

Sir Montagu Webb briefly endorsed the views of the Finance Member and remarked that it was absurd and impossible to expect the Premier to retract the statements he had made in the Commons. Having expressed its feelings the House must, in order to reserve its dignity, not press the resolution.

Mr. Aguihotri in a brief reply said he accepted Mr. Rangachariar's amendment.

Sir William Vincent in winding up the debate repeated that the resolution, if passed, would do no good. He concluded that it would merely amount to this that they were biting the hand that fed them.

#### **Resolution Adopted**

The House divided at a quarter to six and adopted the amended resolution by 48 votes to 34. The result was received with loud non official cheers.

The resolution adopted reads as follows :—"This Assembly recommends to the Governor-General-in-Council that he may be pleased to convey a message from this Assembly to His Majesty's Government through the Secretary of State for India that it views with grave concern the pronouncement made by His Majesty's Prime Minister in the House of Commons on the 2nd of August 1922 and that it considers that the tenour of the whole speech and the sentiments therein are subversive of the declarations made by His Majesty and His Majesty's responsible Ministers and that it is calculated to create serious apprehensions in the minds of this Assembly and of the people of this country both in the matter of attaining Swaraj and of the Indianisation of its services."

#### *SIML 4—11TH SEPTEMBER 1922.*

##### **Guru-Ka-Bagh Affair.**

After questions Bhai Mansingh moved an adjournment of the House to discuss the treatment meted out by the police to the Akalis near Guru-ka-Bagh. The mover laid stress to the fact that his motion of to-day differed from his previous motion in as much as he has refrained from making any reference to the cases now "sub-judice" which arose out of the Guru-ka-Bagh affair.

Sir Malcolm Hailey objected to the motion for two reasons, firstly, because it referred to a provincial subject and secondly, because the question of the treatment by the police could not be discussed without touching the broad question now "sub-judice", whether it was lawful for a certain number of people to oust a Mahant. The police was merely doing their ordinary duty of protecting property in the legitimate possession of a Mahant,

The President disallowed the motion for adjournment.

Mr. Innes, Commerce Member, moved that this Assembly recommends to the Governor General in Council that beyond forwarding a copy to Local Governments and Administration for any action which they may consider desirable, no action need be taken on the recommendation concerning the application of the weekly rest day in the commercial establishments adopted by the General Conference of International Labour Organisation of the League of Nations convened at Geneva on October 25th 1921. Mr. Innes explained that this resolution referred only to commercial undertakings and not industrial undertakings. He said the Local Governments had been consulted and a majority of them protested against an All-India legislation on the subject as being in advance of the time. It would not also be practicable and advisable to have a uniform legislation for all India.

The Commerce member moved his second resolution asking that no action be taken on the recommendation concerning limitation of hours of work in inland navigation adopted by the General Conference of International Labour Organisation of the League of Nations convened at Genoa on the 15th day of June 1920. Mr. Innes said that, in view of obvious difficulties, action could not be taken to carry out this recommendation which proposed eight-hour day on ships, and in this respect India was not alone. Great Britain, Spain, Italy and other European countries had not also adopted the recommendation. The workers on inland navigation were on totally different footing from those in factories. The former were not constantly on active work, but were kept for emergencies and their work was uncertain.

Mr. Joshi unsuccessfully moved for an adjournment of the debate on this resolution till Government had obtained the opinion of the employers and employees' organisations concerned.

Mr. Innes' resolution was finally adopted.

Mr. Innes next moved his third and last resolution which asked for the ratification of the draft convention (1) fixing the minimum age for the admission of young persons to employment as trimmers and stokers and (2) concerning compulsory medical examination of children and young persons employed at sea. He said that the resolution merely confirmed the existing practice.

Mr. Joshi protested that the labour organisation on the recommendation of the Government of India and Japan fixed the minimum age for young persons to be employed as trimmers or stokers in these two countries at sixteen years while in the case of western countries the minimum age was fixed at 18.

## Indian Forest Service

Mr. Hullah moved his resolution recommending the recruitment to the Indian Forest Service by the selection in England and India of recruits who have already undergone a preliminary education in forestry followed by instruction as recommended by the Inter-Departmental Committee on the Imperial Forestry Education in their report of February 1921. Mr. Hullah drew attention of the House to the unique position of India in possessing her forests which had enormous potentialities for commercial, industrial, and agricultural development of the country. In the last 45 years the income from the forests had mounted up from fifteen lakhs to two and-a-quarter crores. It was therefore obvious that the question of the training of officers for this service was of supreme importance. He regretted that in the past, in spite of the fact that there was no bar to the admission of capable Indians, very few of them had shown the inclination to join the Forest Service. Government was now doing its best to stimulate Indian recruitment.

Mr. K. C. Neogy proposed to amend the resolution so as to make the House agree to the Secretary of State's scheme of raising Dehra Dun to the requisite standard of efficiency in order that it may not be necessary to send to England for the preliminary training and that all recruits for the Indian Forest Service should be trained at Dehra Dun as soon as necessary arrangements recommended in that behalf by the Public Service Commission in 1918 could be made and that pending such arrangements the present method of recruitment might continue. Mr. Neogy also advocated for speedy Indianisation of the service.

Mr. Subrahmanyam favoured Mr. Neogy's amendment provided it be amended so as to urge for early steps to be taken for pushing the Dehra Dun Scheme through.

Mr. J. Dwarkadas also supported Mr. Neogy and moved an amendment that the Dehra Dun Scheme be adopted with necessary modifications as to the conditions of training which might be considered essential.

Mr. Neogy accepted both these amendments to his proposal.

After a short discussion, government opposing, the following resolution as amended by Mr. Neogy was carried. "This Assembly recommends to the Governor-General-in-Council that all recruits for the All-India Forest Service should be trained at Dehra Dun as soon as necessary arrangements recommended in that behalf by the Public Services Commission in 1918 can be made, and that, pending such arrangements with necessary modifications as to the conditions of training which the Assembly recommends be taken up at a very early date, the present method of recruitment should continue."

## The Council of State.

SIMLA—11TH SEPTEMBER 1922

## Colony Returned Indians.

The day was devoted to non-official business. Sir Maneckjee Dadabhoi moved that steps be taken immediately in consultation and co-operation with philanthropic and religious bodies, for the re-admission into society of Colony returned Indians where possible and for the creation of one more settlement for the benefit of such of them as are not so admitted. The resolution was withdrawn on Govt. assuring that they would suggest to local Govts. schemes of colonisation which was really a provincial subject.

## Post and Telegraph Departments

Mr. Kale moved that in view of the repeated complaints regarding the allocation to the Telegraph Department of the revenues earned by the Postal combined offices on telegraphic messages transmitted through those office, and in view of the differential treatment accorded to the postal and telegraph services, (1) the revenue and expenditure accounts for the postal combined offices in relation to the above messages and those of the departmental telegraph offices be separately maintained and shown and the profits that may accrue as a result of this arrangement in the accounts of the Postal combined offices be credited to the Post office, and (2) that such profits may be utilised for the improvement of post offices and of the conditions, pays and prospects of the postal employees.

After a short discussion the Council was adjourned before this item was finished.

## The Legislative Assembly

SIMLA—12TH SEPTEMBER 1922

## Land Acquisition Act.

On this day non official business was taken up. Mr. J. R. Pantulu did not move his motion for referring his Bill to amend the Land Acquisition Act to a Select Committee in view of the fact that Mr. Sarma informed the House that Government intended to bring forward a comprehensive measure on the subject which would also embrace the object advocated by Mr. Pantulu's Bill. Mr. Pantulu however reserved to himself the right of bringing forward again his motion if he was not satisfied with the action of the Government.



**Distinction between Barristers and Vakils.**

Mr. G. I. Agarwala moved for a Select Committee on his Bill which advocated extension of privilege of appearing without a Vakalatnama or power of attorney to all legal practitioners of the High Courts and Chief Courts.

The Home Member opposed the motion as the opinions of all the High Courts and Local Governments had not yet been received.

Mr. Seshagiri Iyer and Mr. Iswar Saran extended their support to Mr. Agarwala's motion which proposed to remove the invidious distinction between Barristers and Vakils but urged that the consideration of the Bill be postponed. Mr. Agarwala thereupon withdrew his motion for a Select Committee on his Bill.

**Dr. Gour's Marriage Bill.**

Dr. Gour brought in his motion to refer to a Select Committee the Bill to amend Act 3 of 1872 relating to Civil Marriage. The debate on this motion was lively, and while the orthodox Hindu and Mahomedan members strongly opposed it as laying the axe at the root of religion, the supporters of the measure emphasised its permissive character ensuring the liberty of conscience. There was a strong tie between both these sections which however resulted in success to Dr. Gour whose motion was carried by a majority of one vote amidst loud applause of the supporters, thus agreeing to refer the Bill to a Select Committee.

Dr. Gour moved that his Bill providing for compulsory registration of all adoptions be referred to a Select Committee. He announced his intention of restricting the scope of his bill in view of judicial opinions received.

Dr. Sapru, while declaring that the attitude of the Government was neutral, informed the House that the opinion of experienced Hindu Judges was very widely divided. The bill as drafted would raise great difficulties in the cases of death-bed adoptions in rural areas. Several Hindu members opposed the motion.

Dr. Gour realised the strength of the objections and withdrew his bill with a view to redraft it and re submit it later on.

**Hindu Law Inheritance**

Mr. Seshagiri Iyer moved for referring to a Select Committee his Bill providing that no person governed by Hindu Law should be excluded from inheritance by reason of disease, deformity, physical or mental defect. The motion was however adjourned till the November session in Delhi in order to allow members to study various expert opinions received. The Home Member pointed out that it was entirely for the Hindu community to decide whether it would have piece-meal amendments of Hindu Law or otherwise.

**Indian Contract Act.**

Dr. Gour moved for a Select Committee on his bill amending the Indian Contract Act so as to suppress gambling in litigation by holding as void agreements by way of maintenance and champerty.

Sir William Vincent admitted that in certain parts of the country the evil of champerty existed and that it required checking. He said that Dr. Gour's bill would not at all achieve the object desired. The Government would however try to see if it could find reasonable means to suppress the evil. He opposed Dr. Gour's bill which when put to vote was rejected by the House.

**Married Women's Property Act.**

The House agreed without discussion to Mr. Kamat's motion for a Select Committee on his bill which proposed to amend the Married Women's Property Act with a view to provide that an insurance policy carried out by a Hindu, Muhammadan, Buddhist, Sikh or an husband for his wife or wife and children or for either of them should benefit those for whom it was mentioned and not form part of estate of the deceased as had been held by the Bombay High Court.

Sir William Vincent announced that the Bill had received universal support at the hands of local Governments.

**Illegitimate Son's Inheritance.**

Mr. M. K. Reddi introduced his bill which proposed to amend the Hindu Law of succession so as to provide that in case of Sudras as well, illegitimate sons should not inherit property of the putative father.

Mr. Reddi said that Sudras had advanced socially and their marriage ties were now almost as rigorous as in the cases of other castes of Hindus and they should therefore bring all four castes of Hindus on equal footing.

**The Legal Practitioner's Act**

Mr. Neogy was allowed to introduce his bill to amend the Legal Practitioner's Act. This bill enabled vakils to practice in all matters in the original side of High Court where at present only Barristers and Advocates are allowed to appear.

**SIMLA—13TH SEPTEMBER 1922****The Electoral Rules**

Sir William Vincent moved his resolution for a committee to examine and report on the amendments which were desirable in the electoral rules relating to the Council of State, Legislative Assembly and Provincial Legislative Councils. Apart from questions

affecting the franchise and constituencies of the various chambers the Home Member explained that the electoral rules were framed in great expedition and the experience of working them had shown some defects. The rules were an experiment of a novel character in many ways in this country and they required re-examination. For instance, among other things, the committee might consider that in order to avoid bogus candidates standing up for election, each member who wished to stand should be required to deposit some amount of money. The Government of India had consulted the local Governments and Mr. Hammond, possessing expert knowledge about election work, was on special duty in this connection. Government hoped that the labours of this Committee would result in the necessary amendments before the next general election which must be held at the latest by January 1924.

Sir William Vincent next moved asking the Assembly to agree to the election of panels of members for the Standing Committees to be attached to the four departments of the Government of India. The panels in cases of the Home and Education departments will consist of 6 members and in Commerce and Industry and Revenue and Agricultural Departments of 9 members. Out of each panel three members will be nominated, the other two members being nominated from the Council of State for each Standing Committee consisting of five. Sir William Vincent said that the Viceroy had taken great interest in the question of appointment of such Committees which the speaker was informed were doing very useful work in Bengal. He warned the members that the Committees would require sacrifice of a good deal of time of those who were nominated to them. He hoped that the proposed change would be of great educative and informative value to the members to the House.

#### Mr. Ginwala's Opposition

Mr. Ginwala struck a discordant note. He thought the proposed method of election by a single transferable vote was most objectionable, because, on account of provincial and communal considerations, none of the really competent men would be able to get into these panels. This was, he said, of course a condemnation both of the system of election and of the commonsense of the House. What he would have preferred was that Sir William Vincent with his wide knowledge of capacities of all members should have selected only those men who he considered the best able and who would benefit by the opportunities offered. He particularly emphasised that questions affecting his Province of Burma should not be referred to Standing Committees as neither the Government of India nor any member of the House had any knowledge of Burma. He would not stand for

election to these committees as he would not be able to spare the necessary time.

### SIMLA—14TH SEPTEMBER 1922

On the 14th. the Legislative Assembly discussed one of the burning questions of the day, relating to Provincial contributions to the Central Exchequer, which had been agitating the minds of certain provinces, particularly that of Madras. The original resolution on the subject and the 14 amendments to it showed that while the general consensus of opinion was in favour of re-opening the Meston settlement, they differed greatly as to the method and details to be adopted to achieve the purpose. On the floor of the House, below the Secretary's table, lay a heap of monster petitions, said to be signed by about 75,000 voters for the Assembly in Madras, showing the intensity of feeling in that province in favour of reduction of the contribution. Soon after the President took his seat Mr. M. K. Reddi Guru formally presented this pile of petitions to the President.

#### Provincial Contributions

Bakshi Sohan Lal proposed to move his resolution on provincial contributions not in original form, but by changing it so as to incorporate some of the amendments. Sir M. Hailey objected to this being done and also asked for a ruling of the chair as to whether certain amendments were in order because they went beyond the scope of the original motion which asked only for a reduction in the contribution, while some of the amendments asked the whole question being examined by a Royal Commission with a view to a more satisfactory allocation of revenues.

The President held that the amendments were within the scope of the subject raised though not within the precise terms of the resolution. The President asked Mr. Sohan Lal to move his original resolution. Mr. Sohan Lal therefore moved recommending that the present total provincial contributions to the Central Exchequer be reduced by two crores of rupees, the benefit of such reduction being immediately given to the provinces of Madras, the United Provinces and the Punjab.

Sir Malcolm Hailey, opposing the resolution, said that provincial patriotism was so strong that each one wanted to have a share for his own province from the expected proceeds from central revenues. He said the members who were fighting for a share out of the two crores were like a crowd of depositors, each, one trying to get what he could first from a bank whose affairs were

getting out of order. "But I ask this House, is it not first and foremost a custodian of the central finances whose duty it is to see that this particular institution is not going before the world as a bankrupt?" "What were," he asked, "the hard facts? The Meston Committee proposed a settlement under which it was estimated that the spending power of provinces would increase by 18 half crores. Of this surplus, the Central Government was to have 9 one-fourth crores leaving the balance to the provinces for development in connection with the reforms. In the case of Madras, the fact remained that its population was smaller than that of Bengal and the United Provinces and its revenues larger than those two provinces. Moreover, Madras, the United Provinces and the Punjab benefitted more by increase in the spending power under the settlement than any other province. That was why these three provinces had to pay a greater percentage to meet the estimated central deficit. But the Government of India had promised relief as soon as possible and Madras would have prior relief in proportion to its contribution. This was not a mere promise, but one which the Government was consistently endeavouring to fulfil at the earliest opportunity. The next trouble was that the Meston settlement had broken down both in case of Central and Provincial Governments for causes which were common to both administrations, i. e., the general rise in prices and consequent increases in pay and allowances of establishments. The situation was deplorable. The Central Government had been facing huge deficits for the last four years. Even in the current year, due to Waziristan and other factors, deficit might be considerably higher than nine crores. The Central Revenues had thus suffered in greater proportion than the provincial revenues, but even if relief was to be given to the provinces the crux of the question was wherefrom was the money, the two crores, to come. Mr. Rangachariar had told them to raise a loan. He wished it was realised by the member from Madras what effect on trade, commerce and general conditions of the country resulted from the raising of continuous heavy loans. Loans would also bring about the inevitable inflation in paper currency. There was, however, another consideration. They could not give benefit to certain provinces without injuring the interest of other provinces. The Finance Member concluded: "This is a resolution which the Govt. cannot accept until the House provides it with necessary funds by additional taxation or by any other means. I believe it is in the mind of the Hon'ble Member who put forward this resolution and those who supported it that the Govt. cannot accept it. Not only that, it will be criminal on its part to accept it, but that it was never possible even for an instance for the Govt. to accept it. I leave it to the House,

I ask them to realise their position not merely as provincial representatives but as guardians of the central finances. I ask them to reject the resolution which will favour certain provinces by injuring others."

Mr. Jamnadas Dwarkadas moved an amendment to the resolution to the effect that the provincial contributions as fixed at present under the Devolution Rules having been found unworkable in the case of many provinces, immediate steps should be taken to examine through a Royal Commission, or any other impartial agency, the financial relations between the Central and Provincial Governments as now laid down in the devolution rules with a view to a more satisfactory allocation of revenues.

Dr. Gour opposed the motion of Mr. Jamnadas and supported the original motion. In his opinion, the question before the House was not so much a fight between some provinces and the Government of India as between the Assembly and the Government of India. Sir Malcolm Hailey had said that this Assembly was the custodian of the public purse, but were they the custodians of the public purse? He thought they were like the monkeys which drew chestnuts out of the fire (Laughter.) Every year the Finance Member came and asked for the Government of India's ever-growing deficits to be made good by additional taxation, but when this Assembly asked for accounts, then it was told that it was none of its business and that its only business was to find the money. The Finance Member had said that if this resolution was accepted there would be a further inflation of paper currency. Who was responsible for the inflation? Only the Finance Member; and when this Assembly after complaining that the Government of India were burning the candle at both ends and suggested a Retrenchment Committee, that suggestion was opposed tooth and nail. But when it was carried, the Government of India or rather the Finance Member appointed a committee of outsiders. Was the Assembly satisfied with the constitution of that committee. (Cries of No.) Dr. Gour said: "Then Sir, the Finance Member asks us to show where to find two crores. I say in national economy. I say, vacate your place and give place to us and we shall run the Government of India and we shall be able to balance our revenue and expenditure. (Non-official cheers.) But to expect us to find the money over the expense of which we have no control is an unconstitutional position in which the Government of India finds itself to-day, and what sympathy can they get from the representatives of the people? I say confidently, 'none'." Dr. Gour criticised the sinking of money in Waziristan and the fact that the Government was going to spend three lakhs and thirty thousand rupees in the cold weather transfer of troops. He opposed the amendment of Mr. Jam-

nadas Dwarkadas and said that by accepting it they would be only following into a death trap, especially at a time when the deficit of the Central Government was so great and there was every prospect of its becoming still greater next year. A Royal Commission would neither benefit the one that gave nor the one that took. The real crux of the question was that the Government of India must set their house in order.

Sir Malcolm Hailey, winding up the debate, spoke at great length holding that the task before the Royal Commission would be impossible because financial re-allocation could not be examined without administrative re-allocation and if it was re examined he was sure that the result would be harmful to the provinces rather than useful. The provinces may have to make good the Central Government's deficit perhaps to the extent of 20 crores, rather than nine as at present. He was afraid that the Meston Committee had been over-sanguine about the Central Revenues. Moreover, the world finances were in such a state that Government could not lay before the Royal Commission their minimum requirement with any finality or confidence. They had still to explore avenues for retrenchment and not even the wisest man in the House could say what course exchange would take in future. The Royal Commission would thus be sitting on an impossible task. The Meston Committee only recommended a temporary settlement, but if a re-allocation of funds was wanted which would give provinces their income-tax, then money must come from either taxation or loans or other provinces must make it good. As to the question whether the income-tax be a central or provincial head of revenue, he said that from administrative and other points of view, income-tax could only be a source of central revenue and the proposal of dividing its proceeds by half between provincial and central Governments was not feasible and workable. As for Bombay it had suffered from fall in the revenue exactly as central and other provincial administrations had suffered. As for the original resolutions, the real question was that the provinces wanted more money. Wherefrom was the Central Government with a heavy deficit to find that money? It was for the House to decide.

The amendment of Mr. Jamnadas Dwarkadas for Royal Commission was put and lost by 63 votes to 27. The original resolution for reduction of two crores was next put and also lost by 48 votes to 38.

#### *SIMLA—15TH SEPTEMBER 1922.*

##### **Workmen's Compensation.**

On the Assembly meeting on the 15th, on the motion of Mr. Innes the House agreed to commit to a Joint Committee of two

Chambers the Bill to consolidate and amend the Law relating to Steam Boilers in India. The object of this bill was to secure uniformity throughout India in all technical matters connected with boiler regulations, standards of constructions, maximum pressure etc., and to insist on the registration and regular inspection of all boilers throughout India.

Mr. Innes introduced his Bill to define the liability of employers in certain cases of suits for damages brought against them by workmen and to provide for payment by certain classes of employers to their workmen compensation for injury by accident. The House agreed to commit the Bill to a Joint Committee of the two Houses consisting of 22 members.

#### The Indian Mines Act

Mr. Innes introduced his Bill amending and consolidating the law relating to the regulation and inspection of mines. Mr. Innes said that the Bill was a most difficult and contentious measure. Its most important amendments were those defining the respective functions of Central and local Governments, modifications of the definition of a mine so as to make it include excavation for minerals, regardless of depths, raising the age of a child from 12 to 13, prohibiting employment and presence of children below ground, restricting hours of labour to 60 hours per week for above ground and 64 for below ground workers, and prescribing a weekly day of rest. Penalties were also increased for disobedience of orders resulting in death or serious injury to workers.

#### The Police Bill

Sir William Vincent moved that the report of the Select Committee on the Bill to provide penalty for spreading disaffection among the police and kindred offences be taken into consideration. He said that the Bill was introduced in Delhi and referred to a Select Committee. Thus the House committed itself to the principle underlying the Bill. He was, therefore, surprised to find from the amendment list that some members wanted to circulate it for public opinion. The Bill, as altered by the Committee, made it clear that bonafide attempts made in a lawful manner to secure the resignation of policemen were not penalised and bonafide activities of police associations which were being recognised in almost all provinces by the Government were excepted from the provisions of the act. The measure was protective and not punitive. In the past systematic and persistent attempts had been made to intimidate, socially boycott, and spread disaffection among the police. At one time this danger was serious. The local Governments had unanimously supported the Bill. The present law was ineffective in as much as its operation



would delay the punishment of offenders until mischief had been done. Moreover, even the democratic Government of Great Britain had found it necessary to enact a similar law for the protection of police from seditious attempts. The police force had in the past been severely strained and it was up to the Assembly to give them special protection in the discharge of their duties. He believed it would be no use circulating the Bill which had already been before the public for 9 months during which no serious protest had been received. He urged the members to be frank and either openly throw out the measure or accept it. He did consider the Bill was a perfectly sound and salutary measure required at this juncture. The Assembly must either support or reject his Bill.

Mr. Agnihotri strongly opposed the Bill as being vague, dangerous and reactionary, and it would be to the detriment of the public to further empower the police which had used its present powers in a most high-handed manner. Men crying "Bande Matram" and "Gandhi ki-Jai" were thought to be spreading disaffection. In one village in his part of the country the police had been enraged because certain boys had the boldness to cry "Gandhi-ki-jai" when the Superintendent of Police was passing them in his motor car.

Dr. Gour said that substantial alteration were made in the Bill under the pressure of the Select Committee.

Sir William Vincent :—What about the pressure of the House ?

Dr. Gour :—That will be felt very soon. (Laughter)

Dr. Gour said that his main objection was that the existing laws was sufficient to meet the mischief in any case. In test it was not found wanting. Everyone agreed that police loyalty must not be unduly tampered with. But where was the judicial opinion showing that section 29 of Police Act read with sections 107 and 108 of I.P.C. had failed ? He thought that in warning the House against the consequence of its refusal to accept the Bill, Sir William Vincent was emulating his former achievements. Introducing the Rowlatt Bill, the Home Member had talked about the disastrous consequences and sacrifice of law and order if the Rowlatt Bill was not accepted. The House was thus getting accustomed to these warnings of the Home Member. Dr. Gour felt that the analogy between England and India could not hold good. The English Law, similar to the Bill under discussion, was enacted by the People's Parliament and there were sufficient checks against its abuse. He was afraid that when their rights were proposed to be curtailed they were cited the example of Great Britain, but when they wanted the extension of their liberties the example of Great Britain was discarded. Dr. Gour moved his amendment for circulation of the Bill for eliciting public opinion which, he said, had not yet been ascertained.

The amendment of Dr. Gour for circulation was rejected by 44 against 41. The House then discussed the Bill clause by clause and altered substantially the important clause No. 3.

With the approval of the Government, on the motion of Sir Devaprasad Sarbadbhikari the House added at the end of Clause 3 explanations two and three of Sections 124-A, I. P. C. in order to define disaffection.

On the motion of Mr. Agnihotri the penalty under this Bill was reduced from two years to six months. The Government strongly opposed this, the Home Member pointing out that the maximum of two years in serious cases was heavy.

Mr. Rangachari suggested that really serious cases of disaffection could be dealt with under Section 124-A, I. P. C. When the amendment for reduction in the period of sentences was pressed to a division it was carried by a majority of one, voting being 39 against 38.

Mr. Bhargava moved that the proposed fine be reduced from one thousand to two hundred rupees. This change was also carried by 44 against 37.

Clause 3, before and after.

Clause three, as it emerged from the Select Committee read :—

“Whoever intentionally causes, or attempts to cause or does any act which he knows is likely to cause disaffection amongst the members of a Police Force, or induces or attempts to induce, or does any act which he knows is likely to induce any members of a Police force to withhold his services, otherwise than in a manner expressly authorised by, or under any law for the time being in force, or to commit a breach of discipline, shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees or with both.”

Clause three as finally passed by the Assembly read :—

“Whoever intentionally causes, or attempts to cause, or does any act which he knows is likely to cause disaffection towards His Majesty, or the Government established by law in British India, amongst the members of a Police Force, or induces, or attempts to induce, or does any act which he knows is likely to induce any member of a Police Force to withhold his services, otherwise than in a manner expressly authorised by or under any law for the time being in force, or to commit a breach of discipline shall be punished with imprisonment which may extend to six months, or with fine which may extend to two hundred rupees, or with both.”

Explanation :—Expression of disapprobation of the measures of the Government with a view to obtain their alteration by lawful means or of disapprobation of the administrative or other action of

the Government do not constitute an offence under this section, unless they excite, or are made for the purpose of exciting disaffection.

Objection was taken that clause three of the Bill as drafted did not carry out the instructions of the Select Committee which definitely laid down that bonafide attempts for securing resignation of a police man for bettering his prospects, or otherwise furthering his welfare, should not be penalised.

The Home Member said that the idea of this recommendation was put into a clause but promised to get it examined, and if any further explanation of the language was necessary he would introduce it before it is sent to the Council of State.

Clauses 4 and 5 of the Bill were passed without any change, attempts at amending them having failed.

Mr. Neogy moved that the operation of the Bill be restricted to one year in order to see how it worked during that period leaving it open to the Government to come up again with a view to perpetuate this measure if the House were satisfied then with the necessity thereof.

Sir William Vincent opposed Mr. Neogy's motion because the Government did not consider the measure as an emergency, repressive or special legislation, but as one perfectly harmless and one to which both the people and the Police would look to in ordinary times. The motion of Mr. Neogy was rejected by 42 votes to 36. Sir William Vincent then moved that the Bill as amended be passed.

Dr. Gour took objection to its passage on the ground that this motion need not be taken up the same day it was considered. Mr. Rangachari and Dr. Sarbadhikari pointed out that the Bill was not a perfect measure and that the Home Member himself had admitted that he would get it examined before going to the Council of State. They urged that the dignity of the House required that all imperfections must be removed before the Bill was sent to the Upper Chamber.

The Home Member readily agreed to the suggestion for postponement of further consideration of the Bill with a view to examine whether all the provisions pressed by the House were embodied in the Bill in proper order. The further consideration of the Bill was therefore postponed.

### The Council of State.

*SIMLA—16TH SEPTEMBER 1922*

On the 18th further discussion was taken up on the resolution of Prof. Kale who wanted maintenance of separate accounts for posts and telegraphs in the combined post offices. The resolution

was pressed to a division and lost, 9 voting for and 21 against it, about half a dozen members remaining neutral.

Lala Ramsaran Das moved that the system of monopolies now given to the Government contractor in every district of the Punjab for the sale of salt having proved injurious to the general public should be abolished and the old system for the sale of salt should be adopted. After further discussion Lala Ramsaran Das withdrew his resolution.

#### • The Indian Forest Service

Mr. Sethna moved :—"This Council recommends to the Governor General in Council that in view of the fact that India provides in the Forest Research Institute at Dehra Dun a highly efficient and up-to-date institution for instruction in forestry and forest research, the present practice of recruiting a proportion of the probationers for the Indian Forest Service in Great Britain and training all probationers, whether recruited in Great Britain or India, in the Universities of the United Kingdom, be abolished forthwith and that all probationers for the service be recruited and trained in India, and that every such probationer drafted into the service be given all facilities to add to his knowledge and experience by a tour to the Continent of Europe after at least three years of continuous and approved service."

This resolution was practically the same as the motion of Mr. Neogy which was adopted in the Legislative Assembly on 11th September in preference to Mr. Hullah's proposition that recruitment be by selection in England and India, of recruits, who have already undergone a preliminary education in forestry followed by training for one year in England and Europe of all recruits together at a central institution as recommended by the Inter-departmental Committee on Imperial Forestry Education. Mr. Sarma had given notice that this latter proposition of the Revenue Secretary will be moved at this meeting of the Council of State as an amendment to Mr. Sethna's resolution, but as soon as Mr. Sethna had moved his resolution, the President declared the meeting adjourned till next day when further consideration of the resolution of Mr. Sethna will be taken up along with Mr. Sarma's amendment.

In moving the resolution Mr. Sethna generally covered the grounds traversed by Mr. Neogy in the Assembly. He said that his resolution merely recommended the adoption of the previous decision of the Secretary of State which was acceptable to the Government of India and was suggested by the Public Services Commission in the first instance, namely, that all recruits be trained at Dehra Dun. His resolution also suggested that some time after the recruits had

qualified themselves, they be sent to the continental forests, but the proposed amendment of Mr. Sarma was in favour of the recommendation of the Inter-departmental Committee. The principal reason which the Government gave in support of their resolution was that the cost to the Government would be less and they would be called upon to pay the expenses for just a period of one year during which the probationers would be working at the Central Institute somewhere in the United Kingdom. The Govt. had not, however, given any definite information as to the cost of the Central Institute and how much India would be required to contribute not only towards the initial cost of such institute but also for its upkeep. In the absence of any definite information it could not be assumed for certain that the cost of this country would be less as suggested by Government, but all things considered it would be cheaper in the long run to spend more money on the Dehra Dun Institute and train recruits in this country, and the Dehra Dun Institute was recognised as one of the best. Further, those who were in a position to pronounce opinion on this question were emphatic in their view that British Forest schools as they existed to-day were inefficient for the purpose of impartial institution in forestry. Efficient theoretical training could surely be given to the probationers at Dehra Dun. Mr. Sethna agreed that by the abolition of the Provincial Forest Service and its amalgamation with the Indian Forest Service into an Indian Service of Forest Officers, a few lakhs of rupees would be saved annually in each of the provinces. But whether this was done or not, he urged that the training of all recruits for the forest service should be in India.

*SIMLA—19TH SEPTEMBER 1922*

On the Council of State assembling on the 19th Mr. Sarma moved his counter proposition on behalf of the Government which was to the effect that recruitment to the Indian Forest Service be by selection in England and India, of recruits who had already undergone a preliminary education in forestry followed by training for one year in England and Europe of all recruits together at a central institute as recommended by the Inter-Departmental Committee on Imperial Forestry 1921. This amendment was the same as Mr. Hullah's proposition which was defeated in the Legislative Assembly on the 11th September. The difference between Mr. Sethna's motion and Mr. Sarma's amendment is that while the former wanted that all recruits both Indian and British to the Indian Forestry Service be trained in India and be allowed to supplement their knowledge after at least three years approved service by a tour in the continent, the latter urged that the recruitment be both in

England and India, those recruits trained in England supplementing their knowledge in the continental forests. Mr. Sarma in urging his proposition on behalf of the Government made a lengthy speech. He was glad to note that the intelligentsia in this country were realising the necessity of developing the potential resources of forest. They must approach the question from a commercial stand-point rather than from the stand-point of appointing recruits from one class of people or any other.

Sardar Jogendra Singh opposed it because he was entirely unconvinced by the speech of Mr. Sarma which was in the name of a special pleading. The question of training in forestry at Dehra Dun was started about seven years ago and even Government had not come to a decision in favour of a well-equipped institute at that place. By accepting the amendment of Mr. Sarma this House would only be further postponing the matter. Moreover, the study of sericulture which had been emphasised by Mr. Sarma was provided for in the resolution of Mr. Sethna that every probationer be given all facilities to add to his knowledge and experience by a tour in the continent of Europe after three years of approved service in India.

Mr. Samaldas moved an amendment to Mr. Sarma's amendment. The effect of it was that recruitment to the Indian Forest Service be for the present by selection in England and India of recruits who have already undergone a preliminary education in forestry followed by training for one year in England and Europe of all recruits together at a central institution provided the final goal to be kept in view would be that complete training in forestry be given in this country at an institute where there should be full scope for research work.

Mr. Kale characterised this amendment as a diluted motion and strongly opposed it. The amendment of Mr. Samaldas was then put and lost.

The Revenue Member assured the House that training in Dehra Dun would be the best possible and pointed out that Mr. Sethna's proposition would only delay the realisation of Indian hopes. The amendment of Mr. Sarma was put and declared lost and on his claiming division it was found that 16 voted against the amendment and 15 for it, the non-official section of the House greeting the announcement of the result with applause. The resolution of Mr. Sethna was then put and carried.

#### Slaughter of Cows.

Mr. Sukhbir Sinha moved :— "This Council recommends to the Governor-General-in-Council that in order to improve the breed and number of milch and agricultural cattle a commission be appointed to

make enquiries in every province, take evidence, collect facts and figures and report as to the following points among others: the number and condition of milch cattle, slaughter of cattle for food, slaughter of cattle for Muhammadan religious purposes, slaughter of cattle for British soldiers, whether beef can be imported from outside India if required for British troops, the conditions of grazing lands, the condition of fodder, how the number and breed of cattle can be improved."

The motion was opposed by Sir Umar Hayat Khan and Mr. Rangaswami Ayyangar, the latter on the ground that at a time when Muhammadans themselves were slowly abstaining from cow-killing the Council should not force upon the Government a resolution which would do more harm than good.

On Mr. Sarma assuring the House that the Government was keen in the matter and were doing everything possible in the desired direction, Mr. Sukhbir Singh withdrew his resolution.

#### Inland Navigation

On the motion of Mr. Lindsay the following three resolutions adopted in the Legislative Assembly were carried:—“(1) That the Council of State recommends to the Governor-General-in-Council that no action be taken on the recommendation concerning the limitation of hours of work in inland navigation adopted by the Central Conference of the International Labour Organisation of the League of Nations convened at Geneva on the 15th day of June 1920. (2) That the Council of State recommends to the Governor-General-in-Council that he should ratify the draft conventions adopted by the General Conference of the International Labour Organisation of the League of Nations convened at Geneva on the 25th day of October 1921 fixing the minimum age for the admission of young persons to employment as trimmers to stockers and concerning the compulsory medical examination of children and young persons employed at sea. (3) This Council recommends to the Governor-General-in-Council that beyond forwarding a copy to local Governments and administrations for any action which they may consider desirable, no action need be taken on the recommendation concerning the application of the weekly rest day in commercial establishments adopted by the general conference of the International Labour Organisation of the League of Nations convened at Geneva on the 25th October 1921.”

SIMLA—20TH SEPTEMBER 1922

#### Political Prisoners

After a few questions had been answered, Mr. Lalubhai Samaldas moved that political prisoners who are not convicted of

violence to person or of destruction of property or of incitement thereto should be treated as first class misdemeanants as in England.

In urging the motion for the acceptance of the House, Mr. Samaldas referred to the public feeling in the matter, which he said, ought to be assuaged by giving the political prisoners lenient and kind treatment. In the Bombay Council when a resolution was brought on this question, the Home Member then stated that the treatment would be more humane and that there would be no reason for complaint. It was further stated that instructions were being issued to Local Governments by the Government of India. That was the reason for the mover's bringing in the question before the Central Legislature. Mr. Samaldas referred to several cases of hardship to which the political prisoners had been subjected and remarked that the object of the punishment meted out to the prisoners must be reform and not retribution. He specially referred to several cases of whipping of political prisoners in the enlightened province of Bengal and remarked that it was a pity that such a form of punishment, resorted to only in serious cases like mutiny, and against which the jail committee has made specific recommendation, had been inflicted in the name of law and order, thereby making martyrs of the prisoners.

Mr. O'Donnell, the Home Secretary, replied on behalf of the Government explaining what had been done by the Government. He welcomed this resolution because it gave the Government an opportunity of removing the misapprehensions that had been sedulously fostered by the non-co-operation party, who carried on an insidious campaign of calumny on this subject with the result that false statements and false rumours and false reports had appeared in the press. Mr. O'Donnell referred to the discussion in the Bombay Legislative Council where, on behalf of the Government, the Home Member had given special denial of the allegations and malicious and stupid statements made about the treatment of political prisoners and said that, although the non-co operators were insidious in their attack on Government with regard to the treatment of political prisoners, they were generally silent about the conduct of the prisoners in jail. There were many prisoners who had been guilty of serious offences against jail discipline and it was a well-known fact that there had been recently several cases of jail outbreaks. There had been during the last two years a movement tampering with the loyalty of the troops and for subverting the constitutional Government. If such an offence had been committed in England no person would be treated as a first class misdemeanant.

Mr. Raza Ali :—What about Irish political prisoners?

Mr. O'Donnell :—“I am coming to that, Sir. I have seen it



repeatedly stated that in every country in the world, except in India, all people convicted of political offences are treated as first class misdemeanants. I have not seen the evidence in support of this allegation. If the statements that are appearing in the Press are correct there have been very serious sentences of political prisoners in the United Kingdom. I know something about Ireland and you can take it from me that none of the Sinn Fein prisoners had received treatment in the first division. The special rules and instructions issued by the Government of India do not differ from the special rules issued in the case of Sinn Feiners at a time when three fourths of the population there were in passive or active rebellion. I say that the instructions issued by the Government of India to local Governments will not compare unfavourably with the rules in Ireland."

Mr. O'Donnell referred to the privileges to the prisoners and said that those selected for special treatment could get their own beds, could have their own dress, and would be supplied with newspapers. As regards the privilege of getting their own beds, the Punjab Government believe that as the people of that province were warlike and virile, there was every possibility that beds would be broken and used as weapons to fight against each other, thereby impairing the jail discipline. Regarding the supply of newspapers Mr. O'Donnell emphasised that this was the practice till some time ago in a number of jails, but as it had led to unfortunate results, such as serious outbreak in the Lahore jail, it had to be restricted to certain exceptional cases. The privilege of writing letters and receiving them was also extended in special and urgent cases. No menial duties would be given to prisoners and handcuffing would not be imposed on those who behaved well. Flogging in jail would be resorted to only in the last resort and that too under the orders of the Local Government.

Mr. Raza Ali moved an amendment by way of addition to the resolution. It was to the effect that enquiries should at once be made into the condition of political prisoners in the North-west Frontier Province. His main contention was that there were Legislative Councils in all the Provinces in India to agitate on behalf of the political prisoners, but there was no such Council in the Frontier Province, and it was therefore necessary that their condition should be enquired into. The difficulties of the political prisoners in the Frontier Province were in regard to food, clothing and solitary confinement. If the treatment meted out to political prisoners in U. P. were to be followed in other Provinces then the lot of these prisoners would be much happier. What should be done was that there should be separate jails for political prisoners. Mr. Raza Ali believed that the list of concessions announced by Mr. O'Donnell would assuage

public feelings to some extent, but these concessions were hedged in by so many conditions, that the whole thing looked like giving with one hand and taking away with the other. Mr. Raza Ali asked the House to pay the highest compliment to Sir Umar Hyat Khan, by ignoring his speech completely.

Mr. O'Donnell assured the House that all the rules and instructions issued by the Government of India would be applicable to the Frontier Province as well, and these rules and instructions were now under the consideration of the Chief Commissioner of that Province. The amendment of Mr. Raza Ali was put and lost. When he claimed division the President declared that it was an entirely frivolous claim.

Mr. O'Donnell in winding up the debate emphasised that whipping would be given under the orders of the Local Government which meant that the opinions of Indian members of the Governor's Executive Council would be taken beforehand. It was impracticable to have separate jails for political prisoners and it was equally impossible that any jail authority would agree to the proposition that non-officials should be consulted before whipping order was given. In conclusion Mr. O'Donnell explained the list of concessions and said that there was everything in them to show that leniency would be reasonably shown to the prisoners.

The resolution of Mr. Samaldas was then withdrawn. On the motion of Mr. Kale, supported by Mr. Moncrieff Smith, some amendments to standing orders as suggested by the Select Committee were carried.

#### *SIMLA—23RD SEPTEMBER 1922*

After question time Mr. Lindsay, Commerce Secretary, moved the Council to agree to the Assembly's recommendation that the Bill to consolidate and amend the Law relating to the Regulation and Inspection of Mines be referred to a Joint Committee of both the Houses, consisting of 18 members. The Council agreed to the motion.

#### *The Police Bill.*

Mr. O'Donnell, Home Secretary, in moving for the consideration of the Bill providing safeguards against spreading disaffection among the Police and kindred offences, said that it was notorious that there had been attempts to spread disaffection. It might be that they were now not of the same vigour as they were a few months ago. Attempts were at that time made on a very serious scale, in some cases very successfully, and it was a matter for gratitude that despite such attempts the loyalty of the vast

majority of the public had remained unimpaired (Applause.) But even now the propaganda had not ceased and there was no guarantee that the attempts would not be renewed with increased vigour in the future. For this, there must be effective remedy. The present law, that is, Section 124 of I.P.C. (sedition) read with Section 29 of the Police Act had proved entirely ineffective. The Bill was based on the English Law, but differed from it that certain safeguards not to be found in the English Law had been embodied in it and provision had been made for the penalty of six months simple imprisonment instead of two years.

Mr. Reza Ali failed to see any justification for Government bringing in the Bill. The onus of proof lay on the Government. They must also explain the necessity for the measure, but they had not attempted to make a statement explaining in how many cases prosecutions were launched for the offence of spreading the pernicious doctrines among the Police and in how many of them the present law proved ineffective.

Mr. O'Donnell read out extracts from the report of local Government showing how some policemen had succumbed to the influence of propaganda carried on amongst them. Prosecution under Section 124 A was in the nature of a State trial and involved great delay which ought to be avoided. A more prompt remedy was therefore called for. It was difficult under the present law to prove the abetment of offence, because the propaganda was carried on secretly and the penalty under the existing law was only three months, whereas the offence required greater punishment. For these reasons, Mr. O'Donnell urged that the Bill should be taken into consideration. The motion was put and carried.

The amendments to the Bill were then taken up for discussion. The amendments of Mr. Khaparde were the same as those brought forward by the Home Secretary in fulfilment of the promise given by Sir William Vincent in the Legislative Assembly. The discussion on the amendments lasted nearly two hours. All the non-official amendments were lost while those moved by Mr. O'Donnell were accepted without much discussion.

#### Clause 3.

Mr. Raza Ali wanted deletion from Clause 3 of the words, "Whoever does any act which he knows is likely to cause disaffection towards His Majesty or the Government established by law in British India amongst the members of a Police force or induces or attempts to induce or does any act which he knows is likely to induce." The contention of Mr. Raza Ali was that the object of the Government could be better achieved by amending

the ordinary law Section 124 instead of bringing it in connection with the Police Bill.

Mr. O'Donnell objected to the proposal which was put and rejected.

#### Trust the District Magistrate

Mr. Raza Ali also attempted to change the Bill in respect of Clause (3) by asking for deletion of words relating to attempt to induce Police to commit breach of discipline.

Sir Leslie Miller thought that the expression was too vague. Mr. Moncrieff Smith asked the House to trust the District Magistrate without whose sanction any proceedings would not be launched under this Act. The amendment of Mr. Reza Ali was rejected.

#### Danger to Police Associations.

Mr. Kale moved an amendment to the effect that instead of the Police association being authorised or recognised by Government, its acts done in good faith under rules or articles of such association as being necessary for exemption under the operation of the Bill the exemption be extended to any Police association which conforms to the rules made by Government in that behalf.

This amendment was also lost.

#### Official Amendments

Mr. O'Donnell's amendments were four in number and they were all carried. Two of them were of a drafting character in order to remove ambiguities, while the others were very important. By these latter two amendments it was provided that no court inferior to that of a Presidency Magistrate or Magistrate of the 1st Class shall try any offence under this Act notwithstanding anything contained in Chapter 23 of the Criminal Procedure Code. No offence under the Act shall be triable summarily. It was further provided that nothing shall be deemed to be an offence under this Act which is done in good faith for the purpose of promoting the welfare or interests of any member of police force by including him to withhold his services in any manner authorised by law.

The amendments were accepted by the House.

#### Amendments in Procedure.

Mr. Raza Ali made a further attempt to amend Clause 5 relating to trial of offences so that no prosecution should be launched under this Act without the previous sanction of or on the complaint of the member of the Executive Council in charge of police or of the local Government. He based his proposal on the fact that the District

Magistrates in times of local excitement were apt to make very wide use of the section.

"Sir Maneckji Dadabhoi opposed the amendment as he thought it was defeating the ends of justice.

Mr. O'Donnell pointed out the necessity for prompt action and emphasised the existence, under the ordinary law, of the right to appeal to the High Court, should the accused feel any injustice.

The amendment was therefore lost.

#### The Bill as Amended.

The Bill as finally amended and passed by the Council of State ran as follows :— "Whoever intentionally causes or attempts to cause or does any act which he knows is likely to cause disaffection towards His Majesty or the Government established by law in British India amongst the members of a police force or induces or attempts to induce or does any act which he knows is likely to induce any member of a police force to withhold his services or to commit breach of discipline shall be punished with imprisonment which may extend to six months or with fine which may extend to two hundred rupees or both."

Explanation :—[Expressions of disaffection of the measures of the Government with a view to obtain their alteration by lawful means or of disapprobation of the administrative or other actions of the Government do not constitute an offence under this section unless they cause or are made for the purpose of causing or are likely to cause disaffection.]

"Nothing shall be deemed an offence under this Act which is done in good faith for the purpose of promoting the welfare or interests of any member of a police force by inducing him to withhold his services in any manner authorised by law or on behalf of any association formed for the purpose of furthering the interests of the members of a police force as such where the association has been authorised or recognised by the Government and the act done is one under any rules or articles of the association which has been approved by the Government.

"No court shall proceed to the trial of any offence under this Act except with the previous sanction or on the complaint of the District Magistrate or in the case of a Presidency town or the town of Rangoon, or the Commissioner of Police.

"No court inferior to that of a Presidency Magistrate or Magistrate of the First Class shall try offence under this Act notwithstanding anything contained in Chapter 22 of Cr. Pr. Code of 1898.

"No offence under this Act shall be liable to be summarily disposed of."

The Bill, as passed by the Legislative Assembly and as amended by the Council of State, was then passed.

On the motion of Mr. Cook, the Negotiable Instruments Bill as passed by the Assembly was passed. This measure extends protection to bankers who receive crossed cheques for a customer from having to incur any liability in case the cheque proves defective.

The House then agreed to the passage of three more Bills on the motion of Mr. O'Donnell. These were the Court Fees Act Amendment Bill, the Parsi Marriage and Divorce Bill and the Official Trustees and Administrator Generals Act Amendment Bill as passed by the Legislative Assembly. No discussion took place.

### SIMLA—25TH SEPTEMBER 1922

The Council of State met on the 25th to discuss four non-official resolutions. There were only two questions on the agenda, one of which related to the report of the Fiscal Commission.

The President then read two messages received from Lord Reading, the Governor General. The first stated :—

That as the Legislative Assembly had refused leave to introduce the Bill providing protection to the Princes in Indian States against seditious attacks in the Press in British India, Lord Reading declared in exercise of his powers under sub-section 1 of Section 67 (B) that he had certified the Bill as essential for the interests of British India.

The second message recommended that the Bill be passed in the Council of State in the form in which it had been presented.

The Secretary laid on the table the copy of the Bill whereupon the Hon. Mr. Thompson asked the President for a ruling about the procedure to be followed as to the form of the motion. Sir Alexander Muddiman said that this was the first occasion when a Bill certified under Section 67 (B) of the Government of India Act had been brought before the Council. The section dealt in the first place with Bills which had already been passed by the other Chamber. But leave to introduce the Press Law Bill giving protection to Princes was understood to have been refused. That brought these questions to the second part of the sub-clause which said—"If the Bill has not already been so passed it will be laid before the other Chamber and if consented to by that Chamber in the form recommended by the Governor-General it shall become an Act on the signification of the Governor-General's assent, or, if not so consented to, it shall, on the signature by the Governor-General, become an Act as aforesaid." Thus it was clear that Parliament had intended that in case where a Bill had been refused introduction and certificate had been given by the

Governor-General it should be laid before the other Chamber. The position was entirely analogous to that created by Rule 25, that is, that when a Bill has been laid the motion for consideration might be made. In other words, there was no motion for leave to introduce it. The Bill was merely a certificated Bill and therefore, if it was passed in the form not recommended by the Governor-General, then it could become an Act on the signature of the Governor-General under Sub-Section to Section 62 (1). It was clear that if the Bill was passed into an Act it must be laid before the House of Parliament and any observation made by the Council must inevitably come under the consideration of the Mother of Parliaments.

It was finally announced that the Bill would come up next day in the form of a recommendation of the Governor-General.

[See *post* for proceedings]

## The Legislative Assembly.

SIMLA—18-25TH SEPTEMBER 1922.

### The Police Bill.

On the Assembly meeting on the 18th the adjourned consideration of the Police Disaffection Bill was taken up (see p. 701). Despite non-official opposition and in the face of grave warnings, the Government carried the Bill in its third reading in the Legislative Assembly. Non official opinion was voiced by Dr. Gour and Mr. Rangachari that the measure was still imperfect in as much as it was not stated therein whether lawful measures taken by any person to secure the resignation of a member of the police force to further the latter's welfare would not be penalised, nor was it provided that cases arising under this Act would not come before any subordinate judiciary but only before a First Class Magistrate as was urged by the non-official portion of the House on the last day. To this Sir William Vincent, anxious to see no obstacle to the passage of his bill, promised to remedy these two defects by himself proposing the desired amendments in the Council of State.

On this assurance the Bill was then passed.

### Cr. Pr. Code Amendment Bill.

Sir William then moved the consideration of the Criminal Procedure Code Amendment Bill as previously passed by the Upper House without much discussion and quite in a hurry. The Bill had 156 Clauses dealing with various sections of a very important nature and aimed at radical alterations of some sections of the Criminal Code. Naturally this indecent haste prompted a strong protest of the non-official members who pointed out that they had not been given

any time to examine the provisions of the Bill. Moreover, eminent lawyers and jurists outside the House had not any opportunity to examine the nature of the Bill and modifications suggested and other defects and drawbacks. The Home Member, however, insisted on behalf of the Government on the bill being taken into consideration on the grounds that it had been in the process of formation for the last 12 years since 1910, that it had been before the public for the last 18 months when it was reintroduced and referred to a Select Committee and that lastly, he and the Law Member who had been interested in the measure would have probably retired by the next Sessions.

The motion for postponement was, however, carried by an overwhelming majority.

The House then sat to elect Standing Committees to be associated with the Home and Commerce and Industries Departments to consist of 6 and 9 members respectively.

At the meeting of the Assembly on the 19th, Dr. Gour obtained leave for introducing his bill to amend the Legal Practitioners Act 1879 so as to remove all doubts as to the eligibility of women to practice at the Bar. The Patna High Court had interpreted the Act by which they had been disqualified, while the Allahabad High Court had held they were entitled for enrolment and had enrolled one lady Vakil. This anomaly had to be removed.

#### Supreme Court for India

Dr. Gour next moved for leave to introduce his bill for the establishment of a Supreme Court in India. With regard to the aims and objects of the bill, Dr. Gour stated that the bill was intended to complete the judicial equipment of India by providing within its borders a Court of ultimate appeal. Such Courts have accompanied the grant of constitutions to the major Colonies of England and they have proved a great success. The Judicial Committee of the Privy Council which in the past discharged the functions of a Supreme Court is not a Court at all and was intended to be merely a makeshift pending the establishment of a regular constituted Court. Its jurisdiction is in Criminal cases negligible, while in Civil cases, appeals to it involve an expense and delay which is at times ruinous to the litigant.

Dr. Sapru raised a point of order and asked the ruling of the chair whether Dr. Gour could move his Bill as Dr. Sapru doubted the jurisdiction of the legislature to establish such a Court. He referred to Section 65 of the Government of India Act to show that the Indian Legislature which was a creature of Parliament could not establish a Supreme Court whose status and scope would



be higher than and thus interfere with the jurisdiction of High Courts established by Act of Parliament.

In reply, Dr. Gour pointed out that the question, as raised by the Law Member, was not one of mere establishment of the Supreme Court, but of a vital constitutional issue involving the rights, privileges and the jurisdiction of the Legislature, and he quoted clause (a) of Section 84 of the Government of India Act that the Legislature was quite competent to do so. He next quoted the rulings of the High Courts and the Privy Council itself to show that it was within the scope of the Legislature to establish courts independent of the jurisdiction of High Courts such as were established under the Defence of India Act even though it might affect the prerogative of the Crown.

As the whole question was one of vital constitutional importance, Dr. Gour suggested to the President that he might take some time to give his ruling after thorough consideration and consultations. Several lawyer members expressed their desire to further elucidate the point, but the president held that it was not necessary to go into legal technicalities and interpretations. He would give his ruling according to the precedent of Canada where, when it was decided to establish such a court, a special Act of Parliament was passed permitting them to do so. As in the case of India also the constitution made no specific provision, he held that it did not intend to rest this power in the Legislature. He therefore ruled Dr. Gour's motion out of order.

#### Restitution of Conjugal Rights

Dr. Gour next moved for leave to refer his bill to amend the Civil Procedure Code which dealt with the position of women in cases of restitution of conjugal relations to a Select Committee. Dr. Gour sought to abolish the execution of decrees for restitution of conjugal rights by the imprisonment of the wife if she failed to comply with the order of the Court.

The Government members stood aloof while amongst the non-officials a very keen and interesting debate ensued. Messrs. Rangachariar, Yamin Khan, Kasem, Sahabuddin and J. N. Mukherjee strongly opposed the motion on the ground of orthodoxy. Mr. Rangachariar said that the Indian notion of the conjugal relations stood on a different footing from that prevalent in the West. In this country there was no law of divorce and once a wife she was always a wife. He added that there were very few cases of restitution of conjugal rights and imprisonment was the only method by which a woman can be punished for contempt of the decree of the court.

Rao Bahadur Subrahmanyam, supporting, said that he had heard the talk of the sacredness, morality, chastity, etc. of woman, but not a single word as to the same of the man. It was rather strange that this House should constitute itself as a tribunal over the immorality of woman, while it did not exercise its jurisdiction in the case of man.

Munshi Iswar Saran, a radical reformer though clad in his typical orthodox dress, made an eloquent speech which went home to many members. He said he had been distressed to see how a beneficent proposal of social reform was being turned down by some of those who are out to win liberty for themselves and their country styling themselves as Democrats, Nationalists and what not. He had seen attempts being made to turn down the proposal in the name of religion, which was really no religion but obscurantism, which sanctioned marriages of child girls with grandfatherly husbands of 60, as Rao Bahadur Subramanyam had pointed out. He asked those who had waxed eloquent over the sacredness of Hindu marriage, where was the sanction in the Shastras that when a wife does not wish to live with her husband, she should be imprisoned? "These arguments," Munshi Iswar Saran pathetically remarked, "we have been used to hearing from the Treasury Benches whenever Rao Bahadur Rangachariar and his Democrats urged any measure of political reform, and now we hear it from the mouth of a leader of the Democrats in this matter of social reform that India is not England." The speaker dreaded to think what would happen if under a Swaraj Government the pillars of orthodoxy, such as Rao Bahadur Rangachariar, occupied the Treasury Benches. Perhaps every measure of social reform would be turned down as were questions of political reforms by the present Government.

Dr. Gour's motion was finally declared carried by a majority of 16, 39 voting for and 23 against it.

#### The Mopla Train Tragedy

On the Assembly meeting on the 22nd Mr. Sarfraz Hussain Khan moved that suitable action be taken against those officers who are directly or indirectly responsible for the Moplah train tragedy at Podanur and are found guilty of meting out ill-treatment to Moplah women and children during the recent disturbances in Malabar.

He said that justice and humanity demanded that at least adequate compensation should be given to the families of the victims of the tragedy. The Moplahs should be similarly treated as the Punjab victims who had been compensated. He thought Govt. had lightly treated the tragedy and appealed to the House not to be callous to human sufferings and to take suitable action to compensate the families of victims.

Mr. Venkatapathi Razu asked, who was responsible for the tragedy? There must be some and those persons must be punished however high might be their position. Even after three centuries there were some people who complain against the Black Hole of Calcutta although some of the historians condemned it as a myth, and was not the train tragedy, asked the speaker, worse than the Black Hole of Calcutta? If the prisoners who died happened to be Europeans and not Indians, the whole world would have been in a state of thrill and there would have been resignations from several quarters. Only a few days ago they saw in the papers an account of the death of two soldiers from sunstroke while travelling from Karachi and it was stated they were not supplied with electric fans, but here there were deaths of 70 persons for want of air and water and what steps, he asked, had been taken to give relief to their families?

The resolution was, after further discussion, put to vote and rejected by 52 against 32.

#### The Assembly Secretary

Mr. Subramanyam moved a resolution urging the institution at a very early date of an establishment consisting of a Secretary and necessary staff of clerks under the President of the Assembly for the purpose of carrying on work in connection with the Assembly. Mr. Subramanyam said that the Assembly would have its own self-contained staff as in the case House of Commons to deal with its business. At present the whole work was done by the Legislative Department of the Government of India. There would be involved no extra cost as the staff required was already there, but it only required to be shifted and put down for the Assembly. When this was done he was sure the House would know who was responsible to it and would therefore expect from him the ordinary courtesy due to its members.

Mr. Ginwala supporting the resolution said that supposing a constitutional question arose in which officials differed from non-officials the House would then look to the Chair for a decision. In such matters the President would expect the Secretary to give his advice. Now if the Secretary was the same person who had given a particular advice in his executive capacity as the Secretary to the Legislative Department, then he could not give any other advice to the President. It was therefore essential that the Secretary of the House should be a person different from the Secretary of the Legislative Department.

Government opposed the motion on the ground of extra expense. Mr. R. Narayanaiah said that in order to meet the Government's

reasonable point of view they should wait till the report of the Incheape Committee was out. He therefore moved the adjournment of the debate on the resolution which was unanimously agreed to.

#### Cotton Bill

On Sep. 23rd. on the motion of Mr. Innes, the House agreed to refer to a Joint Committee the Bill providing for restriction and control of cotton in order to put a stop to the malpractices of mixing short staple cotton which were exercising a serious and dangerous influence on the cotton industry of India. The Local Governments had been empowered to prevent with the previous consent of the local legislature inferior cotton or cotton waste from being imported except under license into areas which it was desired to protect.

#### Abolition of Transportation

Sir William Vincent next introduced his Bill providing for abolition of transportation in respect of criminal offences. Sir William Vincent, in explaining the Bill, said that it was the outcome of the report of the Jail Committee. Although the Government of India had issued long ago instructions for abolishing transportation, it was not found possible to maintain that order and partial transportation was again ordered in view of overcrowding in Indian Jails. At present there were twelve to fourteen prisoners in the A. I. and all provinces would not be able to take back their prisoners at once.

#### White Slave Traffic

Sir William Vincent next introduced his Bill amending Sections 362 and 360 of the Indian Penal Code thus giving effect to the resolutions adopted by both Houses of the Indian Legislature in last Delhi Session on the question of the suppression of White Slave Traffic.

#### The Press (Princes' Protection) Bill

Then came the most important bill of the Session for consideration. The Home Member asked leave to introduce his Bill to prevent dissemination by means of books, newspapers and other documents of matters calculated to bring into hatred or contempt or to excite disaffection against Princes or Chiefs of States in India or the Government or administrations established in such States.

There was a very heated debate over this matter. The Home Member said among other things that the Bill closely followed the provisions of the English Act which protects foreign Governments against objectionable attacks in the Press. The Princes in India, he said, were unanimous in demanding the protection which the Government thought was necessary.

The signatories to the report of the Press Act Committee which included two eminent members of Government, Sir William and the Law Member, had turned down a proposal for legislation for the protection of Native States and Chiefs on the ground that such legislation would in practice stifle all legitimate criticism directed with the object of reforming Native States administration or the ventilating of legitimate grievances of Native States' subjects. Therefore, the Home Member began his speech with an apologetic reference to the report of the Press Act Committee and said that the Government of India as a whole could not find their way to accept this recommendation of the Committee as they felt themselves pledged to Native Chiefs and States to afford them protection against virulent criticism and attacks likely to bring them into contempt or hatred. They felt themselves under the obligation on the further ground that in a number of Native States provision existed which protected the British Government from being brought into contempt in their jurisdiction. The repeal of the Press Act had taken away this safeguard. The Press Act Committee turned the proposal down because sufficient evidence was not then placed before it. That was the strain of Sir William's speech.

Munshi Iswar Saran, who followed Sir William, wondered how it could lie in the mouth of Sir William to come forward with that piece of legislation after being the chief signatory to the Press Act Committee. He quoted in extenso from the report to show that the Committee rejected that proposal after careful consideration of the pros and cons of the question and came to the deliberate conclusion that any such special legislation, no matter what safeguards were provided, would be abused and would result in stifling all legitimate criticism. He asked, have conditions so radically changed during the six months that had passed between them and the Press Act Committee Report to justify the Home Member to swallow his opinions and to come out with that Bill? He asked the Home Member how things were going on for so many years before 1910 when there was no statutory law in existence. Did not the Government of India realise their obligations towards these States then? He pointed out there were few independent newspapers in the Native States themselves, and the proposed measure was sure to affect such papers as took interest in the Native States Administration adversely. He recalled a recent instance in which when grave imputations were made against His Majesty the King, he refused to take advantage of the prerogative of the Crown which offered him protection and said he would repudiate them like a common individual. He exhorted Indian Chiefs to follow the King Emperor's example in the matter. Finally, Munshi Iswar Saran exhorted

the House to accept Sir William's challenge given on another occasion to come out in the open and turn down the Bill without further consideration.

On being put to the House the motion for introduction of the Bill was rejected by a majority of four votes, division being 41 for and 45 against. The result was received amidst loud non-official applause.

Mr. Butler, Education Secretary, then moved :—“ This Assembly recommends to the Governor General in Council, first, to approve the proposal of the governing body of the Indian Research Fund Association to devote the capital funds at their disposal (a) to the erection of an Imperial Medical Research Institute and (b) to the formation of a fund for its endowment : secondly, to approve the proposal of the governing body of the Indian Research Fund Association that so long as they receive a sum of five lakhs yearly from Government, they shall devote a sum of two and half lakhs to the purposes of the Imperial Medical Research Institute ; and thirdly, to accept the offer made by certain anonymous donors of contributions totalling one and a half lakhs of rupees a year for 10 years and of at least one lakh a year after ten years towards the maintenance of a clinical unit based on the said institute subject to the condition that the Government of India will, if and as funds permit, provide that the total annual income of the said Institute shall not be less than five lakhs inclusive of the amounts provided by the Indian Research Fund.

The House agreed to the resolution without discussion.

#### A Supreme Court for India

Dr. Gour moved for the establishment of a Supreme Court of Appeal in British India. He traced the history of the question and quoted the opinion of certain local Governments in favour of it. The establishment of such a Court, he said, would make India judicially self-contained and was well justified by the fact that now that India had a written constitution it should also have a supreme court to uphold its constitution and deal with questions out of it, for example, the constitutional question about votable and non-votable items raised in Delhi by Mr. Ginnwala could have been settled in India by such a Court. The existing Privy Council, he remarked, had been declared by high authorities not as efficient as advances of time required. With regard to judicial opinion in India he contended that three High Courts out of six consulted were in favour of a final court of appeal in India.

Sir William Vincent, on behalf of the Government, explained that they had no adequate time to consider the very many opinions

that had been received on the subject and the Government had therefore not come to any decision thereon. The discussion of the resolution was premature, especially in this matter of great moment.

After discussion, Dr. Gour's motion was put to vote and rejected.

## The Legislative Assembly

SIMLA—25TH SEPTEMBER 1922

The overthrow of the Press Bill by the Assembly created a sort of sensation in Simla for the next few days. It was well known that the Viceroy, urged from Whitehall, was for carrying that piece of legislation, though his Executive Council, especially the Home Member, was not very keen on it. For, only some six months ago Sir William Vincent and Dr. Sapru, as members of the Press Committee had deliberately declared that a bill of that kind was unnecessary. Now, when the Assembly rejected the bill on the 23rd, the Home Member hastened to the Viceroy and Lord Reading forthwith certified under S. 67-B., of the Govt. of India Act, that the passage of the bill was essential in the interests of British India, and ordered the bill to be introduced into the Council of State as a 'certificated Bill'. This flouting of the Assembly and the unusual exercise of the Governor-General's extraordinary powers under the Govt. of India Act served to unnerve the Assembly, and on its meeting on the 25th Mr. Rangachariar moved an adjournment of the House to consider the grave situation created. Sir William Vincent opposed this motion on the ground that the Viceroy had exercised his statutory powers over a matter which was solely within his discretion, and that the Governor-General-in-Council could not make a recommendation to the Governor-General in a matter in which he was exercising his prerogative. He pointed out that the Bill could not be brought back to the Assembly, adroitly hinting at the latter's climb down, so long as the Governor-General's certificate was in operation. He would, however, communicate the wishes of the Assembly to the Viceroy if he was assured by the Democratic and National parties that they would consider the Bill favourably when he re-introduced the Bill.

The President at this stage intervened and suggested a Joint Conference of the Government and non-official leaders to see how best they could avert the conflict. On this Sir William said that he would carry the message to His Excellency, but he concluded with the taunt that the House had itself to thank for launching itself in that inconvenient position.

After Mr. Rangachari's motion for adjournment fell through, Mr. Harchandrai raised informally the question of abandoning

altogether the Simla sessions because the cold and wet weather had a bad effect on the health of members. The two sessions in Delhi might be held in October and November, and February and March. Sir William Vincent said that naturally when such question was brought forward without notice, the Government could not be expected to give its considered view. He was sure that if the House took the view of Mr. Harchandrai, it would have ample opportunity of saying so in Delhi.

The House then proceeded to the business of the day, and agreed to appoint a Joint Committee of nine members on the Indian Mines Bill.

Sir William Vincent moved the final reading of the Bill regarding the suppression of White Slave Traffic. Mr. Agnihotri moved that in view of some objectionable provisions of the Bill, particularly the low age limit, it should be referred to a Select Committee for examination. By a majority of one, voting point being 35 against 34, the Assembly adopted the motion of Mr. Agnihotri.

The Bill amending the Criminal Tribes Act was passed without discussion in the form in which it had emerged from the Select Committee.

#### The Police Bill

The House next concurred in the amendments of the Police Bill made by the Council of State. Sir William Vincent pointed out that the Government had gone to the farthest possible limit to meet the wishes of the House and that the Bill as emerged from the Upper Chamber made it clear that 'bona fide' actions for the protection of the welfare of a member of police force would not be penalised, that no Court inferior to that of a Presidency Magistrate or Magistrate of the First Class shall try any offence under this Act, and that no offence under this Act shall be triable summarily.

Mr. Burdon next introduced a Bill to give effect in British India to the treaty for limitation of the Naval armaments.

At this stage the House was adjourned for one and a half hour, the President remarking that more than the usual length of the interval was given to enable the Home Member to consult some members of the House before reporting to the Viceroy the feeling of the House on the Press Act.

Accordingly papers were placed in the hands of the members explaining the necessity of the legislation. A conference was held with the Government members and the leaders of the non-officials, Messrs. Rangachari, Samarth, Ginwala and Sir Devaprosad Sarbadhicary. The result of the Conference was reported to the Viceroy.



## Supplementary Grants

Reassembling after lunch the Assembly considered at length the supplementary demands for the grants item by item. Several motions for reduction were moved merely for eliciting information and were later withdrawn. Sir Malcolm Hailey replying to the criticism of Dr. Gour on the military budget asked the House not to believe the statement of Dr. Gour that some higher authority was forcing them to maintain their military figure at the present level. Out of 57 items of demands the Assembly agreed without reduction to 27 items.

## The Council of State.

SIMLA—25TH SEPTEMBER 1922.

On the 25th the Council of State discussed the following resolutions. One standing in the name of Mr. Raza Ali bearing on the pay and pensions of the I.C.S was not taken up owing to the absence of the member.

Lala Sukhbir Sinha moved:—

"That necessary steps be taken to have the Land Acquisition Act No. 1 of 1894 so amended as to make any Government notification to acquire any land for a public purpose subject to be questioned by the proprietors in a Civil Court for declaration whether the object for which the land is going to be acquired is public purpose or not."

Mr. Sarma, on behalf of Government, after stating that the whole question of the revision of the Act was under consideration, said that it would be inadvisable, inexpedient and wrong to refer the question of acquisition of lands to courts to find out whether it was for public purpose or not. The resolution was put and lost.

The next resolution was moved by Sardar Jogendra Singh who urged:—

"That the recommendation of the Acworth Committee be given effect to and that the Railway Board be reconstituted providing for a strong Indian representation".

The mover and his supporters expressed the feeling that the Indian opinion of the grievance of third class passengers had not been given full weight. He considered that in future the constitution of the Railway Board must have a strong Indian element. There was great need for the appointment of a Ministry of Transport as recommended by the Committee. Otherwise there would be no hope for trade and commerce in the country. The resolution was carried.

On the motion of Mr. Kale amended by Mr. Lindsay the Council advised the Government to start an enquiry into the system at present followed by the department of statistics in collecting, compiling and publishing statistics relating to economic, social and constitutional progress of India with a view to enhance their public utility.

*SIMLA—26TH SEPTEMBER 1922.*

On the Council reassembling on the 26th the Secretary reported the passage in the Legislative Assembly of the Police (Incitement to Disaffection) Bill as passed in the Council of State.

On the motion of Mr. Lindsay supported by Mr. Samaldas and Sir Arthur Froom the Bill to remove restrictions imposed on transfer of ships registered in British India was passed.

*The Press Bill for Princes' Protection.*

Mr. Thompson then moved for the consideration of the Bill to prevent dissemination by means of books, newspapers etc., calculated to bring into hatred or contempt or excite disaffection against Princes or Chiefs of Indian States or Government or administration established in such States. Urging this motion Mr. Thompson made a long speech, attacking the Assembly which had thrown out the bill and making many mis statements which were subsequently corrected by his chief, Sir William Vincent. He said that the Bill was the first ever presented to either Chamber of the Legislature under the certificate of the Governor-General. The position that had arisen was not of Government's seeking. The Bill was refused introduction in the Assembly and the Governor-General, a lawyer of the highest eminence, had said that his Government had decided that they were bound by treaties and honour to provide the safety sought for. These were words of tremendous weight. But what was the answer of the Assembly? That Chamber had flung it back directly in the face of the Government of India without considering the seriousness of that step. He then warmed up greatly and said that the Assembly had told the head of the Government of India that his idea about the interpretation of the contracts was less than dust in the balance. Their decision at its face value meant that in their view treaties and contracts had no meaning, that honour was a plea which they would not discuss, and they recognised none of the agreements entered into between the States and the Executive Government of the country! But it was the feeling that the Assembly did not realise what their action implied that made it possible for the Government to take a more optimistic view of the situation. Two courses were open. The Government might either have the Bill reintroduced here or in the Assembly. But that would have meant delay and uncertainty. The other alternative

was the procedure now adopted under Section 67 of the Act. Government felt that this procedure must have the appearance, at any rate of ungraciousness towards this House which had so often supported them in difficult days. But there was no option under the Act. Government after full consideration had decided that they were unable to accept any amendment in the form of the Bill as recommended by the Governor-General. The reason was that they feared that, if they did not do so awkward legal objections might be raised in Courts in case the validity of this legislation was challenged.

Professor Kale moved an amendment that the Bill be taken into consideration early next year. The House discussed this amendment at great length and eventually it was lost by a majority. Professor Kale in moving for the postponement of the consideration said that, in spite of the admonitions administered by Mr. Thompson, he moved his amendment because it was not intended to defeat the purpose of the Bill nor to call in question the fundamental principle thereof, but only for more time being allowed to enable the members to consider the various features of it. Government had not placed all the materials connected with the legislation before the Council. As one who had the greatest respect for the Indian Princes and as one who felt gratitude to them for educational and other developments in British India that had taken place as a result of their charity, Mr. Kale contended that sufficient time ought to be allowed so that the Members might consider in what way protection could be extended to the Indian Princes.

Sir Binode Chander Mitter thought that the Assembly had not acted hastily or foolishly, on the other hand the Bill had been recommended to this Council by the Viceroy who was one of the greatest lawyers. But, Sir Binode Chander believed, that a case for further time to examine the provisions of the Bill had been made out by Professor Kale. From the Government point of view also it was necessary that the consideration of the Bill must be postponed till early next year, especially in the extraordinary circumstances created. There was not to be any reference to the Select Committee.\* If from 1823 down to 1910 the Princes had gone on without any protection they could as well afford to wait a few months more.

Sir William Vincent in opposing the amendment remarked at the outset that he did not believe that the Assembly ever intended in any way to flout His Excellency nor did he think that the honour of the Government of India or of the Viceroy had been treated as less than dust in the scale.

Mr. Thompson intervening remarked:—I think the Home Member is really explaining that he is in agreement with my views.

Sir William Vincent:—"Sir, I believe that the Assembly did act unwisely in rejecting the motion and I believe that feeling is shared by many here, but I agree with Professor Kale that it would not be fair to criticise the action of the Assembly, because it would do this House no good nor the Government. I cannot believe that any remarks made in antagonism to the other House can produce good results here or anywhere else. I believe that by the action of the Assembly we are in a very unfortunate position. We cannot reintroduce the Bill for another year. Now the Bill has been certified by the Governor General. But I am very anxious that this Council should not think that this certification was due to any doubt on the part of the Government that there would be no support to this Bill from the Council. If the Bill had not been certified, it could not have come up at all before this House now. Even up till last night I have been working to avoid this method of legislation but could find no way out. But Mr. Thompson put it bluntly that the Government of India would not accept any amendments to this Bill. The position is that Government cannot accept any amendments to a certified Bill. We have some doubt that, if we accept any amendment, the validity of the certificate might be called in question."

Proceeding, the Home Member emphasised the arguments advanced by Mr. Thompson about the necessity for the measure and justified his own position as a signatory to the report of the Press Act Committee which had reported against the necessity for protection to the Princes. With regard to Mr. Thompson's statement that the Committee's finding that there was no law protecting Indian Princes before 1910 was incorrect. Sir William said that he did not regard the Regulation of 1823 which was afterwards repealed in 1835 as any evidence in support of the proposition that a law of the present kind was needed at that time. Secondly, the Committee was attacked by Mr. Thompson because there were only three cases shown to them. Was it the fault of the Committee that they did not hunt round for facts in justification of protection to the Princes? Of the three cases two were not quite strong and up to the moment of writing the report there was no sufficient evidence. "I am quite correct," said Sir William, "in the attitude that I have taken up, but since then there have been numerous instances to show that these Princes have been shamelessly defamed in the Press. Further, the Princes themselves in the Chiefs' Conference held in November last passed a resolution demanding a Bill of this nature. We are unwilling to force a legislation in the Council at this time. But there are

reasons for it on account of the action of the Assembly. In this Bill we only restore the protection that was given to the Princes by the Act of 1910 in a safer and better form."

The Bill was then taken into consideration clause by clause. Clause 1 and 2 were carried without amendment. In Clause 3 Sub-Clause (1) Mr. Kale moved that the words "bring or is intended to bring into hatred or contempt or" be omitted. Messrs Kale and Khaparde tried to move other amendments but they were negatived as no amendments could be made in the bill as sent by the Viceroy, as pointed out by Sir William Vincent.

Sir William Vincent, however, gave an undertaking that all the reasonable suggestions made by the non-official members would be gone into carefully and, if necessary, Government would themselves bring forward the amendments later.

Eventually the Bill remained without any amendment. The motion for the passage of the Bill was put and carried, Mr. Rangaswami Iyengar's being the only dissentient voice.

This closed the business of the Simla Session. The Council then adjourned till January 1923.

## The Legislative Assembly.

*SIMLA—26TH SEPTEMBER 1922*

On September 26th the Assembly held the final sitting of the Simla session. Before the regular business was proceeded with Sir William Vincent announced with regret that despite the utmost endeavours of the Government members and some non-officials who conferred with them they had failed, on account of circumstances beyond their control, to come to any satisfactory solution about the Impasse on the Press Bill.

The business of the day was voting on the remaining supplementary demands. The House sat for only 2 and 1/2 hours during which it voted without reduction total supplementary grants amounting to Rs. 1,309,000, but before the demands were passed several members took opportunity to move nominal cuts to elicit information.

Mr. Ginwala raised the question of the Inchaape Committee by moving for the nominal reduction of Rs. 100 from the expenditure proposed to cover the expenses of the Retrenchment Committee. Mr. Ginwala complained that the Assembly was not represented on this Committee and objected to the procedure laid down for the committee of admitting only written statements and not oral evidence,

Dr. Nandlal suggested that there should be a November Session of the Legislature in Delhi so that the Inchcape Committee might have the opportunity of hearing the members of this House.

The Finance Member replied that the Government had been anxious to follow the example of the Geddes Committee in appointing only business men and not politicians to the Committee. He thought it was possible that the deliberations of that body may have a great effect not only on the finances of the Government, but also on their administrative arrangements. He believed that the best mandate that the House could give to Lord Inchcape was that he and his colleagues should do their best to produce equilibrium in their revenue and expenditure. Referring to the remarks of Dr. Nandlal that the Inchcape Committee and the Assembly should hold their Sessions in November in Delhi, the Finance Member admitted that the feeling of the members on the subject of retrenchment and the atmosphere of the House would influence the Retrenchment Committee, but he felt that the Departments of Government would be so busy in getting their affairs examined by the Committee that it would be exceedingly difficult for them to carry on the Assembly while they were under the constant examination of the Committee.

Dr. Gour said that the analogy of the Geddes Committee would have been closer if the Government had allowed to issue a mandate regarding the percentage or amount of savings that it expected the Retrenchment Committee to effect.

After further discussion of several amendments proposing nominal cuts which were all defeated or withdrawn, the full amount of the total supplementary demand was granted. The House then adjourned till January 1923 to a date to be subsequently announced.

# The Press (Princes Protection) Bill

## The Democratic Party's Manifesto

There was great perturbation amongst the members of Indian Councils on the grave constitutional issues involved in the forcible passage of the Press Bill by the exercise of the Governor General's extraordinary powers. Mr. Rangachari, the chief spokesman, and Mr. Ginwalla, the chief whip of the Democratic Party in the Legislative Assembly issued, on the 28th September 1922, the following statement to the press explaining the position of those who rejected the motion for the introduction of the Bill to protect Indian Princes and discussing the constitutional precedent created by the Governor-General's certification of the Bill :—

In view of the constitutional precedent created by His Excellency the Governor-General in getting the Bill to protect Indian Princes against seditious attacks passed in the Council of State on certification under Section 67 (B) of the Government of India Act and in the form recommended by him, it is necessary that the position of those who favoured the rejection at the first reading in the Indian Legislative Assembly should be clearly explained to the public here and in England. The facts which affected the decision of the Assembly may be taken as beyond dispute. A powerful committee of which the Hon. Sir William Vincent and the Hon. Dr. Tej Bahadur Sapru, both members of the Executive Council were members, unanimously reported so recently as July 1921 that "we do not think that we should be justified in recommending on general grounds any enactment in the penal code or elsewhere for the purpose of affording such protection in the absence of evidence to prove the practical necessity for such a provision of the law."

In face of this deliberate recommendation the Governor-General who, though forming part of the Indian Legislature, is not a member of it and has not, like the Prime Minister or any other responsible Minister, any personal influence over its deliberations, commits himself to this piece of legislation without a fresh examination of the question by a Committee of the legislature or otherwise. At the tail end of this session the Bill was sought to be introduced in the Assembly and at its first reading no new material facts were placed before it which could justify it in practically over-riding the decision of that powerful committee and in ignoring Indian public opinion which endorsed it. The necessity of the measure was not

clear on such facts as the Assembly had before it. In rejecting the motion for introducing this bill the Assembly has exercised what is its constitutional right. This is not the first time that such a course has been adopted, as it will be remembered that in September last a Government Bill (the Indian War Relief Trust Bill) was thrown out on the opposition of Mr. Price and others. The action of the Governor-General however cannot, in our opinion, be defended on the mere ground that he was also exercising his constitutional rights which is only one of ultimate resort. No doubt the Governor-General has the power to adopt this course, but did the circumstances justify its exercise? Our answer to that question must be definitely in the negative. Extraordinary powers of this nature are intended to be exercised only when all other avenues of securing the object in view have been explored and exhausted. In the first place, if the measure was considered so urgent, it was open to the Governor-General and his Government to introduce the Bill in the ordinary way in the Council of State and get it passed there with or without a Select Committee of that Chamber, as that Chamber might decide, and then bring it back to the Legislative Assembly by proroguing the session of the Assembly and convening a new session immediately. The Bill could hardly have been considered so urgent because Government only on Saturday last took the chance of its being introduced in the Assembly in which case the Assembly could have at the second reading got the Bill circulated for opinion or got it referred to a select committee. In either case the Bill could not have been passed this session. How then within 24 hours of the rejection of the motion for leave by the Assembly, and before the news of it was known in the country, His Excellency could have thought that the measure was so urgent as to justify resorting to this extraordinary procedure, and that on a Sunday, it is difficult to comprehend. Secondly, if there was any technical difficulty in the way of the re-introduction of the Bill in the Assembly or its introduction in the Council of State in the ordinary course in the same session, it could have been got over by the prorogation of the two Chambers on one day and the resummoning of them on the following day for a new session. The third course would have been to have allowed the Bill to stand over until the re-assembling of the Assembly and the Council of State in a new session and to have re-introduced it in either House on fresh material. Lastly, in every form of constitution which bears any resemblance to responsible Government, the dissolution of the Chamber and an appeal to the country against its decision would also have been resorted to. The Governor-General, however, in preference to all these alternatives, utilised the Council of State for securing for his Government the



passage of the Bill in the recommended form which would never have been accepted by the Assembly at its second reading, for it is beyond doubt that a popular Assembly, even if it had allowed its introduction, would not have allowed it to be passed without removing some of its very objectionable features. To mention only one, it is meaningless to speak of spreading disaffection in India amongst the British Indian subjects against Indian Princes to whom they owe no allegiance.

This constitutional episode has brought into prominence two very ugly features of the reformed constitution. Firstly, that the Executive Government can pledge itself to legislation without consulting the Legislative Bodies and later impose upon them its will without justifying the necessity therefor. Secondly, even those who have had faith in the reality of the reforms are now obliged to own that they have been rather too optimistic as to their extent and character. In these circumstances, as the action of the Legislative Assembly is likely to be misinterpreted both here and in England, a representative deputation ought to be sent to that country with a view to explaining the exact circumstances which led to the rejection of the motion for the introduction of the Bill, not only to the Joint Parliamentary Committee but to the British public at large, before the Bill is laid on the table of Parliament and before any mischief is done. We are, however, confident that Indian opinion in the country will fully endorse the action of the Assembly. Propaganda has to be carried on also in this country to bring about the repeal of the measure and its re-enactment in the usual course, if necessary, on clear and complete proof as to its necessity.

### The Government of India's Reply

In reply to this manifesto the Govt. of India issued on Oct. 4th the following press communique.

The attention of the Government of India has been drawn to a statement which has been issued to the press by Mr. Rangachariar and Mr. Ginnwala explaining the position of those who rejected the motion for the introduction of the Bill to protect Indian Princes and discussing the constitutional position created by the Governor-General's certification of the Bill. In this statement it is alleged that the Governor-General, in the face of deliberate recommendation of the Press Committee, committed himself to legislation without a fresh examination of the question, and that at the first reading of the Bill no new material facts were placed before the Assembly which could justify the measure—for the measure was not clear on such facts as the Assembly had before it. It is further alleged that the circumstances were not such as to justify the exercise by the Governor-General of his constitutional right, and in support of this contention it is argued that extraordinary power of this nature are intended to be exercised only when all other avenues of securing the object in view have been explored and exhausted, and that, in fact, four

other courses were open. The Governor-General and his Government, it is said, might have introduced the Bill in the ordinary way in the Council of State and then have brought it back to the Legislative Assembly for proroguing the session of the Assembly and convening a new session immediately; secondly, any technical difficulty in the way of reintroduction of the Bill in the Assembly or its introduction in the Council of State in the ordinary course in the same session could have been got over by the prorogation of them on the following day for a new session; the third course, it is alleged, would have been to allow the Bill to stand over until the re-assembling of the Assembly and the Council of State in the new session and to have it in either House on fresh material; and lastly it is alleged, that in every form of constitution which bears any resemblance to responsible Government, the dissolution of the Chamber and an appeal to the country against its decision could also have been resorted to.

This statement is in several respects misleading. The Press Committee considered that they would not be justified in recommending on general grounds any enactment for the purpose of affording to prove the practical necessity for such a provision of the Law. Their general recommendation was thus entirely conditional on the continued absence of evidence sufficient to show that Legislation was required. They expressly stated that they had been handicapped by the very inadequate representation of the views of the Princes, and they made it clear that their conclusion was based entirely on the materials placed before them. In his address to the Legislature on the 3rd September 1921, His Excellency stated that it was necessary to make some reservation in regard to this part of the report of the Press Committee and that if the Press Act were repealed it might become necessary to consider what form of protection should be given to the Princes in substitution. Subsequently to the proceedings of the Press Committee a further and more detailed investigation was undertaken and it was then found that the occasions on which the Press Act had been used in connection with attacks on the Princes had been far more numerous than the Press Committee had been led to believe, and further, that objectionable attacks were of very frequent occurrence.

The question whether legislation was needed to protect the Princes against such attacks was fully discussed during the session of the Chamber of Princes held in November last, and the Chamber passed a resolution without a division recommending to His Excellency the Viceroy that steps should be taken to safeguard them, their States and their Governments. In this connection it may be observed that no suggestion has ever been made that the powers given to the Princes under the Press Act have ever been abused by them. Indeed, the argument has been that the Princes have availed themselves so sparingly of the protection afforded to them and that, therefore, there is no necessity for the legislation in question.

It was in the light of and in consequence of the new materials elicited and after consultation with local Governments, Darbars and political officers that the Government of India decided that they were bound by their agreements and in honour to afford to the Princes the same measure of protection as they had previously enjoyed by the Press Act, and this decision was announced in His Excellency's speech on the 5th September last at the opening of the Legislature. Later, in his speech moving for leave to introduce the Bill, Sir William Vincent indicated clearly the reasons which had led to this decision and pointed out that the Committee had not negatived the idea that such legislation might be necessary in the future. They had only stated that adequate materials had not been brought before them and very few instances had in fact, he observed, been brought to their notice. He also made it clear that further examination had

revealed the existence of a mass of material which had not been before the Committee and he cited specific instances of insults and attempts to foment dissatisfaction. These instances, he stated, might have been multiplied, but he refrained from doing so in view of the limitations attaching to the discussion of a motion for leave to introduce a Bill. Nevertheless, despite the announcement by His Excellency the Viceroy that the Government were committed not only by treaties etc., but above all in honour to the measure and in face of the clear indication by the Home Member that since the issue of the report of the Press Committee fresh materials amply justifying and indeed necessitating its enactment had become available, the Assembly rejected the motion for leave to introduce and declined even to consider the Bill.

It is alleged in the statements of Messrs. Rangachariar and Ginwala that a precedent for this action is to be found in the rejection by the Assembly of a Government Bill (The Indian War Relief Trust Bill) in September 1921. It is unnecessary to discuss the question whether rejection by the legislature or one of the Chambers thereof of a motion for leave to introduce a Government Bill would, in any circumstances, be in accordance with constitutional practice. It will be obvious however to anyone acquainted with the Indian War Relief Trust Bill and the proceedings in the Assembly in connection therewith, that there can be no real comparison between the action of the Assembly in rejecting that Bill and the course adopted by it in regard to a measure affecting the Rulers of one third of India and to which the Government had announced that they were committed by considerations of honour.

The contention that there were other avenues of securing the object in view which should have been explored and exhausted before certification was resorted to will not stand examination. Of the four alternative courses alleged to have been possible, the first two were obviously open to grave objections. The prorogation of the Assembly or of both Chambers to be followed by immediate resumption for a new session was clearly a course not contemplated in the rules and, moreover, which in the absence of guarantees that the Assembly was prepared to reconsider its attitude, could have served no purpose. The third course suggested, namely that the Bill should have been allowed to stand over until the reassembling of the Assembly and the Council of State in a new session, would have involved a delay of a whole year and might have given rise to legitimate apprehension amongst the Princes in regard to the intentions of the Government and, moreover, could not be adopted by the Government on the subject of a Bill to which as already stated they were in honour committed. The final suggestion that the Government should have dissolved the Chamber and appealed to the country against its decision can hardly have been intended to be taken seriously. If it was so intended, however, it betrays a complete misconception of the circumstances in which such action by the Governor-General would be constitutionally justifiable.

### The Viceroy's Despatch to the Sec. of State

Finally, a Gazettee "Extraordinary" publishes the despatch of Lord Reading to the Secretary of State, dated 12th October, regarding the Indian States' Protection against Disaffection Act, 1922, and the latter's telegram dated 14th November last fully approving of the Governor-General's action under Section 67 of Government of India Act. The bill was sought to be introduced in the Legislative

Assembly during the September session at Simla, but summarily rejected by that House necessitating the Governor-General's exercise of the powers of certification vested in him under the Government of India Act, a step which created intense agitation in the press. After the certification the Bill went up before the Upper House which passed the measure in the form recommended by the Governor-General, there being only one dissident, Mr. K. V. Rangaswamy Iyengar. Lord Reading, before setting forth in great detail the circumstances which made it incumbent on him to take the necessary steps to pass the measure into law, declares: "I do propose to exercise the power vested in me in the proviso to sub-section two of that section to direct that the Act shall come into operation forthwith."

### The Despatch

Lord Reading in the course of his despatch states:

Although the Government of India in 1823 and again in 1891 had found it necessary to give to Ruling Princes some measure of protection against attacks in the press, the Press Act of 1910 was the first regular legislative enactment which provided for that purpose. Instances of vilification of Rulers of States and their administrations had from time to time been brought to the notice of the Government of India. In reply to the well-remembered letter of Lord Minto several of the leading Princes had emphasised the dangers of the press, some of them with specific reference to the States and in 1909 the Bombay Government had drawn attention to the question of the levy of black-mail from Indian States by newspapers published in British India. It was in these circumstances that provision was made in the Act for the protection of Ruling Princes and Chiefs. Eleven years later the Government of India, mainly with a view to the removal from the statute book of all provisions of Law which were regarded or represented as savouring of repression, decided to appoint a Committee to examine the working of the Acts relating to the press and to report as to the desirability of repealing or modifying them. The case for Princes was not put before the Committee in complete form, but I observe that several of the witnesses who were themselves connected with the press were not opposed to the grant of protection to Rulers of States, and some of them referred to cases in which attempts had been made to blackmail Darbars. The finding of the Press Committee was not a finding that no protection was required. It was merely a finding that the evidence before the Committee did not show that such protection was necessary. Before the Committee reported, my Government had, in May of last year, foreseen the necessity of continuing to Princes in another form the protection they would lose if the Press Act were repealed, but in July 1921 the Committee reported that the evidence was insufficient to establish the practical necessity for this protection. We accepted the recommendations of the Committee including the finding above mentioned. Immediately thereafter complaints of attacks were received from certain important Princes and further evidence began to accumulate. Accordingly, on August 5th we arrived at the decision that the question of substituting some form of protection other than that given by the Press Act required further consideration but should be postponed until the Chamber of Princes had met and given its opinion,

## The Secretary of State's Hint

On the following day we received a telegram from Your Lordship's predecessor which indicated that his mind was working in the same direction. The telegram stated—

" Shall raise no objection to your introducing legislation but shall be glad if you will consider the following points. I understand there are objections to the retention of legal measures for special protection for the Chiefs and Princes, but I suggest, that in view of the notorious frequency of blackmail by disreputable papers and of the history of the matter, you should consider whether the protection of your Courts could be afforded to Chiefs and Princes in a manner that would not be negatived by their objection to appearing in Court. The difficulties that might arise if this point were raised in the Chamber of Princes have no doubt been considered by you."

The matter came before the Chamber of Princes which resolved without division, urging on the Viceroy to consider measures to safeguard and secure Princes and Chiefs, their States and Governments, against any insidious or dangerous attempts.

## Varied Opinions.

The result of the inquiry that has been made has been to show that practically all the States which have replied are definitely in favour of action being taken. There are about half a dozen whose views are somewhat different in that though they would apparently like to be protected, they would prefer not to ask for protection of the local Governments (who, it must be remembered, were not in possession of the fuller information on which my subsequent action was based). Those of Bengal, the Central Provinces and Assam did not think that a case had been made out for legislation though the opinion of the Government of the Central Provinces had reference only to the minor States with which they are in political relations. The Governments of Madras, the United Provinces and the Punjab were all in favour of legislation, but Bombay, though apparently in sympathy with the object aimed at, could suggest no satisfactory method of attaining it, while the Government of Bihar and Orissa offered no opinion. Among the political authorities consulted there was an overwhelming majority in favour of taking action. As regards the form that the action was to take, opinion was generally in favour of extending the scope of Section 124-A.

## The Safeguard in the Bill.

The question on legislation was considered by my Government in the middle of August and it was decided that a bill should be introduced during the forthcoming session. We did not favour the extension of Section 124-A, as apart from other objections an extension of that section would have applied to the spoken as well as to the written word, whereas the Press Act had given only protection against the latter. We decided, therefore, to grant protection only in regard to the written word with the important safe-guard that no court should try any offence under the Act except on the complaint of and under the authority of the Governor-General in Council. This safeguard, I may point out, is more stringent than that provided by Section 196 of the Criminal Procedure Code in regard to prosecutions for sedition in British India for the institution of which the authority of the local Government or some officer empowered by the Governor-General in Council in this behalf is all that is required."

## The Assembly's Conduct.

The despatch then proceeds to state that the Bill was put before the Assembly on 23rd September and leave to introduce it was refused by 45 votes to 41. Sir William Vincent was handicapped in developing the case by the rule which limits speeches at that stage to ten minutes' duration, but it was never anticipated that leave to introduce a Government bill, which the head of the Government had vouched for, would be rejected in summary fashion by the House. It seemed to Lord Reading impossible to ignore the action of the Assembly, and after discussing the situation at a Council meeting on the 24th. decided to use the special powers of certification because the Government owed a debt to the States both under agreements and in honour. Next day, a motion for adjournment of the House to consider the situation was disallowed by the President of the Legislative Assembly, but Sir William Vincent agreed to approach Lord Reading on behalf of the Assembly with a view to ascertaining whether there was any practical alternative to allowing the bill to take its course under Section 67-B of the Government of India Act. His Excellency then says :—

As it seemed probable that the members of the Assembly who had rejected the motion for leave to introduce the bill had not fully realised all that their action implied, I received certain leading members of the assembly that evening, but the discussion which ensued made it plain that no agreement could be reached. I decided therefore to let the bill take its course in the Council of State the following day.

Various amendments were moved. Among them was one for consideration early in 1923 which at the Government's instance was rejected by the House. As regards the amendments in the bill itself, doubts had been pressed whether any such amendments were admissible in view of the wording of the section which appeared to enquire that the bill should be passed without alteration in the form recommended by me. It seemed to me therefore more prudent not to take any risks and I decided, not without regret, that amendments ought not to be accepted at that stage, though the Home Member gave an assurance that we should be prepared later on to consider favourably any amendments which might subsequently be shown to be desirable. The Bill was ultimately passed by the Council of State in the form recommended, with only one dissentient."

## The Secretary of State's Approval

The Secretary of State telegraphed back on 14th November : "I desire to assure you that the provisions of the Act and your action in respect thereof have my full approval and I am taking further steps required in pursuance of Section 67 B of the Government of India Act,"

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# The Laws of 1921

## Acts Passed by the Central Legislature in 1921

**Indian Tea Cess (Amendment) Act**—The object of the amendment in the Indian Tea Cess Act (IX of 1903) was to raise the maximum rate of the cess levied on Indian tea from one-quarter of a pie per pound to eight annas per hundred pounds. The proceeds of the cess were to be devoted to propaganda work in connection with the consumption of tea in India and abroad.

**The Legislative Assembly (Deputy President's Salary) Act.** The Deputy President was to get Rs. 1,000 *per mensem*, payable only for "the period during which he is engaged on work connected with the business" of the Assembly.

**The Civil Procedure Code (Amendment) Act.**—Under Section 55 of the Civil Procedure Code of 1908, as soon as a judgment debtor arrested in execution of a decree for the payment of money was brought before the Court and expressed his desire to apply to be declared insolvent, he was automatically released from custody. This provision conflicted with Section 23 of the Provincial Insolvency Act V of 1920, which made such release depend on the discretion of the Court. This conflict was avoided by making the provision in the Code to depend on the discretion of the Court.

**The Import and Export of Goods (Amendment) Act.**—The provisions of the Import and Export of Goods Act XI of 1916 was extended for another year ending with the 31st March 1922.

**The Indigo Cess (Amendment) Act.**—The Indigo Cess Act III of 1918 levied cess on indigo at the rate of "one rupee per maund of 82-2/7 pounds avoirdupois." The maximum rate was raised to "one rupee eight annas per hundred weight of one hundred and twelve pounds avoirdupois."

**The Indian Finance Act 1921.**—To provide for the increased expenditure in almost all branches of the administration the Legislature have to pass a Finance Act every year to impose additional taxes. The new taxes of this year fall under three branches: (1) tariff; (2) post; (3) income and super tax.

Under the first head of tariff, the general *ad valorem* import duty was raised from 7 and half per cent to 11 per cent, except in the case of matches and certain articles of luxury. The machinery and stores imported for use in cotton mills were no longer free of duty but amenable to the general tax. Hitherto match-boxes were

liable to an import duty of 7 half per cent. That duty was replaced by a specific import duty of 12 annas per gross boxes of matches. Duty on liquors increased to 3 annas per degree of proof per gallon. Articles of luxury, such as confectionery, gun-powder, motor cars, clocks and watches, electro-plated ware, musical instruments, glass bangles and beads, gold and silver plate, silk piece-goods, cinematograph films, fire-works, ivory, jewellery, prints engravings and pictures, pneumatic rubber tyres and tubes, smokers' requisites and toys, were all subjected to an *ad valorem* duty of 20 per cent. The import duty on sugar was raised from 10 to 15 per cent; on tobacco, by 50 per cent.

As to the increase under second head the rates on letters were changed. Letters weighing half tola and under were to bear half an anna postage; those weighing up to one tola to bear 9 pies stamp; and those weighing from one tola to 2 half tolas 1 anna postage. The postage on book, pattern and sample packets was raised so that half an anna was to be paid for every five totals of weight. In the case of registered newspapers, the lower rate of one pie per every eight tolas remained unchanged; but the maximum limit of weight for half-anna post was cut down from 40 tolas to 20 tolas. The rate on parcels also was doubled. It became two annas for every twenty tolas.

The changes in the income tax and super tax rates were as follows. The untaxable minimum was preserved at Rs. 2,000. The income from Rs. 2,000 to Rs. 5,000 taxed at five pies in the rupee; that from Rs. 5,000 to Rs. 10,000 at six pies in the rupee; and the one from Rs. 10,000 to Rs. 20,000 at nine pies in the rupee. The income of Rs. 20,000 to Rs. 30,000 was taxed at one anna in the rupee; the one of Rs. 30,000 to Rs. 40,000 at one anna and two pies in the rupee; while that of Rs. 40,000 to Rs. 50,000 at one anna and four pies in the rupee. The rates of refund were also proportionately raised but in the reverse order. The super-tax up to income of Rs. 3,00,000 remained stationery. The tax on incomes from Rs. 3,00,000 to Rs. 3,50,000 was raised from 36 pies to 42 pies; while incomes of Rs. 3 and half lacs and above were subjected to a tax of 48 pies in place of 36 pies in the rupee.

**The Calcutta University Act.**—The change of the seat of Government of India from Calcutta to Delhi necessitated the change of relationship between the Governor General of India and the Calcutta University, which was brought into intimate touch with the Governor of Bengal, as its Chancellor.

**The Hindu Transfers and Bequests (City of Madras) Act.**—The Rule of Perpetuity is against the in-born sentiment of the Hindu or the Mahomedan. The Mahomedan has escaped



from the rigour of the rule by the Mussulman Waki (Validating) Act of 1914. The Hindu has been able to modify its effect by a provision that such transfer or disposition shall not be invalid merely by reason only that the transferee or legatee was an unborn person at the date of the transfer or the death of the testator. The modification was effected in the Madras City by the enactment of Madras Act I of 1914. For the rest of India it was done by Act XV of 1916. The Madras High Court held recently that the Madras Act could not operate in the City of Madras, as the Madras Legislature had no power to curtail the rights of citizens in the City, which were governed by the Hindu Law as it stood when the Royal Charter Act, 24 and 25, Vic. c. 104 was passed. To remove this doubt, the present Act was passed.

**The Enemy Mission Act.**—During the Great War it was found that a number of Missions were tainted by German influence or were in fact German Missions. The British Government transferred the management of those Missions to the various custodians of enemy property during the War. After the war the management was transferred to the Boards of Trustees in different parts of the country who were entrusted with the carrying on of the educational, religious and charitable work of the displaced missions. The above arrangement received legislative sanction by this Act.

**The Indian Marine (Amendment) Act.**—The object of this measure was to obviate a difficulty in procedure in the trial of a Royal Indian Marine Officer by an Indian Marine Court. Before the Court could be assembled, the sanction of the Governor General in Council had to be obtained; this resulted in great delay of the trial. This Act provided that the sanction of the Director of Marine was sufficient.

**The Indian Works of Defence (Amendment) Act.**—These Amendments, sought to be made in the Indian Works of Defence Act VII of 1903, were of a formal nature and necessitated by the recent change in the organisation of the Army in India.

**The Negotiable Instrument (Amendment) Act.**—The Negotiable Instruments Act XXVI of 1881 was amended in 1920 by providing for excuse of delay in making presentment for payment when the delay was caused by circumstances beyond the control of the holder. This was embodied in Section 75-A, which was copied from Section 46 (i) of the English Bills of Exchange Act, 1882. The scope of Section 75-A was extended so as to excuse delay in presentment for acceptance by this Act.

**The Carriers (Amendment) Act.**—The liability of a common carrier in India is now brought into a line with the liability of the Indian Railways. The present Act modifies the liability of the

common carrier, in the case of scheduled articles not declared under Section 3 of the Act, for loss or damage arising from negligence on his part or on that of his agents or servants. The liability of the common carrier in this country is now similar to that in England.

**The Indian Lac Cess Act.**—An export duty is levied at the rate of four annas per maund in the case of lac and two annas per maund in the case of refuse lac exported from any customs port to any port beyond the limits of British India. The proceeds of the cess are to be handed over to the Lac Association, who are to apply it to measures for the promotion of improved methods of cultivation and manufacture of lac.

**The Indian Post Office (Amendment) Act.**—It was found that dutiable articles received by post from beyond British India were not systematically appraised. It was, therefore, enacted by Section 24-A that any Officer of the Post Office might be empowered to deliver any postal article received from beyond British India and suspected to contain any thing liable to duty, to a Customs authority who shall deal with it under the provisions of the Customs Act, 1898.

**The Indian Penal Code (Amendment) Act.**—The sentence of forfeiture, which is now universally regarded as an offensive anachronism, was abolished by this Act by repealing Sections 61 and 62 of the Code. The offences under Sections 121, 121-A and 122, which were visited with orders of forfeiture, are now relieved of their burden and made punishable with increased fine instead.

**The Cattle Trespass (Amendment) Act.**—The scale of fines imposed for the cattle impounded has been fixed by the Cattle Trespass Act as far back as 1871. The fixed scale operates alike throughout the country, independent of local conditions. In the case of habitual trespass, the fine is usually doubled. This system is now done away with: and the new section 12 regulates the scale of fees according to the varying circumstances of each province by notifications to be issued from time to time, by the Local Government concerned.

**The Maintenance Orders Enforcement Act.**—This refers to a queer practice in British Society. Desertion of wives by their husbands, and of the children by their fathers had become very conveniently common amongst the British 'Tommies' during the great War. The Act was passed in order that such people may not escape maintenance order passed by any British Court.

**Land Acquisition (Amendment) Act.**—The provisions of the Land Acquisition Act 1 of 1894 were, in their working, found deficient in not providing for sufficient appeals. This is now safeguarded by this Act.

# The Chamber of Princes

2ND SESSION—DELHI, 7TH NOVEMBER 1921

The second session of the Chamber of Princes and Chiefs in India was opened by the Viceroy, H. E. Lord Reading on the 7th November 1921. About 30 out of some 700 Princes and Chiefs were present. Proceedings were not open to the press but the Viceroy gravely delivered a long address to such a 'representative and august' body and asked them to discuss and decide questions—some trivial and some momentous—behind the backs of those who were most concerned.

The secrecy of the proceedings was taken as a huge joke by people in general. While the League of Nations and the Disarmament Conference see no reason to withhold information about their doings from the public and are rather desirous of the widest publicity, it was really amusing that these 30 smaller Chiefs out of some 700 would hide their transactions from public view. None of the important States, such as the Nizam's Dominions, Mysore, Baroda, Kashmir, etc. were represented. Among the items of business before the Chamber were questions relating to mining concessions, railways and telegraphs and the acquisition of land for business purposes. But as the proceedings were held in camera, the resolutions etc., cannot be given. The following is the opening speech of the Viceroy.

## H. E. the Viceroy's Address

Your Highnesses,—Two months ago as the representative of His Majesty, I opened for the first time during my period of office, the two great constitutional Chambers of the British Indian Legislature. To-day, it is my pleasant duty to open the Second Session of the Chamber of Princes. In so doing I act as the representative of His Majesty and am privileged to convey to you, as partners in the Empire, his good wishes for the success of your deliberations. But I cannot forget that as Viceroy I stand in a relation of special intimacy to your Chamber as I have the honour to be your President and the right to take part in your discussions. I trust that this bond between us may increase the mutual esteem and regard that have hitherto characterised the relations between the Viceroy and the Princes and which are continued on my side and I hope also on yours. May our Association in this Chamber be fruitful of benefit to your order, to your subjects, to British India and to the Empire—that was the four-fold object His Majesty set before us in his

Predication made when the Chamber was inaugurated on his behalf by His Royal Highness the Duke of Connaught; I know of no more fitting aim. Let us pray that we may attain it.

His Royal Highness' visit comes I think at an opportune moment. The India of the armistice is not even the India of to-day. The reform of the Government of British India has been accompanied by a fresh adjustment of our relations with the States and it is well that the Prince should see for himself something of the change which has come over the spirit of India and the promise of a new, and let us hope, a better life. In that promise the States too have their share.

#### Princes as Counsellors of Viceroy

Few things have impressed me more than the great progress that has been made during the past few years in the direction of giving the States an organic unity and equipping the new organism with the beginnings of a constitution. The old policy of rigid isolation has been abandoned. You meet in a common Chamber for purposes of joint deliberation. Under the charter of your Chamber, which you yourselves helped to draft, the Princes as a body are recognised as the advisors of His Majesty's representative and of the Government of the Crown. Your weight in our counsels is the weight of your united strength and that strength will grow with its exercise.

Your Chancellor and the Standing Committee had two meetings after the close of last session and since then papers have been circulated to them in regard to all matters which were coming before the Chamber. The result of their labours is to be found in the reports and summaries dealing with mining concessions, telegraphs, the acquisition of non-residential immovable property in British India and railways, which form items 4, 8, 9 and 10 on the agenda. These summaries, Your Highnesses will understand, represent the considered opinion of the Standing Committee as to the policy the Govt. of India should pursue in these matters. After the Chamber has recorded its views it will be for my Government to take them into consideration and to make an announcement regarding the policy which will in future be followed. But before such announcement can be made it will be necessary for my Government to discuss the revised summaries with Local Governments and in some cases perhaps to make a reference to the Secretary of State. I will not say any more at present on the subjects dealt with in these summaries. To be perfectly frank, I have not yet had occasion fully to study for myself the issues raised and I shall listen with great interest to Your Highness' discussion of them.

The two last items of business on the programme are the election of the Chancellor and the Standing Committee for the coming year. These offices are no sinecure and the Chamber has, I think, been fortunate in the selections it made last February to fill them. The bulk of the work has naturally fallen on the Chancellor and we are all of us deeply grateful to His Highness the Maharaja of Bikanir for the efficient and business-like manner in which in spite of ill health he has discharged his duties. He has set a noble example to those who come after him. The members of the Standing Committee have also served you well though their duties are naturally less arduous than those of the Chancellor and to them as well as to him you will, I have no doubt, desire to express your gratitude.

I now leave the agenda for a moment to refer to certain other matters which are of interest to the Rulers of Indian States though they do not appear among the subjects for discussion. They are three in number: (1) The Fiscal Commission; (2) the reorganisation of the Forces of Indian States and (3) the protection of the Rulers of States against attacks in the press and on the platform in British India.

I shall be very brief in my remark on all the three subjects.

#### The Fiscal Commission

Your Highnesses have already received intimation of the appointment of the Fiscal Commission and copies of the questionnaire. The question is one of joint concern to British India and the States as, though the revenue from customs is a British Indian receipt, the effect of the fiscal system adopted by Government is felt throughout India and I trust that at any rate those Darbars whose commercial interests are considerable will give the Commission the benefit of their views. The Commission which has been appointed is a strong one. It will consider among other matters the question of a protective tariff for India. This question is one of prime importance both for the consumers and for manufacturers in the States as well as in British India.

#### Reorganisation of State Troops

The scheme for the reorganisation of State troops is progressing rapidly. The Inspector General, Imperial Service Troops, with a specially selected staff officer has already made an extensive tour through the States which now maintain Imperial Service Troops and a number of others which are anxious to take advantage of the new proposals. The scheme is based largely on suggestions made by His Highness the Maharaja of Alwar. He asked Government to start with the assumption that in time of emergency all the

resources of the Indian States in men, money and material would be placed at the disposal of the British Government. Your Highnesses are in possession of the first draft of the proposals and I think you will all agree that the dominant note of the new policy is one of trust,—a trust, I may add, increased by comradeship in battle that was tried and not found wanting. Practical experience in working out the scheme has, I understand, suggested certain alterations and the proposals as they now stand are to be discussed by a Committee of Princes and certain of my officers during the present session. What we have to aim at is greater efficiency both in organisation and in armaments while, with a view to give your Highnesses' troops a new sphere of activity, they are being offered a definite part in the general scheme of internal security.

#### The Press Act

The third question is one which has, I fear, been giving your Highnesses some anxious thought during the past summer. The Press Act is the only statutory weapon we possess for the protection of Princes against attacks from the press in British India. It is an instrument which was devised for our own protection as well as for yours and it has been used for both purposes. My Government has, however, now decided after full deliberation to discard it on grounds which have been publicly explained. Your Highnesses will realise that it would have been difficult to retain for the benefit of the members of your order a measure of law which was thought unnecessary for His Majesty the King. The grant to Your Highnesses of protection in another form is a matter which will require careful consideration. I alluded to the question in my speech at the opening of the Houses of the Legislature on the 3rd of September and I refer to it again to-day to give Your Highnesses an assurance that it is still engaging my most earnest attention, and, as I observed, it will form the subject of a resolution to be moved by H. H. the Maharaja of Alwar during the course of the deliberations of your Chamber. I shall look forward with the greatest interest to the debate which will take place upon the subject as it will inform my mind and will assist me in coming to conclusions as to the course that should be followed by the Government of India in this respect.

I will now return, if you will allow me, for a brief space before I close, to the agenda list of the session. There is one item on the list which is so significant, so arresting, so typical of the change that the war has wrought that I feel driven to dwell for a moment on the thoughts it suggests. I refer, need I say it, to the first item on the programme, the report which His Highness the Maharaja of Nawanshar is to present in regard to his work on the League of Nations. I shall not anticipate what His Highness will

tell you. I merely ask you to run your memory back to the beginning of the war and to compare your position—the position of your order—then and now. Then your States were isolated and quite separate entities. You had no tie, no common organisation, no collective organ of expression. Not only were you shut out from the world of international affairs but you had no recognised method of ascertaining each other's views on matters affecting the States in general. Now you have your Chamber, and one of your members chosen as a representative on the League of Nations. That, Your Highnesses, is reform in one of its aspects, the creation of a new order of things, strengthening your position, advancing your dignity. But as your horizon widens, new ideas emerge into view. You cannot exclude them. Events are compelling the study of the workings of forms of Government other than your own and the effects which certain forces seem almost inevitably to produce on the beliefs, the feelings and the aspirations of the great masses of mankind. That, Your Highnesses, brings us to reform in another of its aspects, reform as an answer to the awakened consciousness of the people. These forces cannot be bidden to halt. They must be faced and dealt with. I know full well that you have already reflected deeply upon them and that they will continue to engage your attention, so that when they present themselves to you for solution you may know the answer you wish to make.

Reform as it affects Your Highnesses has two aspects, one affecting your relations with the British Government in India and the other your relations with your own people. I am sure that Your Highnesses will already have realised that the place of the Indian States in the India of the future is a problem which it is difficult to solve and requires much thought. It must engage the attention of all Your Highnesses. For the present I will merely ask Your Highnesses to ponder over the problem and to look ahead. We shall need your counsel.

As regards the second aspect of the problem, you will remember that my predecessor Lord Chelmsford referred to the subject of internal reform in the States in his speech at the opening of the Conference in November 1919. That advice was given by one who was a sincere well-wisher of your order. I shall not at this early period of my Viceroyalty attempt to add to it. I merely remind you of it. Lord Chelmsford, though he was so largely responsible for the reforms in British India, made no suggestion that you should copy them. The time and the place and the manner of change, if change there is to be, are in your hands. But the forces with which you have to deal are live forces. They need and they deserve careful study. May you be guided to deal with them prudently and well.

I have dealt at length on the great changes which have taken place in Your Highnesses' position of recent years. The services rendered by you during the war are a matter of glorious history. His Majesty has been graciously pleased to bestow marks of his favour on many individual members of your order, but to day I am authorised by him to announce the grant of a further privilege. For the future, except at installations and investitures, where local custom will continue to be followed, His Imperial Majesty has been pleased to dispense with the presentation of *Nazars* at ceremonial visits or receptions either to himself or to the members of his family or to any of his officers to whom it has hitherto been customary to present them.

And now, Your Highnesses, we shall proceed to our deliberations. I shall value your counsel, particularly of those Princes who are experienced in the administration of their States. As the representative of the King-Emperor, it is my special duty, as it is my privilege, to confer with you who wield the power and bear the responsibility of ruling over your States whose honourable loyalty and devotion to the King-Emperor are now both traditional and indisputable, and I trust, indeed I am convinced, that mutual advantage will result and that our combined efforts may add lustre to the history of India. And here at this moment when for the first time it falls to my lot to address the Princes of India assembled in this Chamber, let me assure you that I regard it as an honour and a privilege, that I look to you whose history in many respects is well known to me as it is to all students of India, to assist me as I know you will, to the best of your ability, in discharging the gravely onerous task which has been placed upon my shoulders. The India of to-day is perhaps not easy to govern. I have referred in the earlier part of my address to you to forces that have arisen that cannot be disregarded but must indeed be considered rather as the natural outcome of human progress and which no human agency can ever hold back and it behoves us—I speak of us, that is, you, the Princes of India and myself as the representative of the King-Emperor and the head of the Government of India—to do our utmost so to guide the counsels of those who are at the head of affairs in India that we may be privileged to do our best, one and all of us, in our own spheres at our own time and in our own actions, to do above all that which we believe to be right, to persist in it notwithstanding that it may be adversely criticised, to ponder over the comment that may be made, to judge of all the counsels that may be given but in the end to take the burden upon ourselves of doing what we honestly, earnestly and sincerely believe to be the right course to be followed.



# The Laws of 1922

1. **The Indian Electricity (Amendment) Act.**—In 1903 the first Indian Act regulating the use of electrical energy was passed. It was replaced by another Act in 1910. The increased use of electricity in India has revealed defects in the wording of the Act which are sought to be remedied by the present Act. Sec. 2 of the Act defines 'service line'. Overhead service lines should, like the underground lines, be governed by Sec. 17, clause 2, of the Act (Sec. 3). Where any tree or structure is likely to interfere with an aerial line, the obstruction may be removed by a Magistrate of the First Class in the mofussil or by the Commissioner of Police in the presidency towns (Sec. 5). Sec. 20 of the principal Act has been amended by giving authority to the licensee to cut off the supply of energy to the consumer who refuses to allow the licensee or his authorised employee to enter the premises to perform any of the acts which he is authorised to perform (Sec. 7). Hitherto, a licensee used to make his rules or bye-laws. It is now laid down that all such rules should be previously sanctioned by Government (Sec. 8). A licensee can charge the consumer for energy supplied either by the actual amount of energy supplied or by the electrical quantity contained in the supply; (Sec. 9). A few minor points which cause friction between the consumer and licensee are disposed of (Ss. 11-13). Where an accident occurs in connection with the supply which results, or is likely to result, in loss of life or personal injury, the consumer must give notice of it to the Local Government (Sec. 15). In case of a theft of energy the responsibility rests on the consumer (Sec. 18). A consumer who has his property situated beyond the limit of 100 yards but within the area of supply of the licensee, can, subject to certain conditions, obtain a supply of the current (Sec. 23). A licensee may impose a minimum charge on the consumer irrespective of the actual use of the energy (Sec. 28).

2. **The Indian Factories (Amendment) Act.**—The object of this act is to ameliorate the conditions of labour, as under the recommendations of the International labour conference. The object has been sought to be achieved by raising the maximum and minimum ages of children; by limitation of adult hours in all classes of factories, and by enlarging the definition of "factory." A child's age has been raised from fourteen to fifteen. The definition of the term "factory" now includes concerns which are driven by mechanical power and which employ twenty persons

simultaneously. The Local Government can extend the provisions of the Indian Factories Act to any concern though not driven by power yet which simultaneously employs ten persons (Sec. 2.) The term 'week' is defined as the period between mid-night on Saturday night and midnight on the next Saturday night (Sec. 2.) A child can work in a factory only with a certificate from a certifying Surgeon; but the certificate can be revoked if the child is no longer fit for employment (Sec. 4). Only a "registered paractitioner" can be a "certifying surgeon" under the Act (Sec. 5). Where a child employed in a factory is not fit for employment, the Inspector can compel the child to be re-examined by a certifying Surgeon (Sec. 6). Sec. 9 of the principal Act has been amended by providing that the atmosphere in a factory shall not be rendered so humid by artificial means as to be injurious to the health of employees (Sec. 7). Where an Inspector finds any factory or any part of the ways, works, machinery or plant thereof, dangerous to human life, he shall call upon the manager to remedy the danger (Sec. 9). He can also prohibit the employment of child labour in those parts of a factory which are dangerous to children (Sec. 10). An interval should be given of one hour after six working hours in the case of adults and of half an hour in the case of children working for five hours (Sec. 12). Every workman is entitled to a weekly holiday of a day: generally Sunday is set apart for the purpose; but the day can be changed provided the workmen get a break in their work once in ten days (Sec. 13). The minimum age of children has been raised from nine to twelve years (Sec. 14). The working hours in each day are limited to eleven hours and a week consists of sixty working hours (Sec. 17). A Local Government may exempt any factory from the provisions of the Indian Factories Act for special reasons; but for every over-time work, the workman should be paid at a rate which shall be at least twenty-five per cent. more than the ordinary rate: Factory for indigo, tea or coffee can also be exempted from the provisions of Sec. 21 and 22. It will be competent to the Governor General in Council to make rules for disinfection of wool in factories infected with anthrax spores (Sec. 23). The maximum fine under Sec. 43 has been raised from 200 to 500 (Sec. 26).

3. **The Benares Hindu University (Amendment) Act.**—No person who is not a Hindu can be a new member of the first Court of the Benares Hindu University: the existing non-Hindu members are however competent to act on the first Court.

4. **The Special Laws Repeal Act.**—This Act repeals the State Offences Regulations of Bengal and Madras. The State Offences Act of 1857 and the Forfeiture Act of the same year are

also abrogated. The emergency legislation of the Defence of India Act and the infamous Anarchical and Revolutionary Crimes Act (commonly known as the Rowlatt Act) are at last repealed.

5. **The Indian Criminal Law Amendment Repealing Act.**— In keeping with the repeal of State Offences and the other Acts, mentioned above, this Act repeals Part I of the Indian Criminal Law Amendment Act, which provided for a special summary procedure for trial of certain offences.

6. **The Indian Lunacy (Amendment) Act.**— By this Act it is proposed to call a "Lunatic Asylum," a Mental Hospital, for the idea is not to confine a lunatic but to cure him of his malady. If in a particular Lunatic Asylum there happens to be no adequate provision for curative treatment, the Local Government may call upon the person in charge of the Asylum to make it, and on his failure to do so, may cancel the license (Sec. 4). Secondly, it is considered more advantageous to establish central mental hospitals in different parts of India. To make the idea workable, it is enacted that when a lunatic of one province is sent to the mental hospital in another province, the former should bear the cost of keeping him (Sec. 5).

7. **The Indian Emigration Act.**— The main purpose of the present Act is to abolish "indentured emigration", which object was hitherto served by Rule 16 A of the Defence of India Consolidation Rules, 1918. The term 'emigration' is therefore defined as the departure by sea out of British India of any person under an agreement for hire in any country beyond the limits of India and any person who is assisted to depart with the intention of working for hire or engaging in agriculture in any country beyond the limit of India (Sec. 1 (c)). For the control of emigration in future, a Protector of Emigrants is to be appointed (Sec. 3) whose general duties are enumerated (Sec. 4). Government may appoint Medical Inspectors of Emigrants (Sec. 6); and also agents to safeguard the interest of emigrants in foreign countries (Sec. 7). It may also appoint advisory committees to assist any Protector of Emigrants (Sec. 8).

It is now enacted that Emigration of unskilled work shall not be lawful except from the ports of Calcutta, Madras, Bombay, Karachi, Negapatam, Tuticorin and Dhanushkodi or from such other port as is declared by the Governor-General in Council (Sec. 9). It can only be to the countries notified by the same authority (Sec. 10). Such emigration is liable to be suspended on the out-break of plague or other epidemic disease dangerous to life (Sec. 11); and the suspension may be removed on the cessation of the epidemic (Sec. 12). The Government of India has also the power to stop emigration to any country altogether (Sec. 13).

Emigration of skilled labour is also regulated by rules which are laid down. It can only be from ports specified above (Sec. 9). If a person wishes to emigrate skilled workmen, he has to apply for permission to the Local Government (Sec. 16), which may grant the permission (Sec. 17). The employer and the employed should then appear before the Protector of Emigrants who would satisfy himself that the employed have understood the terms of their engagement, and would enter the details in a register kept for the purpose (Sec. 18). A security is to be furnished by the employer which may be returned to him on his observing the terms of his agreement but is liable to be forfeited on his failure to do so (S. 19). The power of the Local Govt. to grant permission may be delegated to the Protector of Emigrants (S. 20). Govt. of India can also prohibit emigration of skilled workers (S. 21). Emigration in contravention of the provisions of this Act is punishable with a fine of Rs. 50; but the person offending against the provisions as to agreements is liable to be punished with a fine of Rs. 500 (S. 25). Fraudulently inducing another to emigrate is punishable with imprisonment which may extend to one year or with fine or with both (S. 26); and false representation of Government authority is punishable by six months' imprisonment, or a fine of Rs. 500 or with both (S. 27).

8 **The Delhi University Act.**—This Act establishes a residential and unitary teaching University at Delhi on the lines of the Benares Hindu University Act. It enacts the constitution of the University and its component bodies. The first regulations of the University are set out in a Schedule and are to remain in force till supplemented and supplanted by the University authorities when constituted.

9. **The Civil Procedure Amendment Act.**—If a person brings a false or vexatious complaint in a Criminal Court, he is liable to pay a compensation of Rs. 50 to each of the accused under Sec. 25 of the Criminal Procedure Code. But no provision existed hitherto to protect a person against false or vexatious claim or defence in a Civil court. It is now enacted by Sec. 25A of the Code that a Civil Court, when it is satisfied that a person has put forward a false or vexatious claim or advanced a similar defence, may award compensatory costs extending to Rs. 1,000 (S. 2). The power can, however, be exercised only by a trial Court and can in no event be exercised by a Court of Appeal (S. 4).

10. **The Indian Limitation Amendment Act.**—It was doubtful if the special provisions contained in S. 4, Ss. 9 to 18 and S. 22 of the parent Act applied when a period of limitation was provided by any special or local law. That doubt has now been removed by this enactment and these provisions have been made applicable to the periods of limitations provided by any special or local law.

11. **The Indian Income Tax Act.**—The Act differs essentially from its predecessors. The rates at which the tax is levied are now regulated by the Finance Act enacted every year. The Act has made two innovations. First, the tax for the year is calculated on the income of the foregoing year; this leads to the abolition of the adjustment system. Secondly, composition of the tax is done away with. The rules under the Act are now simplified and made uniform throughout India. The power of reference to the High Court is now a matter of course. Chapter I deals with the charge of income tax. It can be levied in a given year in respect of income, profits and gains, of the previous year (S. 3). Such income, profits and gains will be those derived in British India or received in British India (S. 4). The second Chapter enumerates the Income Tax authorities (S. 5). The third Chapter deals with taxable income. This is divided into six different heads: (1) salaries (S. 7); (2) interest on securities (S. 8); (3) property (S. 9); (4) business (S. 10); (5) professional earnings (S. 11); and (6) other sources (S. 12). Income, profits and gains shall be computed in accordance with the method of accounting regularly employed by the assessee (S. 13). Exemptions of a general nature are next dealt with: *e.g.*, no tax can be levied on a sum received by a coparcener in a joint Hindu family; nor on any dividend as a shareholder in a Company the gains of which are already assessed to income tax (S. 14.) Premia paid for the assurance of a person or his wife are exempt from assessment (S. 15). Chapter IV concerns itself with deductions and assessments. Income tax on salaries and interest on securities is charged in advance (S. 18); in other cases, it is payable by the assessee direct (S. 19). Where a Company pays income tax direct, it shall issue a certificate to that effect to its shareholders at the time of distributing dividends (S. 20). Every Company is bound to furnish a return, in the prescribed form, of the total income of the Company by the first of June every year (S. 22) on the basis of which the tax may be levied (S. 23). If a Company suffers any loss under any of the heads it shall be entitled to a set-off for it against gain under other heads (S. 24.) If a business is discontinued, the assessment will be made for the period for which the business was going on (S. 25). In cases of change of ownership of a business, the incoming man is assessed (S. 26). In case there is any concealment of income, the offender is liable to pay as penalty the sum which he has avoided to pay as tax (S. 28). As soon as the amount of tax is levied, a notice of demand will be served on the assessee (S. 29). Ss. 30-39 deal with appeals. Liability in special cases is considered in the next Chapter. Herein falls the liability of guardians, trustees and agents (S. 40); Courts of Ward,

(S. 41); and non-residents (S. 42). In the next Chapter, the recovery of tax and penalties is discussed. The date on which the tax is payable is mentioned (S. 45); the mode and time of the recovery of the tax (S. 46) and penalties (S. 47) are provided for. Chapter VII treats of refunds (Ss. 48-50). The offences relating to the Income tax Act and penalties attaching thereto are given in S. 51-54. The subject of super-tax is treated in Chapter IX. Rules under the Act may be made only by the Board of Inland Revenue for the whole of India in order to insure uniformity (S. 59). It is within the competence of the Governor General in Council to exempt wholly or partially any class of income from the tax (S. 60). An assessed person is not bound to appear in person before any Income-Tax authority, but can appear by an authorised agent (S. 61). To get a question of law decided the Commissioner may state a case to the High Court for opinion; or an assessee may compel him to do so on payment of Rs. 100 (S. 66). No suit can lie in a civil Court to set aside or modify an assessment under the Act or in respect of anything done under the Act (S. 67).

12. The Indian Finance Act.—Under the Finance Act of 1922 several new taxes are imposed. The duty on salt is fixed at the rate of Rs. 1-4-0 on a maund. Excise duty on kerosine is levied at the rate of one anna on each imperial gallon. The import Tariff provides that hides and skins, metallic ores, precious stones and unset pearls, oilseed imported from Indian Native States, raw cotton and wool, manures of all sorts, paper pulp, uniforms and accoutrements for the personal use of a public servant, anti-plague serums, quinine, water-lifts, sugar mills and oil presses, current coins of Government, gold and silver bullion, used gunny bags, printed books, living animals, and specimens of natural science, are free of any duty. Ale, beer, porter and cider are chargeable with an import tariff of eight annas per imperial gallon. Denatured spirit is levied with seven and half per cent, while Rs. thirty-six per gallon is assessed on perfumed spirit and Rs. 30 on liqueurs, cordials etc. Among wines, champagne has to pay Rs. 9 per gallon; while other wines have to pay Rs. 118-0 per gallon. An all round duty of 25 per cent. is imposed on all sugars. Tobacco unmanufactured has to pay one rupee per pound while manufactured tobacco has to pay double the amount. A duty of 75 per cent. is levied on cigars and cigarettes. Coal, coke and patent fuel have to pay eight annas a ton; kerosine and motor spirit bear 0-2-6 on each gallon; while mineral oil carry a seven and half per cent. *ad valorem* duty. Fire-arms bear a graduated scale. Rs. 24 a seer are levied on opium and alkaloids. An *ad valorem* rate of 5 and 11 per cent. is fixed for cotton yarn and piece-goods respectively. Matches

have a duty of Rs. 1-8-0 on every gross of boxes. A general duty of two and half per cent. is imposed on grain and pulses, vinegar in casks, fire-wood, coppers, machinery, lead-sheets, aeroplanes, printing materials, fodder, bran and pollards. An increased rate of 10 per cent is imposed on iron and steel, telegraph instruments, railway materials. A fifteen per cent. duty is imposed on fish and fishmaws, fruits and vegetables, flour, oilman's stores, groceries and provisions, spices, tea, coffee, gums, resins and lacs, tallow and wax, wood and timbers, canes and rattans, cowries and shells, unmanufactured ivory, cutlery and hardware, dyeing and tanning substances, furniture and cabinet ware, paper, paste-board and stationery, yarns and textile fabrics. Also on works of art, brushes, candles, cinematograph films, maps, oilcakes, oil and floor cloth, polishes, rubber-tyres, soap and umbrellas. A thirty per cent. rate is levied on confectionery, gunpowder for cannons, motor cars, clocks and watches, musical instruments, glass bangles and beads, manufactures in gold and silver plate, silk-piece goods, fire-works, manufactured ivory, jewellery, pictures, pneumatic rubber tyres, smoker's requisites, and tags. The rates of postage have also been increased. A post-card has to pay half an anna, while a letter bears a one anna stamp. The postage on book posts is retained at half an anna for every five tolas in weight. A registered newspaper weighing eight tolas can go in quarter anna stamp; for more than that up to 20 tolas, it has to pay half an anna.

There is an increase in income tax rates. Incomes below Rs. 2,000 are exempt from tax. Incomes from Rs. 2,000 to Rs. 5,000 have to pay five pies in the rupee; those from Rs. 5,000 to Rs. 10,000 pay 6 pies per rupee; and nine pies per rupee on incomes of Rs. 10,000 to Rs. 20,000 to Rs. 30,000. Incomes of Rs. 30,000 to Rs. 40,000 pay 15 pies in the rupee; while a flat rate of 18 pies is imposed on incomes above Rs. 40,000. In the case of companies a general rate of 18 pies is charged irrespective of the amount of income. A graduated scale of super-tax ranging from one anna to six annas is levied on incomes of Rs. 50,000 and above.

13. **The Ranchi Mental Hospital Act.**—The cost of maintaining this hospital was too much for the Bihar and Orissa Government. The Act, therefore, incorporates a Board of Trustees to be elected and selected by various bodies and Governments to manage the Ranchi Mental Hospital, and to receive a loan of three and half lacs of rupees from the Govt. of India to be paid in stated instalments.

14. **The Press Law Repeal and Amendment Act.**—The main object of the Act is to repeal the Indian Press Act of 1910 and the Newspaper (Incitements to Offences) Act 1908. Some of the

provisions of the old Act are, however, kept up. It is now enacted that every copy of the Newspaper must contain the name of the editor. If a wrong name has been published as an editor, such person can make a declaration before the Magistrate to that effect. Two copies of every newspaper must be furnished by the printer to the Government free of cost: failure in this respect is liable to be visited with a fine of Rs. 50. The Sea Customs Act of 1878 is amended by the addition of a new section 181A which empowers the Chief Customs Officer or any other authorised officer to detain any package brought whether by land or by sea containing any seditious matter. It is permissible to the party to apply to the High Court for releasing the package so detained. The Criminal Procedure Code is also amended by the addition of a new S. 99A which enables a Local Government to declare forfeited and to issue search warrant for any newspaper, book or document containing seditious matter. Any person aggrieved by the declaration may apply to the High Court which shall hear the application by a Special Bench composed of three Judges. There are also amendments in the Post Office Act. Any officer of the Post Office may detain any newspaper, book or document which contains seditious matter (S. 27B). The person aggrieved has a right to apply to the High Court.

15. **The Indian Ports (Amendment) Act.**—The Local Government is empowered to make rules prohibiting the employment of children under the age of twelve years at piers, jetties, landing places, wharves, quays, docks, warehouses and sheds in a port.

16. **The Indian Extradition Amendment Act**—The designation "Imperial Service Troops" is abolished from January 1, 1922. Troops maintained by Indian States are since then known as "Indian State Forces" desertion from which is now made an extradition offence.

17. **The Indian Museum (Amendment) Act**—The Director General of Archaeology was one of the Trustees of the Indian Museum at Calcutta. As he could not attend all meetings of the Trustees, it is proposed to add the Superintendent, Archaeological section of the Museum, as a Trustee.

18. **The Negotiable Instruments (Amendment) Act.**—S. 131 of the Negotiable Instruments Act provides that a banker who has in good faith and without negligence received payment for a customer of a crossed cheque shall not, in case the title to the cheque proves defective, incur any liability to the true owner of the cheque by reason only of having received such payment. This protection is now extended to a banker who receives payment of a crossed cheque notwithstanding that he credits his customer's account with the amount of the cheque before actually receiving payment.



19. **The Court Fees (Amendment) Act.**—The Act has been amended to negative a recent decision of the Allahabad High Court that no Court fee is leviable under section 4 of the Act in an appeal under the Letters Patent from a judgment of one Judge of the Court. Now full Court fee is leviable on appeals from the judgments of even one or more Judges of a High Court, other than judgments passed in the exercise of ordinary original civil jurisdiction.

20. **The Parsee Marriage and Divorce (Amendment) Act.**—The trials before the Parsi Chief Matrimonial Court at Bombay take place before eleven delegates : whilst those in the district are held before seven delegates. All these delegates must be present throughout the trial and as great delay, difficulty and hardship are caused by these provisions, it is now enacted that nine delegates in the case of the Chief Matrimonial Court and six in the case of other Courts shall form a quorum. And when the delegates are equally divided in opinion, the decision of facts shall be the decision of the presiding Judge.

21. **The official Trustees and Administrator General's (Amendment) Act.**—The Government of India were liable to make good all sums required to discharge any liability which the Official Trustee or the Administrator General was personally liable to discharge, also to pay back any unclaimed assets transferred to their credit and account if a claimant established his claim. Under the new Devolution Rules these subjects are now transferred to the local Governments who are now clothed with the above liability.

22. **The Police (Incitement to Disaffection) Act.**—This act was passed to meet the many sudden resignations from the police force brought about by the N C O propaganda in 1921. It is now enacted that when a person incites disaffection towards His Majesty or the Government established by law in British India amongst the members of the Police force, or induces any member of it to withhold his services or commit a breach of discipline, he can be sentenced to imprisonment of six months or fine which may extend to two hundred rupees or both (S. 3). Police Associations\* are exempted (S. 4). No action under the Act can be taken except with the previous sanction of the Commissioner of Police or District Magistrate as the case may be.

23. **The Indian Transfer of ships Restriction (Repealing) Act.**—The restriction which was imposed on the transfer of ships during the war as an emergency legislation has now been removed.

24. **Indian States (Protection against Disaffection) Act** (See p. 724).

*RESOLUTIONS adopted by the COUNCIL OF STATE  
During Delhi Session 1921 and action of Government taken thereon.*

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TABLE OF RESOLUTIONS

Date.	Moved by.	Subject of Resolution.	Action taken by Government.
14-2-21	Sir Maneckji Byramji Dadabhoy.	Re circulation of speeches by His Royal Highness the Duke of Connaught and His Excellency the Viceroy in the vernaculars.	Given effect to in full.
Do.	The Rt. Hon. V. S. Sastri.	Re repeal of repressive laws ...	Given effect to in full.
21-2-21	Mr. A. C. Chatterjee.	Re Washington Conference—Hours of work in industrial undertaking.	The Bill to amend the Indian Factories Act introduced in the Legislative Assembly in March, 1921, which was intended to give effect to these Resolutions, have been passed in the Assembly.
Do.	Ditto	... Re disinfection of wool ...	
Do.	Ditto	... Re lead poisoning ...	
Do.	Ditto	... Re minimum age of children ...	
Do.	Ditto	... Re creation of employment agencies and provision of advisory boards representative of employers and workers.	
Do.	Ditto	... Re recommendation concerning un-employment.	The matter is under the consideration of the Government of India and Local Governments have been addressed on the subject.
Do.	Ditto	... Re Government Health Service ...	
			The matter is under consideration of the Government of India and Local Governments have been consulted.

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27-2-21	Sir Maueckji Byramji Dadabhoy.	Re Government stocks ...	...	Two Committees were appointed in order to consider how best to give effect to the Resolution. The Reports of the Committees were published with a communique on the 19th September, 1921. As the Resolution referred to Government's future policy it is not yet possible to say how far it has been acted on in full or part.
Do.	Mr. Lalubhai Samaldas	Re Fiscal autonomy ..	...	Given effect to in full.
28-2-21	Maung Po Bye	Re Burma Reforms Scheme	...	Action is being taken to give effect to the Resolution. A Committee has been appointed to work out details of the scheme and their report is awaited.
3-3-21	Sir Zulfiqar Khan.	Ali Re religious susceptibilities of His Majesty's subjects.		The Resolution was withdrawn, but a copy of the debate and a telegraphic abstract were communicated to the Secretary of State in accordance with the undertaking given by the Hon. the Home Member.
Do.	The Rt. Hon. V S Sastri	Re amendment of certain enactments in regard to use of firearms.		A Bill to give effect to those parts of the Resolution which were adopted has been passed by the Council of State. It has still to be considered by the Legislative Assembly.
9-3-21	Sardar Jogendra Singh	Re export of food grains ...	...	Partial effect has been given by the removal of all restrictions on the export of rice from Burma.
26-3-21	Mr. Vaman Gobind Kale.	Re indemnities and reparations from Germany.		Given effect to in full.
Do	Lala Sukhbir Sinha	Re exemption of magistrates and Members of the Indian Legislature from the operation of the Arms Act.		Local Governments have been addressed in accordance with the undertaking given by the Honourable the Home Member. Replies from Local Govts. are not yet complete.

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OF THE COUNCIL OF STATE

738(k)

**OFFICIAL RESOLUTIONS** *adopted by the COUNCIL OF STATE*  
*During the Simla Sessions 1921 and action of Govt. taken thereon.*

736(1)

TABLE OF RESOLUTIONS

Date.	Moved by.	Subject of Resolution.	Action taken by Government.
27-9-21	Mr. H. A. F. Lindsay	Limitation of hours of work in fishing industry.	Given effect to in full
		Establishment of National Seamen's Code.	Ditto
		Unemployment insurance for seamen.	Ditto
Do.	Do. ...	Minimum age for admission of children to employment at sea.	The Government of India have ratified the Draft Convention of the Geneva Conference. Steps are now being taken to make the provisions of the Convention effective.
		Unemployment indemnity in case of loss or foundering of a ship.	The Govt. of India have undertaken the inquiries referred to in the Resolution.
		Facilities for finding employment for seamen.	It has been decided to appoint a small Committee to undertake the suggested inquiries. The preliminary work of the Committee has already been commenced.

[SIMLA]

**NON-OFFICIAL RESOLUTIONS adopted by the COUNCIL OF STATE**  
*During the Simla Sessions 1921 and action of Govt. taken thereon.*

1921]

OF THE COUNCIL OF STATE

Date.	Moved by.	Subject of Resolution.	Action taken by Government.
5-9-21	Sir Maneckji B Dada-bhai.	Address of Welcome to His Royal Highness the Prince of Wales.	Necessary action was taken in the matter.
Do.	Maharaja of Darbhanga	Welcome to Lord Reading on his assumption of office	Do. do.
17-9-21	Mr P. C. Sethna ...	Cecil Rhodes Scholarships ...	A copy of the Resolution was forwarded to the India Office on the 6th October, 1921, for the favourable consideration of the Secretary of State. Attention was also invited to the debate in the Council of State. The Secretary of State brought the Resolution to the notice of the Rhodes Trustees, who informed him that the scholarships originally allotted to Germany have long since been bestowed elsewhere and that there is no possibility in present circumstances of creating further scholarships. The Secretary of State has, however, desired the Trustees to place on record his very earnest hope that at any future creation of scholarships under the Cecil Rhodes Scholarships Settlement, the claims of India to participate in the award will receive their special consideration.
17-9-21	Lala Sukhbir Singh ...	Stoppage of export of wheat ...	Full effect had already been given to the first portion of the Resolution, but no further action was considered possible with regard to the latter portion.

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**NON-OFFICIAL RESOLUTIONS** adopted by the **COUNCIL OF STATE**  
during the Simla Session 1921 and action of Govt. taken thereon.

738(m)

**TABLE OF RESOLUTIONS**

[SIMLA

Date.	Moved by	Subject of Resolution.	Action taken by Government.
22-9-21	Sardar Jogendra Singh	Effect to be given to the Report of the Sugar Committee.	The attention of Local Governments has been drawn to matters which are primarily their concern. Owing to financial stringency, the Central Government is unable at present to proceed with the scheme for a Research Institute and a Sugar Board. Local Governments are being asked for their views on the Committee's suggestion that research stations in the Provinces should be under the Central Government's control. Measures are being taken with a view to the establishment of a Sugar School and factory on such a scale as financial considerations may permit. The views of the Central Government regarding the acquisition of land for Sugar Factories will be communicated very shortly to the Local Governments.
Do.	Mr. Lalubhai Samaldas	Equality of status for Indians in East Africa.	The Resolution has been brought to the notice of the Secretary of State in connection with the East Africa controversy.
23-9-21	Dr. Gangana th Jha ...	Uniform system of weights and measures.	Given effect to in full, VIDE Resolution No. 9. dated the 3rd January, 1922, published in the Supplement to the GAZETTE OF INDIA of the 7th IDEM.

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24-9-21	Mr. V. G. Kale	...	Equality of status for Indians in South Africa.	In a despatch to the Union Government communicating the views of the Government of India on the recommendations of the South Africa Asiatic Inquiry Com. report reference has been made to this Resolution.
26-9-21	Saiyid Raza Ali	...	Appointment of Indians to posts of Secretary, Joint Secretary and Deputy Secretary.	ARMY (AND MARINE) DEPARTMENT has noted the recommendation.  EDUCATION DEPARTMENT already has an Indian Deputy Secretary.  FOREIGN AND POLITICAL DEPARTMENT.—The Political Department has recently been thrown open to Indians and they will consequently now have opportunities to qualify for the posts in question. The recommendation has been noted.  PUBLIC WORKS DEPARTMENT.—Local Governments who supply officers for the posts in question, have been asked to take the action considered necessary.  N.B.—There are no posts of Joint Secretary in the Army, Education and Health and Public Works Departments.
26-9-21	Mr. P. C. Sethna		Administration of Aden by the Government of India.	The Resolution was transmitted to the Secretary of State.
29-9-21	Mr. Lalubhai Samaldas.		Purchase of Stores from England	...
29-9-21	Mr. G. S. Khaparde.		Abolition of piece system in Government presses.	Instructions have been sent to the High Commissioner for India in the United Kingdom  A Committee has already been appointed to take evidence and to make recommendations for the consideration of Government. The report of the Committee is awaited.

**RESOLUTIONS adopted by the LEGISLATIVE ASSEMBLY**  
*During Delhi Session 1921 and action of Government taken thereon.*

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TABLE OF RESOLUTIONS

[DELHI]

Date	Moved by	Subject of Resolution.	Action taken by Government.
15-2-'21	Mr. Jamnadas Dwarkadas.	RE Martial Law Administration in the Punjab.	Given effect to in full.
17	Mr. W. M. Hussanally.	RE Listed Posts in the Indian Civil Service.	Local Government have been asked to consider whether the number of listed posts cannot be increased.
Do.	Rao Bahadur T. Rangachariar,	RE Third Class Passengers.	Has been adopted with slight modifications by the more important railways wherever considered necessary.
Do.	Sir P.S. Sivaswamy Aiyer.	RE Army in India.	A copy of the Resolution together with a copy of the Resolution as adopted by the Assembly was forwarded to the Secretary of State for his information.
19-2-'21	Sir T. Holland.	RE Hours of work on the draft Convention of the Washington Labour Conference.	The Bill to amend the Indian Factories Act introduced in the Legislative Assembly in March, 1921, which was intended to give effect to those Resolutions, has been passed in the Assembly.
Do.	Do.	RE Disinfection of wool and protection of women and children from lead poisoning.	
Do.	Do.	RE Minimum age of admission of children in Industrial employment.	



19-2-'21 Sir T. Holland.

RE Washington Labour Conference Employment Agencies and unemployment.

The matter is under the consideration of the Government of India and Local Governments have been addressed on the subject.

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Do. Do.

RE Establishment of Health Service.

The matter is under the consideration of the Government of India and the Local Governments have been consulted.

22-2-'21 Mr. S. P. O'Donnell

RE Press Legislations

Given effect to in full.

24 „ Munshi Iswar Saran

RE Creation of an Indian Bar

Local Governments and public bodies have been consulted. Replies are being received.

Do. Mr. B. S. Kamat

RE Reports of Commissions and Committees.

Given effect to in full.

1-3-'21 Mr. N. M. Joshi

RE Legislation for Registration of Trade Unions.

The matter is under consideration and Local Governments have been addressed.

2 „ Dr. Nand Lal

RE Export of Cattle.

Local Governments were addressed with regard to the step which should be taken to give effect to the Resolution and their replies are now under consideration and it is hoped that a decision will be reached very shortly,

Do. Rai J. N. Majumdar, Bahadur.

RE Equality of Status of two Chambers.

Given effect to with modifications.

**RESOLUTIONS adopted by the LEGISLATIVE ASSEMBLY**  
*During Delhi Session 1921 and action of Government taken thereon—contd.*

738(7)

Date.	Moved by.	Subject of Resolution.	Action taken by Government.
5-3-21	Babu Braja Sundar Das.	RE Bihar and Orissa Executive Council.	The question of giving effect to this Resolution will be considered on the retirement of the Honourable Sir Haviland LeMesurier.
7-3-21	Chaudhri Shahab-ud-Din.	RE Select Committee on Esher Committee's Report.	A Select Committee considered the Esher Committee's Report and their recommendations were communicated to the Secretary of State.
23-3-21	Mr. J. K. N. Kabraji.	RE Execution of the Programme of New Delhi Works.	Given effect to in full so far as the year 1921 is concerned. The Government of India propose to fix the demand to be presented to the Assembly for next year's expenditure at 2 crores and should the demand be passed the Resolution will have been given effect to so far as 1922-23 is concerned.
Do.	Dr. Nand Lal ..	RE Repressive Measures ..	Given effect to in full.
26-3-21	Dr. H. S. Gour ..	RE Ultimate Court of Appeal in India	Local Governments, High Courts, etc., have been addressed and their opinions are now being received.
28-3-21	Sir P. S. Sivaswamy Aiyer.	14 Resolutions RE Esher Committee's Report.	....

TABLE OF RESOLUTIONS

[Contd.]

RE Equipment and organization of the Indian Army.

RE employment of Army in India for service outside the external frontiers of India.

RE the appointment of a Surveyor-General of Supply.

RE the appointment of Commander-in-Chief and Senior Staff Officers in India.

RE the Commander-in-Chief's right to correspond with the Chief of the Imperial General Staff.

RE the admission of Indian subjects to all arms of His Majesty's Military, Naval and Air forces in India.

RE the establishment of a Royal Military College in India.

RE the fixation of the pay of all commissioned ranks in all branches of the army with an overseas allowance.

A copy of the Resolution was communicated to the Secretary of State for India.

Every effort is being made to equip and organize the Indian Army in the same manner as the British Army.

The Resolution was communicated to the Secretary of State,

The matter has been referred to the Secretary of State for India.

The matter has been referred to the Secretary of State for India.

This has been approved by the Secretary of State for India,

The matter has been referred to the Secretary of State for India.

The Secretary of State has sanctioned the establishment of a Military College at Dehra Dun which will be shortly opened.

The matter is under the consideration of the Government of India.

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*RESOLUTIONS adopted by the LEGISLATIVE ASSEMBLY  
During Delhi Session 1921 and action of Government taken thereon—contd.*

738(c)

TABLE OF RESOLUTIONS

[DELHI]

Date	By whom.	Subject of Resolution.	Action taken by Government.
		RE the formation of a Territorial Force, etc.	The Resolution has been given effect to by the Government.
		RE the grant of the rank of 2nd-Lieutenant, Lieutenant, or higher rank to the officers in the Indian Territorial Force.	The matter is under consideration by the Government of India and the Secretary of State.
		RE the interchange of officers between British and Indian Services.	The matter has been referred to the Secretary of State for India.
		RE the reduction of the administrative staff at Army Headquarters.	The Resolution will be given effect to as soon as conditions will permit of it.
		RE the appointment of a Committee for the purpose of examining and reporting upon the best method of giving effect to the natural rights and aspirations of the people of India for the attainment of full responsible Government.	All the points in the Resolution were discussed by the Military Requirements Committee.
		RE the inclusion of 'Anglo-Indians' in the terms of 'Indian subjects' or 'Indians'	Not given effect to.

**RESOLUTIONS adopted by the LEGISLATIVE ASSEMBLY**  
*During the Simla Sessions 1921 and action of Government taken thereon.*

1921]

OF THE LEGISLATIVE ASSEMBLY

738(u)

Date.	Moved by .	Subject of Resolution.	Action taken by Government.
26-9-21	Hon. Mr. C. A. Innes.	Limitation of hours of work in fishing industry.	Given effect to in full.
	"	Establishment of National Seamen's Code.	Ditto
	"	Unemployment insurance for seamen.	Ditto
	"	Minimum age for admission of children to employment at sea.	The Government of India have ratified the Draft Convention of the Genoa Conference. Steps are now being taken to make the provisions of the Convention effective.
Do.	Do.	Unemployment indemnity in case of loss or foundering of a ship.	The Government of India have undertaken the inquiries referred to in the Resolution.
	"	Facilities for finding employment for seamen.	It has been decided to appoint a small Committee to undertake the suggested inquiries. The Preliminary work of the Committee has already been commenced.
30-9-21	Do.	Appointment of a Committee to consider the Railway Committee's Report.	Committee was appointed to consider the Financial recommendations of the Report and has submitted its conclusions.
Do.	Hon. Sir Malcolm Hailey.	Contribution by the Government of Bengal to the Governor-General in Council	Full effect has been given to the Resolution.

**RESOLUTIONS adopted by the COUNCIL OF STATE**  
*During Delhi Session, 1922, and action of Government taken thereon.*

73810)

TABLE OF RESOLUTIONS

[DEPT.]

Date.	Moved by.	Subject of Resolution.	Action taken by Government.
26-1-'22	The Honble Mr. Phiroze Sethna.	Increase in the appointment of Indians in Port Trusts.	The Resolution has been accepted by the Government of India and the views of the Maritime Local Governments have been invited. Replies are still awaited.
31-1-'22	The Hon. Mr. S. P. O'Donnell,	Suppression of Traffic in Women and Children	The International Convention adopted by the second Assembly of the League of Nations was duly signed at Genoa on behalf of the Government of India on the 28th March 1922 by the British Minister at Berne, with the necessary reservation in regard to Article 5 of the Convention.
13-2-'22	The Hon. Mr. Lalubhai Samaldas	Carriage of Human beings in Cattle Trucks.	Copies of the Resolution were forwarded to Railways with the request that effect be given to its terms as far as practicable and that in the cases of company worked Railways, a copy of the Resolution should be communicated to the Boards of Directors.

13-2-'22	The Hon. Lala Ram Saran Das.	Maintenance of separate accounts for Military and Strategic Railways.	The question is being put by the Railway Department before the Central Advisory Council for Railways.
13-2-'22	The Honourable Khan (Now Sir) Ahmedthamby Maricair.	Opening of the Port of Madras for pilgrim traffic.	A copy of the Resolution and Debate thereon was forwarded to the Madras Government on the 20th March 1922 and they were asked to submit proposals for giving effect to the Resolution, together with an estimate of the Central and Provincial expenditure involved. No reply has yet been received from the Local Government.
22-2-'22	The Hon. Mr. Phiroze Sethna.	Congratulations to Her Royal Highness Princess Mary on the occasion of her Marriage.	Effect was given to this Resolution, A message conveying Her Royal Highness's warm appreciation of the congratulations of the Council of State was read out in the House by the President on the 8th March 1922.
22-2-'22	The Hon. Mr. V. G. Kale.	Indianization of State-managed Railways.	The matter was again impressed on Railway Administrations and with a view to ascertain the progress made in increasing the number of Indians in the higher grades, Agents have been asked to furnish half-yearly statement showing the number of such appointments made.
22-2-'22	The Hon. Mr. Lalubhai Samaldas.	7 per cent. Sterling Loan.	The Resolution was communicated to the Secretary of State in Council.

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OF THE COUNCIL OF STATE

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**RESOLUTIONS adopted by the COUNCIL OF STATE**  
*During Delhi Session, 1922, and the action taken by Government thereon—contd.*

738(a)

TABLE OF RESOLUTIONS

[Contd.]

Date.	Moved by.	Subject of Resolution.	Action taken by Government.
23-2-'22	The Hon. Mr. Lulubhai Samaldas.	Status of Indians in East Africa.	The Resolution was brought to the notice of His Majesty's Secretary of State for India in connection with the negotiations that are proceeding on the subject of the position of Indians in Kenya.
27-2-'22	The Hon. Lala Sukhbir Sinha,	Reduction of Provincial Contributions.	The whole question was discussed by the Government of India at a Conference held in Simla in April 1922 which was attended by the Secretaries and Finance Members of all the provincial Governments and the conclusions reached at the Conference were reported to the Secretary of State. His orders are awaited.
15-3-'22	The Honourable Sir Maneckji Dadabhoy.	Resignation by the Rt. Honourable E. S. Montagu of his office of Secretary of State for India.	Effect has been given to this Resolution.
15-3-'22	The Hon. Mr. Lulubhai Samaldas	Carriage of Government and Railway materials by Indian Shipping Companies.	The Resolution has been accepted by the Government of India and the authorities concerned have been asked, where possible, in future, to give Indian Shipping Companies an opportunity for tendering for the carriage of Government stores.



[1922]

COUNCIL OF STATE

[1922]

16-3-'22 The Hon. Mr. Lalubhai Samaldas. Ship-building Industry in India.

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22-3-'22 The Hon. Mr. V. G. Kale. Remittance Transaction.

(A) The Statement referred to in the Resolution is under preparation and will be laid on the table as soon as ready.

(B) The figures of the current year's Budget with exchange figures distributed over the several heads of account have already been published with Government of India Finance Department Resolution No: 1707-F., dated 21st July 1922. The method of the exhibition of exchange in future Budgets is under consideration and a decision will be arrived at before the next Budget.

*RESOLUTIONS adopted by the LEGISLATIVE ASSEMBLY  
During the Delhi Session, 1922, and action of Government taken thereon*

736(2)

Date.	Moved by.	Subject of Resolution.	Action taken by Government.
12-1-22	Rai Sahib Lakshmi Narayan Lal.	Utilisation of the indigenous systems of medicine.	The Proceedings relating to this Resolution were sent on 27th February 1922 to Local Governments and Administrations for any action which might be considered necessary. (Nothing can be done by the Government of India until the Imperial Research Institute is completed)
12-1-22	Sir P. S. Sivaswamy Aiyar.	Indian Mercantile Marine ... ..	The Resolution has been accepted by the Government of India and it is proposed to appoint the Committee during the forthcoming cold weather. Questions relating to personnel, etc., are at present under consideration and the Legislative Assembly will be asked to vote a supplementary grant to meet the cost of the Committee.
12-1-22	Rai Bahadur O. S. Subrahmanayam.	Prevention of overcrowding on railways	Railways and Government Inspectors have been specially addressed on the subject (letter No. 55-T-17, dated the 23rd January 1922).
19-1-22	Babu K. C. Neogy ...	Elected Standing Committees with the different Departments of the Government of India.	It has been decided to appoint Standing Committees for subjects in certain Departments. Draft rules relating to these Committees are under consideration.

TABLE OF RESOLUTIONS

[DRAFT

24-1-22	Mr. N. M. Joshi	...	Abolition of impressed labour, conveyance and provision.	The results of the examination of the subject which the Government of India have made have been communicated to Local Governments of Governors' provinces and the Chief Commissioner, North-West Frontier Province, for consideration. The military aspect of the subject is still under consideration.
26-1-22	Mr. F. P. Ginwala	...	Abolition of distinctions between votable and non-votable in the Budget.	The question as to whether the Governor-General has the power to direct that the non-votable portion of the Budget shall be submitted to the vote of the Assembly under Section 67A (3) of the Government of India Act was referred to the Law Officers of the Crown for a decision and they held that the Governor-General had no such power. No action could therefore be taken on the Resolution.
1-2-22	Mr. N. M. Joshi	...	Women's Franchise	Effect has been given to this Resolution.
3-2-22	Dr. H. S. Gaur	...	Committee on Retrenchment	A Committee will shortly assemble in order to report on the possibility of effecting economy in central expenditure.
7-2-22	The Honourable W. Vincent.	Sir	Suppression of traffic in women and children	The International Convention adopted by the second Assembly of the League of Nations was duly signed at Genoa on behalf of the Government of India, on 28th March 1922 by the British Minister at Berne, with the necessary reservation in regard to Article 5 of the Convention.

**RESOLUTIONS** adopted by the **LEGISLATIVE ASSEMBLY**  
During the Delhi Session, 1922 and action of Government taken thereon—contd.

738(cii)

Date.	Moved by	Subject of Resolution.	Action taken by Government.
	Baba Ujagar Singh Bedi	Committee on New Arms Rules, 1920	A Committee has been appointed by the Governor-General in Council and commenced its sittings on the 18th July 1922. From that date to the 26th instm the Committee examined a number of Official and Non-Official witnesses and also considered memoranda received from various Associations, Public Bodies and individual members of the general public. The Committee then adjourned till some date to be fixed in September next when it will meet to consider and frame its report.
9-2-22	Mr. K. B. L. Agnihotri	Equality of status for Indians in South Africa.	The Resolution was communicated to His Majesty's Secretary of State for India and a Press Communique was also issued.
11-2-22	Mr. Jamnadas Dwarkadas.	Indianisation of the Services.	Local Governments were addressed on 30th May 1922. Their replies are awaited.
23-2-22	Mr. N. M. Samarth	Technical training of Indian and Anglo-Indian youths.	The question of the admissibility of expenditure from Central revenues on technical scholarships has been carefully examined in consultation with the Auditor-General and with the several Departments dealing with the subject named in the resolution. The subject of the resolution was also discussed

TABLE OF RESOLUTIONS

[DELHI

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OF THE LEGISLATIVE ASSEMBLY

738(civ)]

at the Conference of Departments of Industries held in April last in order that the question of the extent to which local Governments were giving technical scholarships and were prepared to do so in the future might be examined. The subject is being further examined by the Government of India, and they hope shortly to be in a position to make definite recommendations.

The Government of India have received replies from the majority of local Governments and a number of Indian States on the subject of participation in the Exhibition, but in most cases definite guarantees to participate cannot be given by the provinces until, their respective Legislative Councils have had an opportunity of deciding whether funds can be voted or not. In the meantime, the Government of India have appointed a Commissioner for all-India who, after a short period of duty in India, during which he was able to consult with and advise the Government of Madras and Bombay and the Darbars of certain Indian States, has proceeded to London to make the preliminary arrangements for the erection of buildings and to settle other details in consultation with the High Commissioner for India, the Indian Trade Commissioner and Advisory Committee for India which has been appointed in London.

27-2-22 The Honourable Mr.  
C. A. Innes.

India's participation in the British  
Empire Exhibition to be held in 1924.

**RESOLUTIONS adopted by the LEGISLATIVE ASSEMBLY**  
*During the Delhi Session, 1922 and action of Government taken thereon—contd.*

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TABLE OF RESOLUTIONS

10a

Date	Moved by	Subject of Resolution.	Action taken by Government.
27-2-22	Dr. H. S. Gour	Prohibition of traffic in minor girls	It has been decided to introduce a Bill to give effect to this Resolution as soon as possible. The Legislative Department were asked to furnish the Home Department by the middle of July last, with a precis of opinions received on the Bill circulated in 1914, in order to enable the Government of India to decide the policy and the lines on which the old Bill is to be modified. That precis is awaited.
2-3-22	Sir V. D. Thackersey	Establishment of Railway Industries in India.	In pursuance of the Resolution a Committee was appointed in March last. The Committee held two meetings during the last session of the Legislature. It was to have held its final meeting in June but as the Chairman considered that it would be of great help to the Committee to see the Report of the Fiscal Commission before it submitted its own report, the meeting has been postponed until September.
9-3-22	Rao Bahadur C. S. Subrahmanayam.	Committee on Railway Risk Notes	The Committee has been formed and the question of the revision of Risk Notes is being examined by it.

ing of ...  
and Calcutta to pilgrim traffic.

25-3-22 Mr. N. M. Samarth ...

Resignation of Mr. Montagu.

27-3-22 The Honourable Mr  
C. A. Innes

Adoption of the Railway Finance  
Committee's proposals.

were sent to the Governments of India on 20th May 1922, and they were asked to submit their proposals for giving effect to the Resolution, together with an estimate of the recurring and non-recurring expenditure which the scheme would impose on Central and Provincial revenues, respectively. (No reply has been received yet.)

Effect has been given to this Resolution.

Part of the Resolution relating to Capital expenditure during the next five years of Rs. 150 crores was accepted and the amount distributed to the railways concerned. The second part relating to separation of railway finance from general finance is to be taken up in the September Session.