which reflected exactly the opinion of the Assembly. For that reason he would withdraw the last clause of his resolution.

The resolution as thus amended was then passed,

Other Resolutions

Dr. Gour next moved that a Committee be appointed to inquire into the possibility of establishing the permanent capital of India in a place possessing a salubrious and temperate climate throughout the year. Dr. Gour apparently could not take Delhi as a 'settled fact.' His motion, however, was put and negatived by an overwhelming majority.

Mr. J. N. Mukherjee moved a resolution for the appointment of a Committee to enquire how best to improve the postal service and made a novel suggestion that collection of newspaper subscriptions, postal cheque accounts, payments of rates and taxes through post may be made, as in Switzerland! This was lost.

Racial Discrimination in Railways

Mr. Hassanally moved 'that all railway administration in India be asked to abolish the system of reserving railway compartments for different communities (except ladies) unless they are fully paid for.' He said that he had brought forward this resolution because Colonel Waghorn had in course of a reply said that it was not proposed to remove the distinction between Indian and European reserved carriages. The Assembly was now to say whether it would agree to the continuance of that. Several cases had been decided by courts where Indians occupying the compartments reserved for Europeans were maltreated and humiliated. He asked why should a couple of Europeans and Anglo-Indians and also Indian Christians continue to occupy a big third class compartment when their brethren were struggling hard due to overcrowding?

Colonel Waghorn said the reservation in the case of third class was being continued, not as a matter of racial discrimination, but in the interest of passengers themselves, so as to avoid any unpleasantness and ill-feeling which might readily be created by some trifling incident! He asked the Assembly to consider the question from a broad point of view. There was little doubt that in time to come the necessity for this reservation would disappear. A possible solution was that the reservation be eliminated gradually, that is to say, that reservation of a 3rd class compartment for Europeans and Anglo-Indians should be done away with on all slow trains and only retained for the present on mail or fast passenger trains. If the mover was prepared to accept this modification of his resolution the speaker would be glad to consult the railways accordingly with a view to the introduction of this measure and with this undertaking the mover would perhaps be prepared to withdraw his resolution. Mr. Hassanally, in view of the Government undertaking, withdrew his resolution.

SIMLA—30TH SEPTEMBER 1921

Great interest was evinced in the resolution moved by Mr. Hailey in the Assembly, when it met on the last day of the session, recommending to the Governor-General in Council that the contribution of sixty-three lakhs of rupees payable to the Governor-General in Council by the Government of Bengal under the Devolution Rules be waived for a period of three years with effect from 1922-23.

He made a lengthy statement explaining the financial difficulties of Bengal.

Mr. J. Chaudhuri said that Bengal was the biggest collector of central revenues. The province collected more than 34 crores of revenue, out of which it retained only about 10 crores. Madras collected 21 crores and retained 13 crores. Bombay collected over 31 crores and kept 14 crores; the Punjab collected 12 crores and kept 9·5 crores. Bengal should be shown special consideration. He warned the House that unless Bengal was helped, the Reforms would be a failure. The transferred departments, he said, had only budgeted for 67 lakhs, while the remaining revenue was consumed by the general administration.

Mr. Venkatapati Raju moved an amendment recommending that suitable help or a similar concession be given to Madras and other provinces where financial difficulties exist.

Mr. Raju's amendment was rejected and the original motion was passed. This closed the business of the Assembly for the Simla session.

Proceedings of
The Central Legislature
1922

The Legislative Assembly 1922.

DELHI—10TH JANUARY 1922.

The first meeting of the winter session of the Legislative Assembly met on January 10th, 1922, much earlier than the previous year in order that the Assembly may meet and present an Address to His Royal Highness the Prince of Wales.

After mutual congratulations were exchanged on the Knight-hoods conferred on Sir F. Whyte, Sir M. Hailey and Sir M. M. Shafi, the President said that he had received notices from four or five members to move an adjournment of the House in order to discuss the political situation in the country. He considered them out of order on the ground that the object of the motion had been anticipated by resolutions of which notices had been given, and which would come up before long for discussion.

A long string of questions was asked about the famous Karachi trial but no information save the obvious facts was elicited from Government.

A question then arose about a motion by Mr. Iswar Saran to be moved next day recommending the abandonment of the repressive policy of Govt. Sir William Vincent wanted to rush the matter before the members had sufficient notice to prepare themselves for the debate. The sense of the House was, however, to postpone the discussion owing to the importance of the matter.

The House then proceeded to Legislative business. On the motion of Mr. Chatterjee, Industries Secretary, the Assembly considered the report of the Joint Committee on the Bill to amend the Indian Electricity Act, 1910, and passed it as amended by the Committee with some minor verbal alterations.

Mr. Chatterjee also moved that the Report of the Joint Committee on the Indian Factories Act be considered. From among twelve members of the Joint Committee Messrs. Joshi, Seshagiri Iyer and Lalubhai Samaldas each appended a separate minute of dissent, while Sir M. Dadabhoi, Sir V. Thackersey and Sir Alexander Murray wrote a joint minute of dissent. Mr. Chatterjee said that the Bill had undergone some changes in the Joint Select Committee which were quite desirable.

Several amendments were proposed, specially for the protection of children working in factories, of which the most important was one proposed by Sir Vithaldas Thackersey that children be not

altogether forbidden entrance into factories as they had often to carry food for their parents. This amendment was passed, and then the bill as amended was passed.

DELHI—11TH JANUARY 1922.

Next day January 11th, the House sat only for two hours, and the business was mainly a reference to the Select Committee of the House of the several proposals for amendments of Standing Orders.

Having obtained the President's ruling, that the motion for referring to the Select Committee the amendments of the Assembly's Standing Orders did not commit the House to the principles of those amendments, the Home Member moved his 12 amendments which the House agreed to refer to the Select Committee. The amendments are fairly long and were intended, he said, to facilitate the task of the Govt. and non-official benches in certain important respects. For instance, it was desired that non-official Bills in advanced stage should have precedence over other non-official business, and that even among non-official resolutions which have been ballotted the President should, if requested, exercise his discretion and allow any member who has not been favoured by a ballot, but who has an important resolution, to get priority over all other resolutions, provided at least 25 members of the Assembly agree to allow such a motion to have precedence. The Home Member explained that several times during the last two sessions the Government, consequent on the representations of non-official Members, or as a result of its own deliberations, agreed to allow important non-official motions to be moved on Government days. The Government had to do this, because, in the interest of the public, it had always thought it fit to allow, as far as it could, discussions on urgent and important subjects which, in ordinary course of events, might not be discussed. The result was that not only the Government was inconvenienced, but that its motive for allowing official days for certain non-official motions were questioned. Therefore, his proposal for the amendment of Standing Orders was accepted by the Committee and thereafter by the Assembly. It would entitle the President, with the consent of 25 members of the Assembly, to allow priority to a resolution which the President considered as deserving precedence in public interest.

The Assembly also agreed to allow Messrs. MacCarthy, Rangachariar and Lakmi Narayan Lal to move their respective amendments which were all referred to the Select Committee.

DELHI—12TH JANUARY 1922

Unani and Ayurvedic Systems

The Assembly meeting on the 12th January Rai Sahab Lakshmi Narayan Lal moved the first resolution on the paper. It recommended that some practical steps should be taken to utilise the services of Unani and Ayurvedic experts for the prevention of epidemics in the country with the help of indigenous systems, and that a Committee should be appointed to recommend those steps. The Rai Sahab said that it was within the jurisdic-

tion of the Assembly to appoint a Committee as desired by him. The Government had already expressed its sympathy with similar resolutions brought forward in the preceding sessions, and he now urged that this sympathy be put into practical shape. He reminded the House that western medical treatment was not available to the majority of the population of the country, and it was, therefore, highly desirable that Unani and Ayurvedic systems, which were within the reach of the masses, be encouraged.

Mr. Sharp, Education Secretary, on behalf of the Government accepted the spirit underlying the resolution. His main objection, however, was that the subject matter of the resolution was perched upon a provincial subject, and there was also the difficulty of finding money for the purpose. Moreover, it would be unconstitutional for the Central Government to spend money on the subjects within the domain of the Provinces.

The motion of Mr. Lakshmi Narayan was however put and carried by a large majority.

Indianisation of the Royal Indian Marine

Sir Sivaswami Iyer moved his resolution about the Indianisation of the Royal Indian Marine and the encouragement of Indian Mercantile Marine. His resolution ran thus :

The Assembly recommends to the Governor-General in Council that a Committee, including experts and non-official Indians, be appointed to prepare a scheme (1) for liberal recruitment of Indians as Deck or Executive Officers and Engineers in the Royal Indian Marine, (2) for the establishment of a Nautical College in Indian waters for the purpose of training Executive Officers and Engineers of ships, (3) for the creation of an adequate number of State scholarships for providing instruction in the Nautical Colleges and training-ships in England pending the formation of a Nautical College in India, (4) for the encouragement of ship-building and the growth of an Indian mercantile marine by a system of bounties, subsidies and such other measures as have been adopted in Japan, (5) for the acquisition of training ships by gifts from the Imperial Government or otherwise, and (6) for the construction of necessary dockyards and engineering workshops in one or more parts.

Sir Sivaswami Iyer made a long speech in explaining his comprehensive resolution. He said that the object of his motion was to investigate the possibilities and ways and means of promoting the industrial development of India in the formation of a mercantile marine and encouragement of ship-building. He emphasised the fact that other countries, such as Japan, laboring under great disadvantages, had wonderfully succeeded in recent times. India knew that British experts told them that she could never become a ship-building nation, at any rate for a generation, but public opinion in India would not acquiesce in this verdict without an impartial examination as proposed by him. India was anxious to try the experiment, for purposes of commercial independence, of providing new careers to her youths, and of securing some of the profits of carrying trade. Moreover, the formation of a mercantile marine and the encouragement of ship-building could be largely assisted by Government aid. Many western countries, and particularly Japan, owed their naval greatness to

their Government subsidies. Till 1896 Japan had no definite plan for encouraging shipping trade. In 1896 and then again in 1903 the Japan navigation bounties and navigation subsidy laws were passed. State aid in India could take various shapes, such as exemption of ship-building materials from import duties, loans to ship owners etc. Therefore, the first step should be to encourage the formation of a mercantile marine under Indian ownership and the construction of necessary dock-yards for repair and construction. The next step would be ship-building on an appreciable scale. If then mercantile marine were to prosper, they must welcome English and foreign cheap capital and business knowledge and technical skill.

The Government views on Sir Sivaswami Iyer's resolution were given by Mr. Innes, Commerce Member, and Sir Godfrey Fell, Army Secretary. Mr. Innes said that Sir Sivaswami's desire was quite natural and the Government was ready and even anxious thoroughly to examine and explore the whole subject raised by the mover but the only difficulties were about time and money. There were certain obstacles which must, inevitably, make it long before India would make herself fully efficient in the Marine service. The position of Japan was quite different from that of India. Japan was an island and thus had to protect her coast. India was not so situated, and further the Government had seriously to count the cost of subsidy and aid the policy before adopting it, as Japan or other countries had done. Moreover, so long as India remained within the British Empire, she would be fortunate in that Britain would be protecting her coast which would otherwise cost her enormous sums. Further, Japan entered her naval programme at a time when she had no competition to meet. He said that ship-building was a very complex industry, and experts were of opinion that it would take a long time before India would equip herself with sufficient number of Nautical Colleges and Universities which were so essential for the training of the candidates. Concluding Mr. Innes suggested that, if, instead of appointing a Committee to prepare a scheme as suggested by the mover, it was put that a Committee be appointed to consider the measures which could usefully be taken, then the Government would have no objection in accepting the resolution, because in its present form it suggested unmanageable work.

Sir Sivaswami Iyer agreed and the House also agreed to the amendment of Mr. Innes.

Mr. K. C. Neogy moved an amendment to Sir Sivaswami Iyer's resolution to the effect that the Committee should also consider measures for ensuring the entertainment of Indian apprentices for training as officers and engineers in the ships owned by shipping firms that enjoy any subsidy or other benefits from Government on any account. The resolution, as amended by Mr. Innes and by Mr. Neogy, was put and carried.

Over-crowding on Railway

Rao Bahadur C. S. Subramaniam moved the following resolution :

This Assembly recommends to the Governor-General-in-Council that he may be pleased to take early steps to amend Section 109 of the Indian Railways Act, 1890, in order to make it obligatory upon a Railway Administration to see that no more than the number of passengers exhibited on a compartment under Section 63 shall enter such compartment or occupy the same and that a penalty in such case shall be imposed on such Railway Administration for allowing the entry or occupation by more than the maximum number of passengers so exhibited.

He described the lot of the third class passengers and the inconveniences they were often put to in finding accommodation. While the Government were imposing duty upon passengers and protecting the Railway Companies in various ways, there was no obligation imposed on the Companies for not doing their duty.

Mr. Innes, on behalf of the Government, strongly opposed the resolution as being impracticable. Over crowding existed in every country, and there was no penalty imposed on any Railway Administration for allowing more than the maximum number of passengers.

Mr. T. Rangachari moved an amendment to the effect that the Governor General should consider and adopt such further measures as may be necessary to avoid overcrowding in the Railway compartments. Mr. Innes accepted the amendment. The resolution, as amended by Mr. Rangachari, was put to vote and carried.

DELHI—16TH JANUARY 1922

Welcome to the Prince.

On the Assembly meeting on the 16th Sir Jamssetjee Jeejeebhoy, Deputy President, moved that an address of welcome to His Royal Highness the Prince of Wales be adopted. He made a short speech and his speech was the only one on the motion, no other member speaking after him, and the address was adopted without discussion amidst applause.

The Address.

The address ran as follows :

"MAY IT PLEASE YOUR ROYAL HIGHNESS,—We, the members of the Indian Legislature, beg to tender to your Royal Highness our most respectful and cordial welcome to this country of ancient civilisation and culture which has been described as the brightest jewel on the British Crown. Your illustrious ancestor, Queen Victoria the Good, who was the first British Sovereign to assume direct sway over this land, endeared herself to the people of India not merely as an embodiment of the highest ideas of wife and mother, but by the deep and abiding interest she took in the contentment and prosperity of India and by her statesmanlike conception of the obligations of the British Crown towards every member of her vast Empire. Her remarkable capacity for identifying herself with the interests of her distant subjects of diverse races and creeds was never better displayed than in her gracious Proclamation of 1858 breathing sentiments at once lofty and inspiring in the noble words, "We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects. In their prosperity will be our strength; in their contentment our security, and in their gratitude our best reward." Further signal proofs of her affection for the people of India and of her desire to create personal ties of attachment between them and the Royal House were, from time to time, furnished by the visits undertaken in compliance with her wishes by the members of her family.

"Following in the footsteps of your august father and grandfather, Your Royal Highness has resolved to acquire a first hand knowledge of the peoples and problems of the many and varied countries which owe allegiance to the British

Crown and over which Your Royal Highness will, in the fullness of Providence, be one day called upon to reign. In the fulfilment of this resolve you have already visited the great Self-Governing Dominions of the Empire with a generous disregard of the demands of your time, energy and health. It is a matter of deepest gratification to us that the rest, which Your Royal Highness has been already to enjoy after the strain of fatigue of your previous tours, has now enabled you to accept the invitation of His Excellency the Viceroy and carry out your intention of paying a visit to this great land. The visit of His Majesty, the King-Emperor, your beloved father, has cemented the bonds of sympathy and affection between the Royal House and the people of India and the message of hope brought to us last year by His Royal Highness the Duke of Connaught has been a source of inspiration and encouragement to the people and the Legislatures of India.

"A new era has been inaugurated by the recent Constitutional Reforms heralded by the ever memorable Royal Proclamation of 1919, supported by the declared resolve of the Imperial Parliament to enable India to attain Responsible Government. The Legislatures of this country are applying themselves to the task of utilising to the fullest extent the opportunities afforded to them for promoting the welfare of the country and demonstrating their capacity for working the new representative institutions in the confident belief that the passage from the present form of Government to full Responsible Govt. will not be long delayed. The people of this country are eagerly looking forward to the day when India will take her proper place as an equal partner in the British Commonwealth of Nations, when she will be a Self-Governing Dominion under the aegis of the British Crown and when the Indian Nations will speak in the Councils of the Empire through the voice of her chosen Ministers. We trust that in our loyal and constitutional labours for the realisation in the near future of the aspirations of the Nation we shall receive the unstinted sympathy, co-operation and support of His Imperial Majesty and the British Nation."

"We hope that Your Royal Highness will be able to carry away the most pleasant recollections of your visit to India and that with the sympathetic insight, for which you have already earned a name, you will be able to enter the aspirations and ideals of the Indian Nation and visualise and appreciate the problems with which we are faced, with the renewed assurance of our abiding loyalty to His Imperial Majesty."

Legislative Business.

On the motion of Dr. Sapru the House agreed to refer to a Select Committee the Bill further to amend the Code of Criminal Procedure by providing for the issue by Courts in British India of commissions for the examination of witnesses to such Courts of Princes and Chiefs in India as are notified in this behalf and for the execution by Courts in British India of commissions issued by such Courts.

The next motion was brought forward by Mr. Sharp, Education Secretary, who was allowed to introduce his Bill to establish and incorporate a unitary teaching and residential University at Delhi.

DELHI—17TH JANUARY 1922

Dr. Gour's Civil Marriage Bill.

Next day, January 17th, Dr. Gour moved that his Bill to amend the Act III of 1872, the Civil Marriage Bill, be referred to a Select Committee. Dr. Gour introduced this Bill last year when it

had been circulated for public opinion. Under this Bill Dr. Gour contends that civil marriage is every man's right and that he should be allowed to contract marriage according to the dictates of his conscience without reference to race, religion or social distinction. This Bill, according to him, permitted inter-marriage between all people. It was a permissive measure and did not attack the orthodoxy of any religion, but only contemplated legislation for the benefit of a class which believed in the unity of human race without being tied down by race, caste or religion.

Mr. Rangachari strongly opposed the Bill which, he said, proposed to do away with a sacred and indissoluble tie. He warned all against mistaking license for liberty. The marriage contemplated by Dr. Gour would be no marriage as it would not be performed according to the religious rites. If a Hindu were married in the way suggested by the mover, surely Hindus would not consider that a real marriage and, therefore, would never allow the newly-married couple into their fold and consequently would not consider them as entitled to any inheritance under Hindu Law. He felt sure that if the Bill became law enormous complications would be raised in the joint family system and the application of the Law of Inheritance.

Sir William Vincent announced that the Government's attitude was one of neutrality. Members of the Executive Council would not take part in the discussion or voting, but other official members were at complete liberty to express any view and vote accordingly.

There was a long and heated debate over this motion, the Government benches being deserted, and the non-official Indian members only taking part, some strongly supporting and others vehemently opposing it. Eventually Dr. Gour moved that the debate on his Bill be adjourned in order to allow time to his supporters and opposers to see if they could possibly come to some understanding. There was considerable opposition to an adjournment of the debate, but when the motion was put to vote the House, by 30 to 28 votes, agreed to a postponement of the debate.

The motion of Mr. Abdul Kasem for a reference to the Select Committee his Bill to provide for the registration of Waqf estates and proper rendering of accounts by Mutwallies of such estates in British India was similarly postponed.

Habeas Corpus

The House next agreed to the introduction of Mr. Rangachari's Bill to amend the Code of Criminal Procedure, 1898, so as to enable all High Courts to issue directions in the nature of a *habeas corpus* in the case of all persons over whom they have jurisdiction, Original or Appellate.

The Council of State

DELHI—17TH JANUARY 1922

The first meeting of the Council of State was held on the 17th, Sir Alexander Muddiman presiding. The attendance was poor and business purely formal.

Sir Zulfikar Ali Khan voiced the feeling of the House by expressing their cordial and heartfelt congratulation to the President upon his recently conferred Knighthood, and in reply Sir Alexander Muddiman thanked the members cordially.

After interpellations Sir Zulfikar Ali Khan moved for the adoption of the joint address of welcome to the Prince of Wales which was adopted by the Legislative Assembly. No other member spoke on the motion which was then put and carried unanimously.

Benares University Act Amendment

The Hon'ble Mian Sir Muhammad Shafi introduced a Bill to amend the Benares University Act. He said that by a resolution passed at one of its meetings the University had asked the Government of India to undertake the present legislation in order to enable the Non-Hindu members of the Court to continue, as hitherto, members of the Court of that University.

The Legislative Assembly

DELHI—18TH JANUARY 1922

The Assembly met on the 18th to take up the long expected resolution of censure on the Govt. of India. It was a crowded House that met and the long and heated debate was keenly watched by the packed galleries. This was the only business of the day and there were some 18 amendments to the parent resolution moved by Mr. Iswar Saran.

The Censure Resolution

After the formal presentation of Committee reports Mr. Iswar Saran rose and moved his Censure Resolution :—

This Assembly recommends to the Governor-General in-Council the immediate abandonment of the policy of repression inaugurated in the country.

Mr. Iswar Saran said that the decision of Non-Co operators to call out hartals and the violence resorted to in Bombay and on other occasions must be condemned. Equally strongly they must condemn the Government repressive policy, which had alienated all sympathy with the Government which had aggravated the evil it was intended to remove and which if persisted in was bound to lead to disaster. The application of the Criminal Law Amendment Act was most unjustifiable, in as much as it had been used for a purpose quite different from the one which necessitated its enactment. Surely, Volunteer organisations, with their pledge of non-violence, were not the murderous assemblages which

the Act was intended to break. What further proof could there be about their non-violent activities than that respected leaders and thousands of others were being arrested without any serious trouble? He had seen with his own eyes aged people selling Khaddar and asking people to observe hartal being arrested. For those reasons eminent men like Pandit Motilal Nehru, who could fill with honor any post open to Indians, were arrested and, with what results? Hartals were made more complete than they otherwise could have been. Under the Seditious Meetings Act even Congress Committee meetings were declared unlawful and no wonder, therefore, that Non-Co-operators had accepted the challenge to their freedom of speech and freedom of associations. Goods were now no longer the places of terror; rather they were considered the places of pilgrimage.

The speaker said that even Sir William Vincent had, on the 23rd March last year, said the same thing which the speaker was now emphasising. The Home Member had then said that a policy of repression would lead to nowhere, would strengthen the hands of the Non-Co-operators whom they wanted to weaken, and would precipitate a disaster. What the Home Member said one year before had prophetically been proved as the result of a repressive policy. They must, therefore, change that policy now and at once. He appealed to the Government to bear in mind that Non-Co-operation was not a disease but a symptom. It could never die. Time should not, therefore, be lost to retrace their steps and to adopt constructive scheme to meet the causes leading to Non-Co-operation.

[When Mr. Iswar Saran concluded his speech, the President said that he proposed to allow Dr Gour to move his comprehensive amendment which covered the substance of all other amendments.]

Dr. Gour then moved his amendment :—

"Whilst strongly depreciating the aggressive form of Non-Co-operation manifested by some Non-Co-operators and resort to violence by them in some places as also the menace of mass Civil Disobedience, this Assembly strongly disapproves of the recourse by Government to a general policy of repression without previously consulting this House, and recommends to the Governor-General-in-Council the immediate abandonment of the policy of repression inaugurated in the country and the reversion to the policy announced in this House on the 23rd March 1921, the release of all persons in detention in pursuance of that policy and the convening of a Conference comprising of the representatives of all shades of opinion with a view to concert a practical plan for the restoration of peace in the country and for ensuring its political progress in consonance with its National aspirations."

Dr. Gour, in moving his amendment, narrated at length the course that repression had taken since the Prince's arrival on the 17th November 1921. The hartal in Calcutta was so complete that the next morning two Anglo-Indian journals of Calcutta flashed forth articles asking if the government had abdicated its functions. This clue was taken up by the Bengal Chamber of Commerce who wrote to the government to launch upon repression. Soon after the Bengal Government with the previous sanction of the Government of India declared Volunteer organisations unlawful.

His charge against the government was that knowing full well that the extra expenditure, which the repressive policy must entail, had to be sanctioned by the Assembly it did not consult the House before embarking upon that policy. On the other hand, it had approved the policy of the Bengal Government initiated on the advice of two Anglo-Indian journals.

He commended to the House the action of the Bombay Government which, despite bloodshed and violence, kept its head cool. The Bihar government had also given up their policy on the advice of the Legislature.

The Government of India should also see in time the evils of its policy and abandon it in favor of constructive suggestions put forward in his amendment. The Volunteer associations were peaceful bodies and should not be penalised, but if its individual members committed wrong this should be dealt with certainly. He added that men like Pt. Motilal Nehru could not be charged for abetting acts of violence or be called members of an association which habitually committed violence. He appealed for the release of all prisoners which would act as a palliative followed by summoning a Conference to suggest the cure of the present crisis.

Mr. Jamnadas Dwarkadas made a long rhetorical speech expressing his sorrow at the state of the country but threw the blame wholly on the N-C-O. leaders and supported whole-heartedly the policy of the Government.

Mr. Seshagiri Iyer deprecated the attitude taken up by Mr. Dwarkadas. They should not say a word which would injure the prospects of a Round Table Conference which, he hoped, would be convened soon. Mr. Dwarkadas had now thought fit to say that the Government's policy was not repressive, while by signing the address of Malaviya Deputation he had characterised the Government's policy as altogether unjustifiable. (Hear hear). He said that Mr. Gandhi was quite agreeable to a Conference and he was ready to suspend hartals, picketing and mass civil disobedience up to 31st January, and if the Conference materialised he would keep suspended those activities during the deliberations of the Conference.

Sir William Vincent spoke at very great length in defence of the policy adopted by the Government. Government had not adopted any new policy, but had only actively applied their policy towards Non-Co-operation as set out in their resolution of October, 1920. They had always tried to avoid interference with the activities of Non-Co-operators so long as the public peace was not disturbed and the maintenance of law and order was not in danger, and they had in the words of the resolution proposed to maintain it till non-interference with the activities of that movement meant criminal betrayal of the law abiding citizens. After the Malabar rebellion, which was due to the Khilafat agitation, and the bloody riots wherein very considerable loss of life and property was incurred, after what had happened in other cities like Calcutta and Delhi, no Government could sit quiet and be charged with inertia and apathy. They were bound to take measures to see that the Bombay tragedy did not repeat itself. The Government had ample proof that volunteers were habitually indulging in violence and intimidation. In one case the Non-Co-operators would not allow the burial of the dead body of a man who had the misfortune to be loyal to the Government, but when that dead body was buried, Non-Co-operators dragged out of the grave the dead body.

It was under such circumstances that Non-Co-operators forced the hands of the Government to actively maintain law and order. He appealed to them not to be carried away by sympathies towards some respected men now in gaol. The Government as much regretted their arrests as anybody else, but asked them to remember that whether it was a democratic or bureaucratic or autocratic Government law and order must be maintained, and it was the part of the Executive of the Government to maintain us. They must not, therefore, refuse their support to the Executive which felt the necessity to resort to certain measures in the interest of law and order. The Government had taken measures which it thought fit to adopt. The Seditious Meetings Act was extended to combat anarchy and sedition and was at present applied for the same purpose. Though the manifestations of that disloyalty were quite different from what it was ten years ago, every lawyer should know that it would have been impossible for the

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Government to punish individual members of volunteer associations. They had to proclaim them, for they found that the precept and practice of non-violence were poles apart. They had been charged with not allowing freedom of speech and freedom of association. The Home Member asked whether that charge could be levelled against the Government or against Non-Co-operators who would show no toleration towards those who differed from them! For instance, the Bombay riot was merely due to the fact that Non-Co-operators wanted to take vengeance on those who honestly believed in and went to welcome the Prince. The speeches of Abdul Bari, and particularly of Hasrat Mohani, had shown that violence was their aim.

Concluding, the Home Member said that the country was faced with a grave crisis with the prospect of civil disobedience and violence. He asked: Are you going to encourage bloodshed and all those who are working for disorder? It is for you to say, whether, consistently with your own allegiance to the Crown solemnly sworn in here, you can deliberately encourage those who intend to overthrow this Government by all possible means. Ponder over your responsibility, and take such action as might save the danger to your life, to your property and to your honour.

Mr. Rangachari expressed surprise at the Home Member's appeal to the passion of the Assembly rather than to their intellect. He wanted the Assembly to keep in view that the strength of Non-Co-operation was based on the existence of people's grievances and unless those grievances were removed, Non-Co-operation would not die, because it was only a symptom of a disease. He was as anxious as the Home Member to see peace and order restored and maintained, but he was equally anxious to see that it was maintained consistent with the happiness of the people. The present policy of the Government was unwarranted. Last March the Assembly had sanctioned prosecutions under the ordinary law, and when those prosecutions were made, even when in certain cases there were excesses, the Assembly supported the Government's action. The arrests of Ali Brothers was questionable. He paid a tribute to the spirit of non-violence created in the country by Mr. Gandhi, for, otherwise, it could not have been possible for the Government to punish the Ali Brothers. Mr. Gandhi was as anxious as anyone else to see the country safe. They must take notice of his personality and see what they could do with him at a Round Table. If the country had boycotted the Prince of Wales, it was because it felt that His Royal Highness' visit would be politically exploited. The Prince should never have been brought to India at this moment. The speaker asked the Government to show a single instance in which their policy had been supported by any Moderate or Indian newspaper. Concluding, he appealed to the British statesmanship which had solved the Irish question not to find the Indian question beyond it. He hoped Lord Reading would take counsel and summon a conference.

Mr. Sarfaraz Khan moved his amendment that the amendment of the present policy should follow the suspension of activities respecting picketing and civil disobedience. His amendment was put and negatived.

Dr. Sapru, the Law Member, next made a long statement on behalf of Government. It did not contain much relevant matter except that law and order had to be maintained and the N.C.O.'s method of attaining Swaraj was horrid. Sir Sivaswami Iyer and other members of his Nationalist party opposed both the motion and Dr. Gour's amendment because of their dead hatred of the N.C.O. movement and Mr. Gandhi. The Assembly, after seven hours

debate, rejected Dr. Gour's amendment by 52 to 36 votes. The original motion of Munshi Ishwar Saran was also put and negatived by 53 to 33.

The Council of State

DELHI—18TH JANUARY 1922

The Council also met on the 18th. for non-official resolutions of which the most important was Mr. Sethna's resolution for a Round Table Conference. Mr. Samaldas who had given notice of a similar resolution withdrew it without any explanation.

Mr. Maung Po Bye moved for an enquiry by a Commission or otherwise on the question of separation of Burma from the rest of the Indian Empire with a view to collect information and opinion and to determine how the question would effect the Indian Empire as a whole and Burma separately. Govt. opposed the motion which was put and lost.

Lala Sukhbir Sinha moved the following resolution :

This Council recommends to the Governor General-in-Council to exempt from the operation of prohibitions or directions contained in the Indian Arms Act of 1878 or the Indian Arms Rules (a) head or manager as well as (b) other major members of those joint Hindu families which pay Rs. 2,00,000 or over as land revenue. This was lost.

Round Table Conference.

Mr. Pheroze Sethna then moved that the Governor-General-in-Council should convene immediately an informal joint sitting of both the Houses of the Legislature excluding the Press representatives and visitors to settle on what lines a Round Table Conference of all party leaders should be held. A long debate then followed.

Mr. O'Donnell opposed the resolution on behalf of the Government. Mr. Khaparde moved an amendment to the effect that a Round Table Conference be convened, consisting of representatives of both the Chambers to consider the present situation and make recommendations. Lala Sukhbir Sinha next moved another amendment to the effect that a Round Table Conference be convened consisting of representative leaders of all shades of opinion of Indians and Europeans in India, including Members of the Indian Legislature with a view to consider the present political situation and find out ways and means for a satisfactory settlement of questions which have brought about this situation.

Mr. Sethna did not accept the amendment as it did not fit in with the scope of his resolution. The amendment was lost.

The amendment of Mr. Khaparde was also lost.

Mr. Sethna's resolution was then put to vote and declared lost. On Mr. Bhurgri claiming a division, the House divided with the result that 16 voted for the resolution and 23 against it.

In view of the result of Mr. Sethna's resolution, Mr. Bhurgri withdrew his resolution which was in identical terms.

The Legislative Assembly.

DELHI—19TH JANUARY 1922

Freedom of Press

On Jan. 19th Rai Saheb Lakshmi Narain Lal moved for a Committee to examine Sections 124A, 153A and 500 of the Indian Penal Code and Section 108 of the Criminal Procedure Code and to report in what manner these Sections should be amended, so that the rights of the State and the public or any section or member thereof may be safeguarded against abuse of their power by journalists, while at the same time protection is afforded to the latter against unwarrantable and unreasonable interference by either judicial or executive authority. After a short debate which showed that opinion was divided even amongst the leading Indian members, the resolution was put to vote and lost.

Standing Committees

Mr. K. C. Neogy then moved that Standing Committees elected by the members of the Legislature be associated with the different departments of the Government of India other than the Army and the Foreign and Political Departments.

He said that the idea of Standing Committees to be associated with different departments was not a new one. It had been fully discussed in the "Montford" Scheme, was latter on referred to by the Government in its Despatch on the Reforms and was also touched by the Parliamentary Joint Committee on the Government of India Bill. Originally, the Government entertained some apprehensions about the usefulness and necessity for these Committees, but later on it instructed its representative, Lord Meston (then Sir James), to inform the Joint Committee that if it recommended in favor of Standing Committees a provision should be made that such Committees were not to be associated with Army and Foreign and Political Departments. The Selbourne Committee accordingly recommended the appointment of such a Committee, but left the definition of its functions to the Governor-General. What they now required was that, in order to gain practical education in administration, Standing Committees of the House be associated with different departments. The Standing Finance Committee had already done very useful work and its working should cause the Government apprehensions to disappear.

Sir William Vincent opposed the resolution on frivolous grounds of practical, not insuperable, difficulties in its execution; for instance, it would be difficult to get sufficient number of members to attend meetings of the Committees. Members from distant places like Madras and Assam would not be able to come and attend the Committees' sittings. These Committees would also entail extra Secretariat work. The Secretariat staff was already so much over-

worked that it was on the point of breaking. The Assembly would then have to sanction extra expenditure for additional Secretariat Staff. The appointment of Committees would greatly delay the disposal of important work. Moreover, in certain departments, for instance, in his Home Office, certain work was very confidential and could not be disclosed to the members of the Committee! In fact, the appointment of these bodies would mean indirect establishments of control over the Executive Government which the Reforms Act did not contemplate. He said that while for various points put by him they could not agree to Mr. Neogy's proposal Govt. would be glad to consider the appointment of any Committee on any particular subject.

Dr. Gour disposed of the arguments of inconvenience to members as superfluous. The crux of the whole objection of the Government was that the appointment of a Committee meant much less of power and bureaucratic character of the Central Government. The Home Member's argument that such committees were incompatible with the Reforms Act was wrong, in as much as a provision for these Committees had solemnly been in the Act itself. They had often been charged with lacking in administrative experience and now when they suggested means whereby the experience of the working of the departments was to be gained, they were told that the work of the department was very confidential!

Sir Malcolm Hailey followed in the same strain as the Home Member.

Mr. Samarth said the resolution did not contemplate interference with current work as apprehended by the Finance Member. They only wanted the matters on policy to be brought before the Committee for approval. Government should not object to the principle underlying the proposal, especially after committing themselves to it through Lord Meston before the Selbourne Committee. Mr. Samarth did not agree to the proposal as it stood, for he wanted that these advisory Committees should in their composition and procedure be exactly as the Joint Committee had recommended. He, therefore, moved an amendment to Mr. Neogy's motion to the effect that Standing Committees of the Indian Legislature be associated with the different departments of the Government of India other than Army and Foreign and Political Departments. Their composition and the regulations which govern their procedure were to be matters wholly and exclusively within the discretion of the Governor-General.

Mr. Rangachariar gave his full support to Mr. Neogy. He asked the House whether they were not prepared to sacrifice for the good of the country and attend meetings of the Committee. (Voices: We are.) From experience as a member of the Finance Committee he was sure a great deal of experience was gained by serving on such Committees. They wanted to be acquainted with the inner working of the different departments. The Home Member had told them that certain things were confidential. Are you not going to take us seriously, he asked, have you not placed confidential papers in the hands of the members of the Repressive Laws Committee and the Press Laws Committee? Have they broken your confidence? What is the fear of placing confidence in the members of the House? The more confidence you place the more response you get. He said Mr. Samarth had suggested an amendment substituting nomination for election. He warned the House against giving away its right of electing its own representatives.

Mr. Samarth's amendment was put and negatived. Mr. Neogy's resolution was then put and carried by 40 for and 30 against.

Next day, January 20th, the Assembly met to take up the discussion on Dr. Gour's Civil Marriage Bill. Government and European members were absent. After a short discussion the motion

that the bill be referred to a Select Committee was thrown out by the House by 27 to 25 inspite of the vigorous attempt of Dr. Gour to have his motion carried.

On January 24th, Sir Vithaldas Thackersey moved :—"This Assembly recommends to the Governor-General-in-Council that a Committee, with a majority of Indian members be appointed to consider the whole question of (1) the present policy of Currency and Exchange, (2) the opening of the Indian Mints to the free coinage of gold, and (3) the location of the Gold Standard Reserve in India and to report with its recommendations at an early date."

He referred to the Babington Smith Committee's report and said that it was India's misfortune that when her vital interests were concerned, such as the fixing of her Currency and Exchange policy, she could not even have sufficient representation to make her influence felt. The prevalence of high prices would continue for many years and to protect India from the effects of further rise in such prices were some of the arguments on which the Committee fixed the two shillings Exchange, but the amelioration of the evil of high prices formed no part of the terms of reference and was needlessly dragged in, in support of its recommendation of two shillings Exchange. The manipulation of a standard unit of a country was not the right or a desirable way of controlling prices. The Committee's anticipations of the future course of world prices had not been justified by events and the price of silver had fallen from 80d to 34d per ounce and the leading income crops, jute, cotton, and tea, were now at or below pre-war levels even with exchange below 1s. 4d. So, on the Committee's own showing, as stated in para 51 of their report, the time had come for a reconsideration of their recommendations by the appointment of an unbiased Expert Committee with a majority of Indian members. Proceeding Sir V. Thackersay pointed out that the altered legal standard was doing the greatest amount of mischief and said they must revert to original standard of 1s. 4d. which in fact was now the current rate. He next emphasised that until India had got a real gold coinage, her currency policy would never be perfect and if the Royal Mint raised any more technical objections to the opening of mints in India to the free coinage of gold, they must decide to coin free of charge gold "mohurs" of the exact weight and fineness as the Sovereign.

Sir Malcolm Hailey made a long statement wherein he defined the Government attitude on the three points raised by Sir Vithaldas and trotted out the usual arguments of Government as to the reasons why they were depleting India of her financial resources. His arguments were so very convincing that the House rejected the motion by 41 against 37 !

Impressed Labour.

Mr. Joshi moved a resolution recommending that immediate steps be taken for the abolition of impressed labour for conveyance and provision wherever it obtained in India either under local or imperial statute or under local custom. Mr Joshi said that since the advent of the British Rule in India oppressions of impressed labour had continued in almost all parts of India in some shape or another. Even the Simla Hills, as the efforts of Mr S. E. Stokes had revealed, were groaning under the evil. It was, he said, shameful that such atrocities as were being committed on poor labourers be allowed to continue. Mr. Joshi cited several cases in which impressed labour was exacted and depicted the hard lives of the labourers under the existing conditions.

Mr. Rangachari moved an amendment suggesting the examination of the whole question of the impressed labour. He said the original resolution was ideally perfect but somewhat impracticable.

Mr. Sarma on behalf of Government assured that Government would undertake the examination of the question and accepted Mr. Rangachari's amendment.

The original resolution as thus amended was then carried.

On January 25th Sir William Vincent withdrew the Bill to amend the Code of Civil Procedure of 1908 introduced on 1st March 1921 on the recommendation of the Select Committee. A new bill on similar lines was shortly to be introduced.

Mr. Sharp moved that the Delhi Unitary Teaching and Residential University Bill be referred to a Joint Committee of the two Houses consisting of 12 members.

The motion for a Joint Committee was put and agreed to.

Sir Malcolm Hailey moved for consideration of the report of the Joint Committee on the Bill relating to the consolidation and amendment of the law relating to income-tax and super tax.

After discussing fourteen amendments of which three were carried and the others rejected the House agreed to the first nine clauses of the Bill as amended and then adjourned.

The Council of State

DELHI—23-31ST JANUARY 1922

On January 23rd the Council met for only an hour and three bills already passed by the Assembly, namely, Benares Hindu Univ. Amend. bill, the Indian Electricity Amend. bill, and the Factoris Act Amend. Bill were passed without discussion.

On the Council meeting on the 25th for non-official business Mr. Bhurgri wanted the Government to lay on the table the correspondence in their possession relating to the present unrest which had passed between the Government of India and the Local Governments on the one hand and the Government of India and the Secretary of State on the other but he withdrew it.

Mr. Kale then moved for the appointment of a Committee consisting of Members of two Houses of the Legislature to explore all possibilities of retrenchment and economy in national expenditure and to make concrete proposals regarding the same.

In moving his resolution Mr. Kale referred to the steady increase in expenditure during the last few years and said that despite the fact that India was passing away from the extraordinary conditions which prevailed during the war the Central Government as well as the Provincial Governments were now faced with heavy deficits with the inevitable prospect of additional taxation. There had been an increase of sixty per cent. in expenditure from 1913-14 to the present year and one did not know when they would be in a position to say that the highest limit of taxation had been reached. Retrenchment was overdue and rigid economy must be their watchword. The committee he proposed would not interfere with the work of the Government or of the Finance Committee nor had it got anything to do with the coming budget. Its object would be to take a large view of the general expenditure and find out where economy was possible.

Mr. Cook, the Finance Secretary, welcomed any proposal which sought to reduce expenditure but there was already in the Central Government an atmosphere of retrenchment as was evidenced by the Military requirements committee which for all practical purposes was a retrenchment committee and whose unanimous report was new before the Home authorities. Continuing Mr. Cook announced amidst applause that the Viceroy had for sometime past had this question under consideration and had decided to issue an order calling on all departments to point out the directions in which retrenchment could be effected.

Several members including Sir. Arthur Froom supported Mr. Kale but his motion was defeated by 19 against 13.

Next day the Council met again when Sir Mian Muhammad Shafi moved the Council to agree to the recommendations of the Assembly that the Delhi University Bill be referred to a Joint Committee of 14 members. This was accepted without discussion.

Mr. O'Donnell, Home Secretary, introduced a Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908. This Bill was designed to repeal Part I of the Criminal Law Amend-

ment Act as unanimously recommended by the Repressive Laws Committee.

The Home Secretary next introduced a Bill to repeal certain special enactments supplementing the ordinary Criminal Law. He said that the Repressive Laws Committee recommended the total repeal of only certain special enactments which had been mentioned in their report. The Bill was designed to give effect to the total repeal of those enactments, but the Committee had also recommended amendments of Regulation 3 of 1818 and similar regulations in Bombay and Madras. These were of a complicated character, and were under correspondence with the Secretary of State.

Indians in Port Trusts

Mr. Sethna, moved that steps be taken to increase the number of Indians in the higher grades in the service of Port Trusts and to lay down a definite policy in regard to the same for the future. He said there were only 6 per cent of the total number of men who drew salaries of Rs 500 and upwards and there was not a single Indian in any of the five principal Port Trusts who held an appointment carrying a monthly salary of Rs 1,000 and over.

The motion was opposed by some of the European members, but Mr. Lindsay, on behalf of the Government, accepted the spirit of the resolution.

The Council met again on the 31st January for purely formal business and sat for less than half an hour. The Council agreed without discussion to the passing of two Bills; one repealing Part I of the Cr. Law Amend Act 1908, and the other repealing certain old repressive enactments. Mr. O'Donnell then moved that the House do sign the International Convention for the suppression of traffic in women and children as accepted by the League of Nations Assembly with the reservation that in India 16 instead of 21 be taken for the age limit. This was passed.

The Legislative Assembly

DELHI—26TH JANUARY 1922

The most important item on the agenda on this day was the resolution on control over the whole budget moved by Mr. P. P. Ginwala. He moved that such steps as may be necessary may be immediately taken to abolish the distinction between votable and non-votable items in the Budget and to submit the whole of the Budget to the vote of the Assembly.

He said that there were three means to achieve their object, either from the Governor-General-in-Council or from the Secretary of State,

and lastly at the hands of the British Parliament. He believed that they could gain their ends by mutual understanding and compromise with the Government itself, if the latter was amenable to reason. There would then be no need for them to seek the help of legislation by the British Parliament. Under the Government of India Act the Governor-General-in-Council could exercise his powers in favour of the Assembly by giving it reasonable control over the Budget. The existing state of affairs made their power for good very limited; for instance, no opportunity was given for an intelligent criticism of the Army which consumed the largest sum. Members would welcome opportunities for effective criticism. Moreover, no danger to the country need be apprehended by the grant of the request. Rather, the effect of it would be quite the contrary. The position of the House, as it stood, was really impossible. Members should be given fuller opportunities for scrutinising all items, specially in connection with the budget which showed a deficit. As it was, they had quietly to accept the position as put by the Govt. without demur.

Dr. Gour strongly supported the resolution. He hoped that the Government would accept, as a matter of expediency, a proposal which was simple and extremely reasonable. (Hear hear.) He reminded the Government that Sir Godfrey Fell, the Army Secretary, replying to the criticisms of the Military Budget last year, expressed his personal wish that the Military Budget were subject to the vote of the Assembly which might thus shoulder the responsibility. The Army Secretary did not, therefore, apprehend any wrong at the hands of the House. Dr. Gour warned the Govt. that unless their request was granted, the gravest situation in the history of the House might arise when the next budget, which expected a huge deficit, was submitted to their vote.

Mr. Subrahmanyam said that he did not see any danger to the Government in case the request of the mover was granted. Even if the Assembly was given full powers to vote on all items in the budget, the Governor-General would still retain his veto power which might be urged in case the Assembly went wrong. On the other hand, the grant of the request would inspire confidence and enable members to share the responsibility with the Government and defend Government's actions outside the House.

Mr. Zahiruddin Ahmed was the first speaker who opposed the motion. He said: "First deserve and then desire." He doubted whether they had done their part of the contract before asking the other party to look to its part.

Sir Godfrey Fell intervened in the debate, not for purposes of giving the Government view which, he said, would be expressed