

5th March 1921

THE  
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

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FIRST SESSION  
OF THE  
LEGISLATIVE ASSEMBLY, 1921



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# LEGISLATIVE ASSEMBLY.

*Saturday, 5th March, 1921.*

The Assembly met in the Assembly Chamber at Eleven of the Clock. The Honourable the President in the Chair.

## QUESTIONS AND ANSWERS.

### IMPORT OF SALT.

348. **Babu B. S. Das :** (a) Will the Government be pleased to state what quantity of salt was imported into India, year by year, since 11 A.M. 1910 up to 1920 and name the principal countries from which it was exported?

(b) What steps have the Government taken to encourage the salt industry in the coast districts of India?

(c) What steps (if any) did the Government of Bihar and Orissa take to encourage that industry in the coast districts of the Province and with what results?

(d) What quantity of sea-salt is produced in India and where?

(e) Is salt exported from India and in what quantity and to what places?

**The Honourable Sir Thomas Holland :** (a) The principal sources from which salt is now imported into India are the United Kingdom, Aden and Dependencies, Egypt, Spain and Italian East Africa. The total quantity imported in the years 1910-11 to 1919-20 are given in the statement placed on the table. That statement will show roughly that about half a million tons were imported annually.

(b) and (c). With regard to the action taken in Madras, the Honourable Member's attention is invited to the discussion on the subject which took place in the Indian Legislative Council on the 10th March 1920, in connection with a Resolution moved by the Honourable Mr. Sarma, and also to the Report on the Administration of the Department of Salt Revenue in Madras, of which a copy will be found in the Library. The Secretary of State has not yet been able to obtain the French or Italian Expert asked for by the Government of India. Meanwhile, as was stated last year, an officer of the Madras Salt Department has been studying French systems of salt manufacture while on leave. In the Bombay Presidency, new salt works have been constructed at Chharvada and at Bhandup, and a scheme for increasing the output of salt manufactured from sub-soil brine at Kharaghoda and Udu on the Lesser Rann of Kutch has been sanctioned at an approximate cost of nearly 30 lakhs of rupees.

In 1918, a licence was granted for the manufacture of salt on the Orissa coast together with 25 years' lease of suitable lands but after investigating sites on the Chilka Lake, the Company has abandoned the idea of starting salt works in that locality owing to the low degree of salinity possessed by the water. Two other Companies have also, after detailed investigation, decided not to proceed with similar schemes. The Local Governments are, however, understood to be making further inquiries as to the possibility of profitable exploitation of Chilka Lake brine by

modern methods and of investing private capital in the scheme. In regard to Burma, the Honourable Member will see from the Report on the Administration of Salt Revenue in that province, a copy of which is found in the library, that the Local Government are paying considerable attention to the improvement of methods of salt manufacture.

(d) Sea-salt is produced in Madras, Bombay and Burma. The quantities produced in 1918-19 and 1919-20 will be found in the statement which I place on the table. That statement will show roughly an annual production of little over 300 lakhs of maunds or roughly 1,100,000 tons, so that the total quantity of salt available is about 1,100,000 tons made on the sea coast, about 500,000 tons imported annually and another three or four hundred thousand tons made in land.

(e) Salt is exported from India by sea to Ceylon and the Straits Settlements. Since the war the annual quantity thus exported has been less than 8,000 tons. Small exports also take place to different countries on the land frontier.

*Statement showing the quantity of salt imported by sea into India from other countries during the years 1910-11 to 1919-20 (in tons).*

Years.	Quantity imported.
	Tons.
1910-11 . . . . .	480,777
1911-12 . . . . .	568,984
1912-13 . . . . .	574,757
1913-14 . . . . .	606,940
1914-15 . . . . .	465,694
1915-16 . . . . .	548,940
1916-17 . . . . .	445,426
1917-18 . . . . .	388,985
1918-19 . . . . .	420,832
1919-20 . . . . .	446,236

*Statement showing the quantity of sea-salt produced in India during the years 1918-19 and 1919-20 (in maunds).*

Name of Province.	1918-19.	1919-20.
Madras . . . . .	16,620,434	14,470,545
Bombay . . . . .	13,370,421	9,109,129
Burma* . . . . .	1,643,958	1,952,528

\* The figures are for calendar years.

**Rai S. C. Sen Bahadur:** Will the Honourable Member state whether Native States are prohibited from producing salt?

**The Honourable Sir Thomas Holland:** The Honourable Member will probably know that there is an arrangement with most Indian States by which they receive a tribute in lieu of manufacturing salt, but there are some States in which salt is manufactured under special control.

#### PRINTING ESTABLISHMENTS.

349. **Babu B. S. Das:** Will the Government be pleased to state:

- (a) (i) The number of printing establishments, and
- (ii) the number of printing machines (hand and power) used in India?
- (b) The number of steam engines used in India?
- (c) Is there any institution (Government or private) to teach Indians the art of making machines?
- (d) What amount of machinery was imported into India and from what countries during the years 1910 and 1920?
- (e) Do the Government propose to consider the desirability of establishing at an early date a central institution to teach Indians the art of making machines?

**The Honourable Sir Thomas Holland:** (a) (i) The Honourable Member is referred to the publication entitled 'Large Industrial Establishments in India' issued by the Department of Statistics, which shows the number of printing establishments in India. A copy of this publication is in the Library.

(ii) The Government of India have no information regarding the number of printing machines (hand and power) used in India.

(b) The Government of India have no information regarding the number of steam engines now in use in India. It is proposed at the forthcoming census to collect statistics relating to power-engines of all kinds employed in industrial establishments.

(c) The Honourable Member must be aware of the existence of the numerous institutions at which training in mechanical engineering is given; and such training is the basis for the miscellaneous industries presumably meant by the term 'The art of making machines'.

(d) The Honourable Member is referred to the 'Annual Statement of Seaborne Trade of British India with the British Empire and Foreign Countries', issued by the Department of Statistics, which shows the quantity of machinery imported and the countries of origin. A copy of this publication will be found in the Library.

(e) The establishment of the great varieties of industries necessary for machine manufacture is a matter for private enterprise, and the development of industries is a transferred provincial subject. It is, therefore, for the Ministers in the Provinces to decide what assistance, if any, should be given to an industry, including the training of skilled labour. The Honourable Member is doubtless aware that special steels are the chief materials used in the manufacture of machinery, and it is hoped that when the steel industry is considerably developed private enterprise will undertake the manufacture of machinery.

#### FLOOD RELIEF.

350. **Babu B. S. Das:** (a) What help in relieving distress due to floods in 1920 was rendered by the Imperial Government to the Provincial Governments? Is there any unspent balance of the amount advanced by the Imperial Government. If the reply be in the affirmative, will the Government be pleased to state the amount?

(b) What protective schemes are under the contemplation of the Imperial Government or the Provincial Governments to mitigate the evils of flood in deltaic areas liable to be permanently devastated by floods and inundations?

**Mr. J. Hullah:** (a) Altogether Rs. 1,90,000 were contributed from Imperial Revenues to the Government of Bihar and Orissa to relieve distress caused by floods in that Province. The Government of India have no information as to whether any portion of this amount still remains to be spent.

(b) Flood protective works are dealt with by the Local Government concerned without reference to the Government of India. No schemes of this nature are, consequently, under the consideration of the Government of India, nor have they any definite information as to what is contemplated in the various provinces.

**Rai S. C. Sen Bahadur:** What is the method adopted in granting relief in the parts affected?

**Mr. J. Hullah:** That is left entirely to the Local Government, but I believe that a good deal was spent in the provision of warm clothing for those who suffered most.

**Rai S. C. Sen Bahadur:** Will the Government be pleased to state if any remission of rent was granted to the tenants affected by flood?

**Mr. J. Hullah:** I cannot say. That is entirely a matter for the Local Government.

#### PLACES OF PILGRIMAGE.

351. **Babu B. S. Das:** (a) Will the Government be pleased to state if all the principal and intermediate (places of lesser importance but visited by

a large number of pilgrims on their way to principal centres) religious centres and places of pilgrimage are connected by railways?

(b) What, if any, communications to religious centres are under contemplation?

(c) Did the Government receive any memorial from the priests and people of Jaipur to connect Baitarani with a railway?

**Colonel W. D. Waghorn:** (a) All the principal and intermediate religious centres and places of pilgrimage are not connected by railway.

(b) A preliminary survey has just been carried out for a line of railway from Hardwar *via* Rikbhikesh to Karanprayag on the way to Badrinath, the results of which are now awaited.

(c) The reply is in the affirmative.

#### POSTAL SUPERINTENDENTS.

352. **Babu B. S. Das:** (a) What is the principle followed in recruiting men for the post of Postal Superintendents?

(b) How many (i) Biharis, (ii) Oriyas have been admitted into the service of Postal Superintendents since the creation of the new Province of Bihar and Orissa in 1912?

**Mr. H. N. Hutchinson:** (a) The present method of recruitment is described in paragraph 8 of Commerce Department's Resolution of the 11th June 1920, which was published in the *Gazette of India*. It is proposed, that in future, appointments should be made by the Public Service Commission which will be established under section 96-C of the Government of India Act.

(b) The answer is three Biharis and no Oriyas.

#### COAL MINING CONCESSION.

353. **Rai S. C. Sen Bahadur:** Is it a fact that the maximum area for which the Government ordinarily grant coal mining concession to one party is limited to two square miles?

**The Honourable Sir Thomas Holland:** No; the Government of India Rules impose no restriction on the area over which a prospecting license may be granted. In the case of a mining lease for any mineral the maximum area which may be granted by a Local Government within the territories administered by it to one lessee or lessees joint in interest is ten square miles. A prospecting license or a mining lease under the Rules is granted only in respect of land in which the minerals are the property of the State.

#### RAILWAY EXTENSIONS INTO COAL-FIELDS.

354. **Rai S. C. Sen Bahadur:** (a) Will the Government be pleased to state whether the question of extending any Railway into the Karanpura Coal-field has been settled and whether the advisability of a line from Purulia to Ramgarh *via* Gola has been considered?

(b) What hope is there of an early extension of Railway to the Karanpura Coal-field?

(c) Will the Government be pleased to state how far Railway facilities have been extended to the collieries now under development in the Ramgarh Bakharo Coal-fields.

**Colonel W. D. Waghorn:** (a) The question of a railway extension into the Karanpura Coal-field has been engaging the attention of Government and of the Railway Administrations concerned, but the alignment has not yet been settled. The advisability of a line from Purulia to Ramgarh *via* Gola has not been considered in connection with recent investigations.

(b) In the present state of financial stringency the Government is not in a position to say when a railway to the Karanpura Coal-field will be extended.

(c) No railway facilities have recently been provided for the collieries in question but certain proposals are now under consideration.

#### MANGALORE-ARSIKERE RAILWAY.

355. **Mr. Mahmood S'Chamnad Sahib Bahadur:** (a) Will the Government be pleased to state whether the construction of the long proposed Mangalore-Arsikere Railway has been sanctioned by the Government?

(b) If sanctioned, when will the construction be taken in hand?

(c) If not, do the Government propose to sanction its construction?

**Colonel W. D. Waghorn:** (a) The reply is in the negative.

(b) The Mysore Government has in contemplation the construction of a line of railway from Shimoga to Bhatkal which is an alternative to the Mangalore-Arsikere railway project. Government are awaiting the result of the discussion with the Mysore Government regarding the Shimoga-Bhatkal line before considering the Mangalore-Arsikere railway project.

#### SHIMOGA-BHATKAL LINE.

356. **Mr. Mahmood S'Chamnad Sahib Bahadur:** Will the Government be pleased to state whether it has been decided to sanction the Shimoga-Bhatkal line as proposed by the Mysore Government?

**Colonel W. D. Waghorn:** It has not yet been decided to sanction the construction of the Shimoga-Bhatkal railway. The matter is under discussion with the Mysore Government.

#### CHAMBER OF PRINCES.

357. **Mr. Muhammad Faiyaz Khan:** (a) Will the Government be pleased to state the amount of money spent by the Indian Exchequer towards the constitution of the Chamber of Princes?

(b) Will the Government be also pleased to state if any amount of money will be spent by the Indian Exchequer from time to time on account of the work, etc., of the Chamber of Princes; and, if so, how much?

**Mr. S. P. O'Donnell:** (a) No expenditure has been incurred by Indian revenues on the constitution of the Chamber of Princes.

(b) No special establishment debitable to Indian revenues has been employed up to now in connection with the Chamber of Princes. It is not possible at present to say whether the work of the Chamber will involve expenditure from Indian revenues.

INDIAN PUNKHA COOLIES.

358. **Mr. Muhammad Faiyaz Khan:** Will the Government be pleased to state the number of the Indian Punkha Coolies alleged to have (a) died on account of any disease, (b) enlargement of spleen, while serving under Europeans in India during the last five years?

**Mr. S. P. O'Donnell:** The Government of India have no information.

RAILWAY FROM CUTTACK TO KURDRAPARA.

359. **Rai N. C. Mitter Bahadur:** Will the Government be pleased to state if the construction of a higher railway from Cuttack to Kurdrapara has been sanctioned? If so, when the construction of the same is likely to begin?

**Colonel W. D. Waghorn:** The reply to the first part of this question is in the negative. The second does not, therefore, arise.

MADRAS HIGH COURT.

360. **Mr. M. K. Reddiyar:** Will the Government be pleased to state the policy acted upon when Sir Abdul Rahim was selected as a Judge of the Madras High Court and in his temporary absence Mr. Jayabji of Bombay to act?

**Mr. S. P. O'Donnell:** Permanent appointments of High Court Judges in Madras are made by His Majesty and recommendations regarding such appointments are made to the Secretary of State direct by the Government of Madras. Acting appointments to the Madras High Court are made by the Local Government. The Honourable Member should, therefore, address the Local Government.

SALT IN MADRAS PRESIDENCY.

361. **Mr. M. K. Reddiyar:** (a) Will the Government be pleased to state whether salt is sold in the Madras Presidency by measure and not by weight, as in other parts of the country? If so, why?

(b) Have the Government received any memorial on this question from the salt merchants of the Madras Presidency? If so, will they be pleased to lay it on the table?

**The Honourable Sir Thomas Holland:** (a) So far as the records in the possession of the Government of India show, the practice of selling salt by measure in retail transactions has always been in vogue in the Madras Presidency and in certain parts of the Bombay Presidency and the Central Provinces. The Government of India have no information as to the origin of the practice. The duty is levied by weight while the retail dealer sells by measure. The question of rendering compulsory by law the sale of salt by weight in Madras has been considered from time to time and after an exhaustive examination of the question in 1904, the Government of India held that the necessity for legislation either in the interests of the consumer or of the revenue had not been established. The proposal has not since been revived.

(b) No memorial on the subject from the Salt Merchants of the Madras Presidency has been received by the Government of India.

#### ANTHRAX IN CALCUTTA.

362. **Babu J. N. Mukherjee:** (a) Are the Government aware that cases of anthrax have occurred in Calcutta and other parts of India, due to transmission of the anthrax bacillus through shaving brushes imported from abroad, specially from Japan?

(b) If so, will the Government be pleased to state what preventive action has been taken by them with a view to eliminating or minimising the danger of infection?

**Mr. H. Sharp:** (a) The Government of India have no information regarding the occurrence of cases of anthrax in Calcutta, but they are aware that a few cases have occurred in other parts of India due to the use of infected shaving brushes imported.

(b) A statement showing the main preventive measures taken by the Government of India is placed upon the table.

*Statement showing the main preventive measures taken by the Government of India against the danger of contracting anthrax from the use of infected shaving brushes, tooth brushes, etc., imported from abroad.*

(1) On the occurrence of the first case of anthrax in man in 1919, the public were warned of the danger of contracting the disease from the use of infected shaving brushes.

(2) An examination of cheap varieties of shaving brushes was arranged for and carried out at the Bombay Bacteriological Laboratory and elsewhere with a view to finding out whether such brushes contained anthrax infection. A large number of samples were examined. Where samples showed infection the whole consignment was destroyed.

(3) Local Governments were asked to prohibit so far as possible the sale of Japanese shaving brushes sent to India by a London firm and to take adequate steps to prevent the occurrence of anthrax in Indian jails in which wool industry is carried on.

(4) In July 1920, the public were again informed that the risk of infection was liable to exist not only in shaving brushes but also in tooth brushes, nail brushes and cheap paint brushes and were advised to adopt a method of disinfection of all doubtful brushes.

(5) On the 4th December 1920, the Government of India prohibited the bringing into British India by sea or land of shaving brushes, tooth brushes, nail brushes and paint brushes manufactured in or exported from the empire of Japan.

(6) Further information regarding arrangements against the risk of infection from anthrax is contained in the speech of the Honourable Sir Thomas Holland in the Legislative Assembly on the 19th February 1921.



REPORT OF THE JOINT PARLIAMENTARY COMMITTEE.

363. **Babu K. C. Neogy**: With reference to the reply to Question No. 179, will Government be pleased to state:

(a) the date on which the report of the Joint Parliamentary Committee, containing the recommendation regarding Bengal's finance, reached the Government of India?

(b) Whether the Government of India received thereafter a representation from the Indian Association of Calcutta drawing attention to the said recommendation and praying for liberal effect being given thereto; and, if so, the date of its receipt by Government and the date and text of the reply given to the Association; and

(c) the date on which reference has been made by Government to the Secretary of State for a clear interpretation of the said recommendation, as stated in reply to the question referred to?

**The Honourable Mr. W. M. Hailey**: (a) September 3rd, 1920.

(b) The representation was received by the Government of India on the 18th September 1920. A copy of the reply is laid upon the table. When that reply issued, the rules had not of course been passed by Parliament; they were not actually passed till 15th December 1920.

(c) On the 16th September 1920, and again on the 28th January 1921.

*From G. G. Sim, Esq., C.I.E., I.C.S., Officer on Special Duty, Government of India, Finance Department, to the Secretary, Indian Association, 62, Bowbazar Street, Calcutta, No. 2566-F., dated Simla, the 21st September 1920.*

I am directed to acknowledge receipt of your letter of the 9th instant on the question of the financial adjustment between the Government of India and the Government of Bengal under the Reforms Scheme and to state in reply that the matter has, as the Committee of your Association are aware, been left to the decision of the Imperial Parliament and that the Government of India are unable to take further steps in the matter.

ALLOCATION OF BALANCES.

364. **Babu K. C. Neogy**: (a) With reference to the reply to Question No. 181, clause (a), will Government be pleased to refer to the terms of Rule 14, clause (a) of the Devolution Rules, and state whether balances standing at the credit of the different provinces at the time when the Government of India Act came into force, have not been allocated to the Local Governments, as required by the said rule?

(b) If the answer be in the affirmative, will Government state the amounts of the balances thus allocated to each Local Government?

(c) Is it a fact that of the said balances, some portions represent unspent amounts out of grants made for definite objects in the past? If so, what is the amount so unspent in the case of each province?

**The Honourable Mr. W. M. Hailey:** (a) The balances have been allocated to the provinces by the provisions of the rule itself.

(b) and (c). A statement is laid on the table showing the estimated balances and the estimated portions thereof which represent the unspent amounts of grants made by the Government of India.

(In thousands of rupees.)

Provinces.	Estimated Provincial balance on the 31st March 1921.	Estimated unexpended balance of Imperial grants on 31st March 1921.
Madras . . . . .	30,27	14,46
Bombay . . . . .	8,08,24	85,16
Bengal . . . . .	3,44,79	1,38,58
United Provinces . . . . .	88,47	5,05
Punjab . . . . .	2,01,43	21,89
Bihar and Orissa . . . . .	1,10,15	31,76
Burma . . . . .	9,69,36	Rice profits 8,96,26 Others . 13,16
Central Provinces . . . . .	56,56	6,87
Assam . . . . .	58,28	8,07

#### MINIMUM BALANCE AT CREDIT OF LOCAL GOVERNMENTS.

365. **Babu K. C. Neogy:** Have the Government exercised their power under Rule 21 of the Devolution Rules to ensure maintenance of a minimum balance at the credit of any Local Government? If so, in which province and at what figure?

**The Honourable Mr. W. M. Hailey:** The Government of India have so far had no occasion to make use of their power under Rule 21 of the Devolution Rules. I would point out, however, that Rule 21 does not give the Government of India power to prescribe a permanent minimum balance.

#### FINANCIAL ARRANGEMENTS UNDER DEVOLUTION RULES.

366. **Babu K. C. Neogy:** With reference to the reply to Question No. 181, clause (c), will Government be pleased to state:

(a) whether the financial arrangement laid down in Rule 15 of the Devolution Rules, as published with the Reforms Office Notification No. 308-S., dated

the 16th December 1920, was not based on the assumption that the share in the Income-tax allocated to the different provinces would exceed the amount of fixed assignment to be made to the Governor General in Council by the respective Provincial Governments in consideration of the said allocation, together with the provincial share of the cost of special Income-tax establishment, and

(b) whether the new sub-rule (4) added by way of amendment to the said rules, and published in the Reforms Office Notification No. 10-S., dated the 1st February 1921, is not based on the contrary assumption; and, if so, when and under what circumstances the necessity for the formulation of this new sub-rule suggested itself to Government?

**The Honourable Mr. W. M. Hailey:** (a) Yes.

(b) The reply to the first part is in the affirmative. On the 11th December 1920, the Government of Bengal represented that there was a possibility of the working of the rule resulting in a province having to make a net payment to the Government of India instead of receiving one, should there subsequently be a slump in trade profits owing to the fixed assignment being based on the figures of 1920-21, which were record figures. The sub-rule was made to avoid this possibility.

**Babu K. C. Neogy:** Is it a fact that so far as opium also is concerned, the new sub-rule just prevents the net loss accruing from the so-called concession with regard to the Income-tax?

**The Honourable Mr. W. M. Hailey:** I should have to look up the figures, Sir. It is quite impossible for me to answer at a moment's notice a question of this nature.

#### FINANCIAL POSITION OF PROVINCIAL GOVERNMENTS.

367. **Babu K. C. Neogy:** Will Government explain the financial position of each Provincial Government under the new financial arrangements, showing particularly:

- (a) the opening balance,
- (b) the revenue under different major heads,
- (c) the amounts of contribution and assignment to be made to the Government of India,
- (d) the expenditure for provincial purposes, under different major heads,
- (e) the closing balance,

basing the statement on the provincial draft budgets for the year 1921-22, as lately presented in the different Provincial Councils?

**The Honourable Mr. W. M. Hailey:** The Provincial draft Budgets are no longer supplied to the Government of India, and the Honourable Member should, therefore, obtain the information he requires from the various Local Governments.

#### LEAGUE OF NATIONS.

368. **Babu K. C. Neogy:** (a) Are there any Indians in the Secretariat of the League of Nations?

(b) Is it a fact that the Secretary of the League asked for an Indian officer for the said Secretariat? If so, has he been given any such officer?

**The Honourable Dr. T. B. Sapru:** (a) There are no Indians at present in the Secretariat of the League of Nations.

(b) The Secretary General of the League of Nations asked for an Indian for the Financial Director's department of the Secretariat. He has been offered such an officer.

#### INDIAN MEDICAL SERVICE.

**369. Rai Bahadur Bakshi Sohan Lal:** With reference to Question No. 138 asked by Sir P. S. Sivaswamy Aiyer, and the reply given by Sir Godfrey Fell in the meeting of this Assembly on 17th February 1921, will Government be pleased to state:

(a) How many out of 1,138 employed as temporary Indian Medical Service officers during the war were Indians and how many of them were Europeans and Anglo-Indians?

(b) How many Europeans or Anglo-Indians, and how many Indians recruited from Military Assistant Surgeons class and Royal Army Medical Corps were absorbed permanently into the Indian Medical Service, and whether these are or are not included in the number of 79 stated by Sir Godfrey Fell as having been absorbed into the Indian Medical Service out of 1,138?

(c) How many out of 73 Indians absorbed permanently into the Indian Medical Service had been recruited from the Provincial or other Medical Services, and how many out of 6 Europeans and Anglo-Indians thus absorbed had been recruited from the Provincial or other Medical Services?

(d) What are the rules or principles to guide for selection to the permanent I. M. S. from amongst the temporary hands?

(e) Whether those who were recruited from the permanent Medical Service, or who had passed the L. M. S., M. D., M. B., or any other Medical degree examination of an Indian University were given any preference over those who had passed no such examination?

(f) Whether those who have not been absorbed into the permanent Indian Medical Service have any lien on their original Provincial Medical Services, when they were discharged from the temporary services?

(g) What are the medical educational qualifications of the six Europeans and Anglo-Indians who have been absorbed into the permanent Indian Medical Service?

**Sir Godfrey Fell:** (a) Of 1,138 temporary Indian officers of the Indian Medical Service, 134 were Europeans and Anglo-Indians and 1,004 were Indians.

(b) Six Europeans or Anglo-Indians from among temporary officers of the Indian Medical Service were absorbed permanently into the Indian Medical Service. These six are included in the 79 referred to in the answer given to Question No. 138 asked by Sir P. S. Sivaswamy Aiyer. In addition to recruitment from temporary officers of the Indian Medical Service, the following

have also been admitted permanently into the Indian Medical Service since the war :

*Europeans—*

From the Royal Army Medical Corps . . . . .	45
From other sources, i.e., from the Canadian Medical Corps, from private practitioners and by examination . . . . .	59

*Indians—*

From private practitioners and by examination . . . . .	4
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No Military Assistant Surgeon has been granted a permanent commission in the Indian Medical Service. Indians are not recruited for the Military Assistant Surgeon class nor for the Royal Army Medical Corps.

This part of the question does not, therefore, arise.

(c) Of the 73 Indians absorbed permanently in the Indian Medical Service, 18 belong to the Provincial Medical Services and 55 were private practitioners. Of the 6 European and Anglo-Indian temporary officers, one belonged to the Provincial Medical Service and 5 were private practitioners.

(d) All applicants for a permanent commission in the Indian Medical Service who are in India or in Mesopotamia, are interviewed by a Board consisting of senior officers of the Indian Medical Service and the Director, Medical Services in India, presided over by the Director-General, Indian Medical Service. After consideration of their records and personal qualifications, a recommendation is made to the Secretary of State for the grant of a permanent commission if the applicant is considered fit. All candidates in Europe are similarly dealt with by the Secretary of State and are granted permanent commissions by him.

(e) No preference is given on account of the possession of the degrees referred to by the Honourable Member, as the possession of a degree registrable in the United Kingdom, such as those referred to, is an essential qualification for a permanent commission in the Indian Medical Service. No preference was given to applicants from the Provincial Medical Service, as all applicants were accepted or rejected on the basis of their personal records and qualifications, and not by reason of their belonging to any particular Service.

(f) Permanent members of the Provincial Medical Service are merely lent for the time being to the military administration, and on release from temporary service in the Army are returned to their permanent posts in the Provincial Medical Service. The Government of India have no information as to whether temporary members of the Provincial Medical Services, who have been lent to the military administration, retain a lien on their former temporary appointments.

(g) Three possess the degree of Bachelor of Medicine and Bachelor of Surgery of the Edinburgh University.

One possesses the same degrees of the Glasgow University, and

One those of the Bombay University.

The remaining one is a Member of the Royal College of Surgeons of England and a Licentiate of the Royal College of Physicians, of London.

EXPORT OF RICE.

370. **Rai Bahadur Bakshi Sohan Lal:** Will Government be pleased to state whether there is any proposal for consideration before the Government

to remove the prohibitory order against the export of rice to foreign countries from any part of British India, specially from Bengal?

**Mr. J. Hullah:** Subject to the reservation of stocks sufficient to meet India's anticipated demands, export of rice is already being allowed freely from Burma. The full requirements of the Persian Gulf are being met by export from Karachi, and during the present quarter of the year the export of 15,000 tons is being allowed from certain Madras ports to Ceylon. The Government of India will also be prepared to consider favourably any representations of the Government of Bengal for the export of qualities of rice not consumed in India.

The Government of India are not at present considering any further modification of the prohibition of export.

#### IMPORT DUTIES ON TOBACCO.

371. **Lala Girdhari Lal Agarwala:** (a) Are the import duties on tobacco in England charged by weight or according to the value of the article?

(b) Is it a fact that Indian tobacco is cheap but heavy while American Havannah, Cuba and other foreign tobacco is dear but light?

(c) Is it a fact that 'Indian Cheroots' are a kind of cigars manufactured out of a special kind of Indian tobacco, the like of which is not found in the world outside India?

(d) Is it a fact that the price of 1,000 Indian Cheroots is only about Rs. 37-8, but the import duty in England comes to nearly £17, that is, nearly 800 per cent?

(e) Are Government aware that there is a demand in England for Indian Cheroots?

(f) Do the Government propose to take steps to encourage the Indian production and manufacture of tobacco and also put the same within easy reach of poor Europeans in England by influencing the reduction of import duty in England?

(g) Do the Government intend to secure the alteration of such duties in England from the weight-standard to price-standard for manufactured articles ready for use?

**Mr. H. N. Hutchinson:** I am replying to all the sections of the Honourable Member's question together. His question is evidently directed towards eliciting the fact that the duty on cigars imported into the United Kingdom is a specific duty charged according to weight, and that thereby it operates disadvantageously in respect of Indian cigars which, generally speaking, are priced lower than cigars imported into England from other countries. It is true until quite recently the duty on cigars imported into the United Kingdom was a specific duty of 15s. 7d. per lb., only five-sixths of this rate, however, being charged on cigars imported from India and from other parts of the Empire. From April last, however, when the import duty on cigars was increased, the additional customs duty took the form of a duty of 50 per cent. *ad valorem*. The duties now charged consist partly of a specific duty and partly of an *ad valorem* duty of 50 per cent. It will be seen therefore that the duties now imposed do take into account to some extent the fact that Indian cheroots are, generally speaking, of lower

value than cigars from other countries. For the work done in connection with the tobacco crop in India, I would refer the Honourable Member to page 29 of the Review of Agricultural Operations in India, 1919-20.

# ASSAM PROVINCIAL COUNCIL.

372. **Rai G. C. Nag Bahadur :** (a) Has the attention of the Government of India been drawn to the adverse comments of the Press upon the appointment by the Governor of Assam of his father-in-law as the President of the Assam Provincial Council?

(b) Were the Government of India consulted in the matter of the appointment, and if so, did they approve of it?

**Mr. S. P. O'Donnell :** (a) So far the attention of Government has been drawn to the criticisms of only one newspaper.

(b) The answer is in the negative. As the Honourable Member will see from section 72C (1) of the Government of India Act the appointment of the President of the Assam Legislative Council rests solely with the Governor.

# ARRESTS AT CALCUT.

373. **Mir Asad Ali Khan Bahadur :** Will the Government be pleased to state what report, if any, they have received from the Government of Madras relating to the arrest and imprisonment of Mr. Yakub Hassan, Mr. Madhava Nair and others at Calicut? If no such report has been received, will the Government be pleased to call for the report and place it on the table?

**Mr. S. P. O'Donnell :** The Madras Government have reported in reference to this incident that Mr. Yakub Hassan and three others had been invited by the local leaders to visit the Malabar District and address a meeting at Calicut. The Mappillas are by reason of their ignorance and fanatical temper susceptible to agitation, and their attitude has recently given cause for some concern. The District Magistrate was of opinion that the meeting should not be held and accordingly issued an order prohibiting Mr. Yakub Hassan and his colleagues from speaking. They disregarded the prohibition, and were arrested. When called upon to furnish security for their good behaviour, they refused to do so and accordingly they have been committed to prison for 6 months each.

# MINISTERIAL STAFFS OF THE GOVERNMENT OF INDIA.

374. **Mr. Mahmood S'Chamnad Sahib Bahadur :** (a) Will the Government be pleased to lay on the table a statement showing the number of the assistants and the clerks permanently employed in the ministerial staffs of the various departments of the Government of India Secretariat (and the attached offices) classified according to communities or nationalities?

(b) If the proportion of the Muhammadan assistants and clerks is comparatively much lower than that of the other communities, do the Government propose to take the necessary steps in order to equalise the proportion?

(c) Is it a fact that the report of the Secretariat Procedure Committee contains a provision for a 'Leave reserve staff' to be maintained by each

department; if so, do the Government propose to set aside 60 per cent. of the leave reserve posts for the Muhammadans until the deficiency is made up?

**Mr. S. P. O'Donnell:** The information is being collected, and will be laid on the table in due course.

#### HIGH COURT SESSIONS.

**375. Mr. Kabeer-ud-Din Ahmed:** (a) Are the Government aware that at sessions trials before High Courts neither the evidence of the witnesses nor the summing up of the Judge are recorded?

(b) Are the Government aware that when a case is heard by the Full Bench under clause 26 of the Letters Patent the Judges have to deal with the case without any record?

(c) Are the Government aware that the Judges themselves pointed out this defect in the case of King-Emperor *versus* Peary and Lakshi Pesakar reported in 23 Calcutta Weekly Note at page 426?

(d) Do the Government propose to consider the question of amending sections 354 and 356 and the proviso to section 387, sub-section 5, of the Code of Criminal Procedure by extending the provisions thereof to trials before the High Court?

**Mr. S. P. O'Donnell:** (a) Under section 365 of the Code of Criminal Procedure, 1898, every Chartered High Court and the Lower Burma Chief Court may, by general rule, prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Judges of such Court are required to take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed. The law thus gives discretion to these courts to prescribe the procedure, and in practice notes of evidence are as a rule actually made by the presiding Judge in all sessions trials, whether such rule has been made or not. As regards the summing up to the jury, the practice in the various High Courts is not uniform.

(b) and (c). It has not been brought to the notice of the Government that any full Bench has experienced any difficulty in dealing with cases of the kind referred to by reason of the want of a record of the evidence. In the case referred to, however, it was pointed out that it was most desirable that the counsel for the prosecution should take a note of the summing up of the Judge.

(d) A Bill has been introduced in the Council of State. This Bill includes a provision which will make it obligatory on the High Courts to prescribe by rules the manner in which evidence shall be taken down in cases coming before the Court. The Government do not consider that any further action is necessary.

#### NAUTICAL INSTITUTION AT CALCUTTA.

**376. Mr. Kabeer-ud-Din Ahmed:** Will the Government be pleased to state whether it is intended to establish a Nautical Institution at Calcutta for the benefit of Indian seamen who have done excellent service during the late war? If so, when?

**Mr. H. N. Hutchinson:** The Government of India have no present intention of establishing a Nautical Institution at Calcutta.



MEMORIAL TO INDIAN SEAMEN.

377. **Mr. Kabeer-ud-Din Ahmed:** Is it a fact that a memorial is to be erected commemorating the services of Indian seamen during the late war?

**Mr. H. N. Hutchinson:** Reference will be made to the services of Indian seamen on the All-India War Memorial at Delhi. It is also understood that the erection of memorials in recognition of the services of Indian seamen is contemplated both at Calcutta and Bombay.

INDIAN SAILORS' HOME.

378. (a) **Mr. Kabeer-ud-Din Ahmed:** Are the Government aware that the Indian seamen who come mostly from Eastern Bengal and Assam to seek employment, stay in Calcutta in low, insanitary lodgings or huts kept by money-grasping men?

(b) Do Government propose to take proper steps to erect a Sailors' Home in Calcutta for Indian seamen?

**Mr. H. N. Hutchinson:** The Government of India have no information as to the accommodation which Indian seamen obtain in Calcutta when seeking employment. In 1917, however, a petition was received from the lascars of Calcutta asking among other things that a seamen's mission or some similar institution should be established in Calcutta. It was thought, however, that the establishment of an institution on the lines of Seamen's Mission came hardly within the scope of Government action and that it was a matter which should properly be left to private initiative in Calcutta.

TRAINING FACILITIES FOR INDIAN SEAMEN.

379. **Mr. Kabeer-ud-Din Ahmed:** Do Government propose to make provision for—

(a) compulsory education for the sons of Indian seamen in the art of navigation and seamanship and for their training in the work required of them in the engine-room and in the saloon?

(b) training vessels to be stationed in the principal ports in India?

**The Honourable Sir Thomas Holland:** The Honourable Member's attention is invited to the reply given on 17th February 1921, to Lala Girdhari Lal Agarwala's Question No. 141 on the subject of establishing a school in Shipbuilding and Navigation for Indians.

INDIAN SEAMEN'S UNION.

380. **Mr. Kabeer-ud-Din Ahmed:** (a) Are Government aware of the existence of the Indian Seamen's Union in Calcutta for the protection and amelioration of the condition of Indian seamen?

(b) Is it not a fact that Government receive telegrams from the said union for electing delegates from the union to represent them in the International Labour Conference at Genoa, and was the reply of Government to the union that, owing to the shortness of time, Indian seamen's delegates from Calcutta could not be sent?

(c) Is it a fact that in the reply of the Government of India to the International Labour Conference, Government stated that there was no union of Indian seamen in India?

(d) Do Government propose to send representatives of Indian seamen from the Calcutta Union to represent them at the forthcoming International Labour Conference (to be held in next October) at Genoa?

**Mr. H. N. Hutchinson :** (a) The Government are aware of the existence of the Indian Seamen's Benevolent Union, Calcutta.

(b) Yes. A telegram from the Vice-President of the Union was received on the 31st May 1920. The Seamen's Labour Conference met on the 15th of June at Genoa.

(c) The Government of India stated in their reply to the questionnaire that they believed that there was only one Seamen's Union in India. They were referring of course to Trades Unions.

(d) The meeting of the International Labour Conference which was fixed to take place at Genoa in April has now been postponed. The nomination of a delegate and advisers to represent the workers of India will be made after the Government of India receive definite information regarding the date of the meeting and the subjects that will be discussed. Full consideration will be given to all representations received from associations of workers.

**Mr. Kabeer-ud-Din Ahmed :** Sir, I wish to ask a supplementary question. Is it not a fact that in the Gazette of India of September 4th, 1920, pages 1019—1021, it was stated that there was only one organisation of seamen in India? It was a Union of Goanese stewards (who are not British subjects) and that it was only recently established. Now, that Government have received a telegram from the Vice-President of the Indian Seamen's Union in Calcutta in which it is mentioned that there is in existence a Union in Calcutta, I suppose the Government misrepresented the fact in its reply given to the Genoa International Labour Conference. Is that correct?

**Mr. H. N. Hutchinson :** I should like notice of that question.

**Mr. Kabeer-ud-Din Ahmed :** I shall give notice.

#### SUPPLY OF LASCARS.

381. **Mr. Kabeer-ud-Din Ahmed :** (a) Are Government aware that 'crimping' is largely prevalent in Calcutta, and that the licensing of brokers for the supply of lascars is one of the grievances of Indian seamen?

(b) Are Government aware that at present Indian seamen are employed by licensed brokers, or recommended to shipping agents by ghat serangs, who charge lascars an exorbitant fee?

**Mr. H. N. Hutchinson :** The engagement of seamen in India is governed by sections 18 and 19 of the Indian Merchant Shipping Act I of 1859. Under section 18, the Local Government may grant to such persons as may be deemed fit licenses to engage or supply seamen for merchant ships. The persons so licensed are called shipping brokers and are paid by the shipping companies and not by the men engaged. Recruitment by licensed brokers cannot be called crimping, but it is believed that in practice serangs do play a large part in the actual recruitment of crews, and do take fees from the men for whom they secure engagements. It will be very difficult to stop these

practices, but the whole question of the recruitment of Indian seamen will be examined in connection with the recommendations of the Genoa Seamen's Conference.

**EASTERN BENGAL RAILWAY STAFF.**

**382. Mr. Kabeer-ud-Din Ahmed:** (a) Will the Government be pleased to state:

(i) What is the proportion of officers and clerks amongst the Hindus, Muhammadans and Anglo-Indians in the employ of Eastern Bengal Railway?

(ii) What is their percentage of population in East Bengal?

(b) Do the Government propose to make suitable provision to appoint officers and clerks in proportion to their percentage of population?

**Colonel W. D. Waghorn:** (a) (i) and (ii). Statements showing the percentages asked for will be sent to the Honourable Member.

(b) It would not be practicable to appoint Hindu, Muhammadan and Anglo-India clerks and officers in the proportion to their percentage of the population.

**SALARIES OF THE EASTERN BENGAL RAILWAY STAFF.**

**383. Mr. Kabeer-ud-Din Ahmed:** Is it not a fact that the Anglo-Indian officers and clerks of the Eastern Bengal Railway get higher salary than the Hindu and Muhammadan officers, although their duties and responsibilities are just the same?

**Colonel W. D. Waghorn:** The scales of pay are the same for Anglo-Indians, Hindus and Muhammadans.

**STATION MASTERS IN THE EASTERN BENGAL RAILWAY.**

**384. Mr. Kabeer-ud-Din Ahmed:** Will the Government be pleased to state how many station masters and assistant station masters are there in the Eastern Bengal Railway and how many of them are Hindus, Muhammadans and Anglo-Indians?

**Colonel W. D. Waghorn:** There are 479 Station Masters and 562 Assistant Station Masters on the Eastern Bengal Railway. The numbers of Hindus, Muhammadans and Anglo-Indians being as follows:

	Station Masters.	Assistant Station Masters.
Hindus . . . . .	436	514
Muhammadans . . . . .	22	29
Anglo-Indians . . . . .	21	19

**Mr. Kabeer-ud-Din Ahmed:** May I ask a supplementary question, Sir? What is the procedure followed in appointing station masters and assistant station masters or promoting them from the lower grades, such as clerks and other subordinates?

**Colonel W. D. Waghorn:** May I ask, Sir, if that arises from Rule No. 10 in elucidation of the question he has asked me?

**The Honourable the President:** The Member of the Government must ask for notice then.

**Colonel W. D. Waghorn:** I ask for notice, Sir.

#### SCALE OF PAY IN THE EASTERN BENGAL RAILWAY.

**385. Mr. Kabeer-ud-Din Ahmed:** Will the Government be pleased to lay on the table the scale of pay drawn by each and every Anglo-Indian in comparison with that of a Hindu or a Muhammadan acting in the same capacity in the Eastern Bengal Railway?

**Colonel W. D. Waghorn:** A statement\* is laid on the table.

#### MEMBERS OF LEGISLATIVE ASSEMBLY AND COUNCIL OF STATE.

**386. Mr. Muhammad Faiyaz Khan:** What is the total number of the Members of the Legislative Assembly and the Council of State?

(a) How many of them (in each of the above Councils) were elected unopposed?

(b) How many of them are—

- (i) Title-holders,
- (ii) Honorary Magistrates,
- (iii) Honorary Munsiffs,
- (iv) holding any other honorary office?

What is the number of Members in each Provincial Legislative Council.

What is the number in each Council of Members who are (i) Titleholders, (ii) Honorary Magistrates, (iii) Honorary Munsiffs, (iv) holding any honorary office.

How many in each Provincial Legislative Council were elected unopposed?

**Mr. S. P. O'Donnell:** The total number of the Members of the Legislative Assembly is 144 and that of the Council of State is 60.

(a) 38 Members of the Legislative Assembly were, it is understood, elected unopposed and 10 Members of the Council of State.

(b) (i) The Honourable Member has no doubt, or can readily obtain, a list of the Members of the Legislative Assembly and of the Council of State and he can ascertain for himself how many Members of each Chamber are title-holders.

(b) (ii), (iii) and (iv). The Government have no information.

As regards the Provincial Legislative Councils, the Honourable Member should apply for the information required to the Local Governments concerned.

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\* Will be printed later on.

## RESOLUTION *RE* MEETINGS OF THE LEGISLATIVE ASSEMBLY—*contd.*

**Mr. E. L. Price :** Sir, my Resolution is :

‘That this Assembly recommends to the Governor General in Council that in future sessions of the Indian Legislative Assembly the programme should be *as far as possible* so arranged as to provide for meetings being held regularly every day, Sundays only excepted, in order that the burden of service may fall more reasonably on non-official Members attending and that the period of their detention at Delhi or Simla may be reduced to the minimum compatible with the efficient working of the Assembly.’

Sir, with reference to the phrase ‘Sundays only excepted’ used therein, I should like to explain to Members that I did not introduce that phrase from any religious motive. It is only because I understand that Sunday is the regular day off of our staff, superior, subordinate and menial; and I should not like to propose anything that would interfere with that weekly holiday and all that that implies.

Now, Sir, on the last occasion when you adjourned this House, you adjourned it from the 2nd to the 5th, and that despite the fact that we had in our hands a paper that distinctly stated that there would be a meeting on the 3rd. The press, I notice, in a recent issue of the *Pioneer*, remarks that in consequence of this we have an agenda paper that runs into seven pages. What is the reason of this sudden lengthy adjournment of this House of which never any official explanation has been given? If no official explanation is given, Members must look for one themselves; and putting two and two together, we find repeatedly that when we are not sitting, the Upper House is using this building. Why? Not because the Council of State has no other home; we all know that they have got accommodation in Metcalfe House for their meetings. Why should they keep us out of here? Why should we be kicking our heels in idleness? The only explanation I can find is, that we have *one* Secretary and *one* Staff for both bodies, and that that one Secretary and one Staff are not only over-burdened with the double work but have other duties besides. I should like to make it clear, that I am not attempting to criticise the Secretary or his Staff in any way. Far from it. I give them credit for having grappled nobly with an impossible task. But I say, Sir, that it is Government who, in asking them to do this double tide of work in addition to their ordinary duties in the Secretariat, has put on their backs a burden that no body of men, however devoted, could possibly support; and the events, the unfortunate incidents I may even call them, of the past three weeks prove it. It follows, Sir, that if my Resolution is accepted by this House, and I hope by Government, it means, we must either have a double staff or an independent staff for this Assembly, or at all events, that the staff should be so increased and strengthened that both Houses can sit, each regardless of what the other is doing, and that this ‘Box and Cox’ farce, of when one is in, the other must be out, must cease.

Now, Sir, I quite admit that any such increase in staff involves expenditure. No one could be possibly more reluctant than I am to recommend any course involving expenditure in the face of this appalling Budget. But, at the same time, there is something to be put *per contra*. The allowances of the Members of this Assembly, even on the former scale which has not been approved by the Assembly, total a sum of Rs. 2,600 a day. Save us ten days in Delhi, and you save one quarter of a lakh of rupees. Do it again in Simla, and you have half a lakh; so at once you have something in hand to put

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against the increased necessary expenditure. In spite, therefore, of the question of expense, I do not hesitate still to urge my motion.

Now, Sir, I do not believe that this wretched situation, these unfortunate incidents that have arisen, have so much arisen through want of prevision on the part of Government. I think they have rather arisen from their absolute inexperience in dealing with a body of this size or of a body containing so many active and busy men; and I do believe that when the facts are brought before them, they will not hesitate to make the necessary new arrangements that will not only make the whole programme more suitable for a body of this size, more convenient for its Members, but above all, more conducive to its real efficiency in the service of India.

**Lieut.-Colonel D. Herbert:** Sir, this Resolution is moved in the interest of the Members of this House. The Honourable Mover has put the case for his Resolution in terms which need no amplification. I suggest, however, that while it is undoubtedly to our interest that the sittings of the House should be so arranged as to reduce to the minimum our stay at Delhi and Simla, still we must realise that the amount of work caused in Government departments, other than the Legislative Department, by our sittings is a serious factor in the question. The Legislative Department has been strengthened to cope with the heavy increase of work entailed by the meetings of the Council of State and the Legislative Assembly, but we have not heard that other departments have also been strengthened, and the work caused by our sittings does not by any means fall entirely upon the Legislative Department. Therefore, the inclusion of the words 'as far as possible' in the Resolution suggests, I hope, that the Honourable Mover having expressed our needs may be ready to leave it to the Government to arrange the meetings of the Assembly so as to meet those needs as far as possible. May I add that the unfailing courtesy of the Government Members and officials of the Assembly and the evident trouble that has been taken by them for our comfort and convenience fully indicates that in the matter before us now they will do all they can to meet our wishes.

**Prince Afsar-ul-Mulk Mirza Muhammad Akram Hussain Bahadur:** Sir, the Resolution which the Honourable Mr. Price has put before us seems to me to be rather unnecessary. I do not think the Honourable Mr. Price means it, but the Resolution seems to be an insinuation that Government are keeping us here in Delhi longer than is necessary. I do not think, that that is the case. I believe, Sir, this House has already shown a disposition that it refuses to be hustled. We are a very important body, a body who legislate for the whole of India, and I do not think that it is desirable that we should rush through legislation of such an important character. Besides, I think, Sir, the time which lapses between one meeting and another is just sufficient, perhaps not even sufficient, to enable us to think over those problems which come before us. It also, I think, enables us to exchange our ideas with our colleagues outside this House. I am sure, Sir, the object of the Honourable Mover will be quite well served if Government gives us an assurance that they are not keeping us here longer than is necessary. With these remarks, Sir, I oppose the Resolution.

**Mr. Ahmed Baksh Khan:** Sir, I was just going to say something with regard to what my Honourable friend said with regard to the convenience of

the Members who have come here. If we have regular sittings, we will scarcely have any time to go through the amount of business that will come up before us. Every day, as to-day, we have a heavy list of business, and at the last meeting we had a very heavy programme before us. If we take into consideration all these facts, and the pile of papers that comes to me, and the long distance that there is between the Raisina Hostel and this place, taking all these facts into consideration, I think, it will be very convenient if we do not have regular sittings. Besides, there is very little before us to think out and discuss in the subjects that come up for discussion here.

**Mr. Mahmood S'Chamnad Sahib Bahadur:** Sir, I have great pleasure in supporting the Resolution brought forward by the Honourable Mr. Price. It seems to me, however, Sir, that the Resolution, if amended as proposed by Rao Bahadur Subrahmanyam should prove satisfactory both to Government and the people alike. Honourable Members of this Assembly will realise that most of us have got our own affairs which cannot be altogether neglected and this aspect of the question will not, I am sure, altogether be ignored in deciding the matter. Sir, I have heard it said in some quarters, that when one has offered himself for Membership to the Assembly, he should be prepared to make some sacrifice in the larger cause of the country. While I admit that patriotism implies and demands a certain amount of sacrifice, I am sure that even some of our inveterate enemies will not contend that we are not making any sacrifice. Sir, the very fact that we have got ourselves elected to the Assembly in spite of the overwhelming opposition and obstacles in our way, is proof, positive, of our interest in the cause of our country. But, I am sure, Sir, nobody would expect us to sacrifice all we have for this purpose. The location of the headquarters of the Government of India where the Assembly has to meet is so inconveniently situated that some of us cannot possibly think of going back in the intervals between one meeting and another as Members of Parliament do in England where they have all the latest and most modern distance-annihilating contrivances. But, what is our position in this country? Some of us have to undertake about six or seven days' journey before we can reach our destinations. For instance, I come from Kasargod, a place in the South Canara district of the Madras Presidency, and it will take me five days by mail train to reach my place. The same is the case with Madras and Burma Members. I do not for a moment think that it will be maintained that one of the principal qualifications for Membership of the Assembly is that the person who seeks election should be a nothing-to-do man. Now, Sir, this Assembly consists of Members representative of all independent professions in India, captains of industry, pioneers of trade, wealthy zemindars and lawyers of undoubted ability and learning, and as such, it would be extremely hard if they are expected to stay in Delhi and much less Simla as the case may be, for an almost indefinite period practically idling away a greater part of their valuable time. An examination of the record of work of the Assembly since its inauguration by His Royal Highness the Duke of Connaught shows that about seven meetings have been held during the last one month and this record, creditable as it is, can be improved in the manner suggested by the amendment to meet the convenience of the Members of the Assembly. It may perhaps be contended that, if this Resolution is adopted, the work thrown on the staff will be too heavy and so forth, but if the Assembly is unanimous on the point, the staff will have to be increased to attain the object we have in view. I shall not dwell any longer on this aspect of the question, as I understand another Honourable Member has given notice of a

[Mr. Mahmood S'Chamnad Sahib Bahadur.]

Resolution on this subject. If I am not digressing a little, Sir, it seems to me that daily one hour is lost by observing the formality of asking questions and the official Members reading out long answers, and as suggested by some of us, the Members of the Assembly the other day, this practice can be easily done away with by placing a copy of the questions and answers on the table and also circulating it to the various Members some time before the meeting. Saving of an hour every day means practically saving a whole day in a week. However, I strongly feel that some arrangement should be come to, so that Members are not tied down as it were to Delhi or Simla, as the case may be, to idle away their valuable time. I, therefore, strongly support the proposition, and I am sure, there will be no dissentient voice at least on this Resolution.

**Mr. K. Muppil Nayar :** Sir, I strongly support this Resolution. I think if we fully study the problems on which we want to speak before the sessions begin, we will have enough time to go on from day to day.

**Mr. Zahir-ud-Din Ahmad :** Sir, some of my Honourable Colleagues complained of our being kept here so long, but I think we are more to be blamed in this matter than the Government. In my opinion, the fault lies with us, the Honourable Members of this Assembly. If we are to put less questions and move less Resolutions, I think, our business will be shortened, and we can leave this atmosphere earlier. When a question is put and a Resolution is moved, it requires time to get the necessary information collected and placed before the Assembly. Horror of horrors, sometimes some Members put supplementary questions, as if the Government has a directory of information for all India in its pocket. I rather think that a man living in a glass house should not throw stones at others. Such is the position of the Mover of the Resolution who found so much fault with the Government. To control ourselves and to understand our own responsibility will make matters easier. This is how I look at the matter.

**The Honourable Dr. T. B. Sapru :** Sir, speaking on behalf of the Government generally and on behalf of the Department over which I have the honour to preside and which is so intimately connected with the work of these two Houses, I must say that I welcome this Resolution : for this reason, that it gives us an opportunity to remove certain gross misapprehensions under which many Members of the House may be labouring.

It is necessary for me to remind the House of the peculiar conditions under which this Assembly and the other House met this year. As the House is no doubt aware, in most of the Provinces the elections were not over until late in December. Then, it was the express desire of His Majesty that these two Houses should be inaugurated by His Royal Highness the Duke of Connaught. It is quite obvious, therefore, that we could not start our work before the inauguration by His Royal Highness the Duke of Connaught. We started, therefore, I believe, on the 14th February last. It has been said that between the 14th February and the 28th February—I believe that was the last day—we could have held many more meetings than we did actually hold. I will just give some very interesting figures to the House which, I would venture respectfully to submit, are a complete answer to the criticism that has been levelled against the Government or the Legislative Department. In the last 15 days of February, that is to say from the 14th, when the Legislature got really



to work, there were 5 meetings of the Legislative Assembly, 2 days for ballots for non-official business to which no reference has been made, 1 day for the election of the Finance Committee, 5 meetings of the Council of State and 2 Sundays, which gives a total of 15 days. Now I shall just give the House an idea of the amount of work which was done by the Department which is connected with this Assembly—I am not referring to the amount of work which necessarily had to be disposed of by other Departments in connection with questions and Resolutions. The Department issued, during this period, over 1,000 copies of Lists of Business, 1,000 copies of Lists of Questions, 4,000 copies of Circulars to Members, nearly 1,700 Notices of amendments and 1,000 Visitors' Cards, so that about 10,000 communications were issued by the Department, not including what was sent to other Departments, and to the Government Press.

Now, this will show to the House that we have had a very full time during the 15 days commencing from the 14th February and ending with the 28th February. It has been pointed out by the Honourable Mover that much of the difficulty may be removed and a great deal of inconvenience saved if we have a separate staff. I shall now deal with the question of a separate staff. Quite apart from the expensiveness of having a separate staff, it is quite obvious that a separate staff which is not a permanent staff which can secure to us continuity and intimate knowledge of practice and procedure, will not be of much help to this Assembly. Then, again, this Assembly sits for a few months in January, February and March, and for a short period in August and September. What is this staff going to do for the rest of the year? That is a question which I will beg the House to bear in mind when they discuss this question of a separate staff.

So far as the question of accommodation is concerned, it is quite obvious that the real solution of this lies in having permanent Chambers. But these we cannot have for some time to come and we have, therefore, had to resort to temporary expedients. There is this Chamber, which is generally used by the Legislative Assembly; but it has also had to be used by the Council of State inasmuch as the Metcalfe House was not ready for some time and the meeting which was held here only the other day had to be held because it was found by Members of the other House that it was extremely inconvenient to hold it at the Metcalfe House and we had to approach the Public Works Department again to set things right in regard to certain minor matters. In addition to this, I will beg the House to remember that so far as the question of simultaneous sittings of the two Houses is concerned, there is a very practical difficulty which cannot be lost sight of. Members of the Government are divided between the two Houses, and if the two Houses are sitting simultaneously, it may be that a question which has got to be answered or a question which has got to be discussed by one Member of the House in one House may go absolutely unattended to because he may at that precise moment be required in the other House. That is a point which has got seriously to be borne in mind.

Again, I will ask the House to remember its own Rules and Standing Orders. How are you going to find time for Select Committees? It is perfectly true that there have been no Select Committees so far, because no important Bills have yet been referred: but you will find that Select Committees will meet very soon and in future, when important legislation comes up before this House, they will absorb a good deal of your time. If this

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House is to go on from day to day from Monday, say, to Friday, or even to Thursday, where is the time left for Select Committees? It must be clear that so far as Friday is concerned, the Members of the Government cannot possibly find it easy to absent themselves from the meetings of the Executive Council. During this period, in addition to the ordinary meetings of the Executive Council that we have had to attend on Fridays, there have been several meetings of the Executive Council on other days both during the day and at night as well. Therefore, you will find that in the peculiar circumstances of the situation it is extremely difficult to so arrange the programme that we should have continuous sittings from Monday to Friday or Saturday. I do not think that I need labour the point any further. I will only ask the House to bear in mind one more circumstance, and it is this, that there is considerable difficulty in getting the Proceedings and Lists of Business from day to day ready in time for distribution among a large number of Members.

I am sure that the experience which we have gained during this session will enable us to revise the whole thing in future, and I can assure the House that nothing is further from our minds than that we should ignore the convenience of Members. I can give the assurance that every possible attempt will be made to save their time, because, saving their time, means saving our own time.

There is only one circumstance more which I will beg the House to remember. In addition to the work which is done in the Legislative Assembly by officers of the Department with which I am connected, there is a great deal of the ordinary departmental work which has to be carried on by them, and not only are they affected, but I have reason to doubt that officers of other departments are also affected by their absence from their offices, in this Assembly. It is no pleasure to us to detain the Members of this House in Delhi, but it may be some pleasure to us—and I hope it will be a pleasure to them—to find them detained in Simla. It is certainly no pleasure to us to detain Members here and if we can manage to dispose of the work with greater speed in future, I am sure, that the Government will not stand in the way of Members. But under the peculiar circumstances which exist at the present moment, I think it is too much to expect that we should carry on the work of the Assembly from day to day, between Monday and Saturday. With these words, while I do welcome the expression of opinion by this House, I will beg the House not to accept this Resolution.

**Rao Bahadur T. Bangachariar :** Sir, I would say that as regards the Honourable the Law Member's remarks about Simla, it is a difficult question from the point of view of many of us.

I do not think that we would welcome a long stay or being detained in Simla because, as far as we are concerned, at any rate, we have got our own hill station. Then we have heard all sorts of reports about Simla. For instance, we have heard that the question of accommodation is not a very pleasant one and that there is difficulty in getting about. In fact, I think, it was Mr. Price who told us that men are used as beasts of burden and we resent that sort of thing.

We are not very impressed with all these reports and any chance of our stay in Simla being lengthy should, as far as possible, be minimised.

Therefore, that is one point which I should like made clear to the Honourable the Law Member about the move. The other point is this: In providing

facilities for Members to go back to Calcutta or Bombay or to intermediate places, perhaps to attend to a little business or for any other reason, the Honourable Member will probably realise that we Members from Madras are unable to do this because the journey would be too long and we would have to be away for some time. Therefore, there is no use in allowing long intervals between meetings at all. We should meet in the Assembly on, at least, 4 days a week, and that I think will meet the wishes of most Members. So long as the Assembly is in session, I am sure, that work can be found for 4 days in the week, and to my mind, it does not matter if we meet on alternate days when convenient. For, after all, we have come here for a special purpose, we all have a burden to bear and I think we should bear that burden cheerfully and we can do this so long as we are given an assurance that our burden is no heavier than it need be.

**Dr. H. S. Gour:** Sir, I should not have thought that a Resolution of this kind would have involved any discordant note, and still less should I have thought that the Honourable the Law Member would justify the sittings we are having here once or twice a week on the ground that they were what may be called a 'regrettable necessity'. I appreciate to the fullest extent the loyal defence which he has put up on behalf of Government. But, may I point out to him, that it is really no answer at all to the Honourable the Mover's Resolution. Let me deal with the points he has categorized in support of the present system of work.

First of all, he talks of having to communicate with the Members by means of a large number of communications—the number of which he said was something like 10,000. May I suggest to him that, instead of sending these communications to the scattered abodes of Members on this side of the City and in the far off Bodyguard Lines and Raisina, it would be much more convenient if Members in this Assembly were communicated with by such communications being left at their seats in this Assembly. It would, I am sure, greatly minimise the work of the Legislative Department. I should like to ask whether any attempt has been made in this direction. In any case, if 10,000 communications had been made to Members, I fail to see what bearing that has upon the daily sittings of this Assembly.

The second question as regards the staff is certainly far more important. The Honourable Mr. Price has pointed out—and surely it is not beyond the capacity of the Public Works Department—that it would be well to erect a temporary structure either for the accommodation of the Assembly or for Members of the Council of State. We should have been perfectly well content to hold our sittings in an improvised Chamber. I submit, therefore, that this question of accommodation should not be raised. Then, the Honourable the Law Member mentioned what he called the 'practical difficulties' and he assumed that it clinched the matter completely. He said, that the officers of his Department would then have to attend both this Assembly and the Council of State. May I suggest, that even if this has to be done, the first few days of the month might be given to the Council of State and the last few to Members of this Assembly. Members of the Government would then be free to attend to both. Suppose, for instance, that ten days in a month—either the first or the last, it does not matter, provided we get timely notice of it—were given to the Council of State and the other ten days to the Members of this House, we should at any rate have 20 clear days to attend to

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our professional and other business. I am perfectly certain, that, if an attempt is made in this direction, it would meet the convenience of both the Houses.

Then, it was said, that if there were simultaneous meetings of both Houses on the same day and at the same time, some officers of Government who are interested in a question may not be able to be present in both Houses. This is perfectly true, but it is equally true that the responsible Member of Government can depute his Secretary or Deputy to represent him in this or the other House as is done in the House of Commons and the House of Lords. I do not think this difficulty presents itself in the English House of Commons and I think that practice should as far as possible be adopted here.

Then, Sir, the point as regards the meetings of the Executive Council is very interesting, but what have they to do with us? You can have your meeting of the Executive Council as often as you like, but give us ten days in the month, and give the Council of State as many days, and you can have your meetings of the Executive Council on the remaining days. I do not know anything about the time that is taken by the meetings of the Executive Council, but I venture to think, that if a definite portion of a month is given to the discussions in this Assembly and an equally definite portion is devoted to the discussions in the Council of State, I am perfectly certain that there would be time to spare for meetings of the Executive Council.

These are all objections which the Honourable Dr. Sapru raised—what he has assumed—to the continuous sittings of the two Houses side by side on the same day. But, as I understood the Honourable Mover, that was not the object of his Resolution. His Resolution was confined to the continuous and day to day sittings of this Assembly, and he had nothing whatever to do, and he did not mention anything at all about the sittings of the Council of State. If Members of the Council of State desire to have day to day sittings, even then our argument would hold good, and I have spoken on the assumption that the Members of the Council of State as well the Members of this Assembly are both equally anxious to have daily sittings during their stay in Delhi or in Simla.

I cannot close, Sir, without expressing my very deep regret at a suggestion made by the Honourable Dr. Sapru that we shall have to sit here for two or three months and that then we shall have to move up to Simla sometime in August or September. Honourable Members here will remember that hitherto they have been anxious that all contentious Resolutions and motions should be disposed of in Delhi and following the practice which I understood was the practice of the old Imperial Legislative Council, non-contentious and formal Resolutions and business alone should be done in Simla. That would give Honourable Members a little more respite. If this is not possible and if contentious Resolutions and Bills are equally to be moved in Simla I would suggest that session for—not the monsoonish month of September, but the hot months of May and June when Members will be able to combine some change with their duty. I hope, Sir, the Honourable Members of the Government will be in a more reasonable mood and accept the Resolution which has just been moved.

**Rao Bahadur C. S. Subrahmanyam:** Sir, my amendment to this Resolution, which is as follows, consists of two parts:

- (a) That the words 'regularly every day Fridays, Saturdays, Sundays and public holidays' be substituted for the words 'regularly every day Sundays only.'
- (b) That the words 'or Simla' be omitted and at the end the words 'no meetings being summoned to Simla unless His Excellency the Governor General thinks matters of grave importance require consideration by the Assembly' be added.

The first part is the one on which Honourable Members have spoken. Now, I associate myself with all that the Honourable Mover and the gentlemen who succeeded him in supporting the Resolution said as to the diligence, the care, and the promptness with which the Secretariat have been trying to meet our wants. On that head, I can say strongly that we are very grateful to the Department and to the Staff. It is clear that this Resolution and the amendment do not suggest or insinuate anything against the Department. I mean with regard to the first part of the amendment. The statement just made by the Honourable Dr. Sapru has, I think, satisfied me, *i.e.*, we have his assurance that the work will be so arranged as to keep us, Members of this Assembly, busy—not to let us idle away 6 or 7 days between one meeting and another. Our complaint—if any complaint is to be formulated—is about having nothing to do for 5 days or 6 days at a time. But, I think, this session was held under some special difficulties and that has been fully explained by Dr. Sapru and I don't think in regard to the session that is going on we have any real complaint to make. Of course, in the first session of the new reformed arrangement, there was bound to be these troubles. But taking the second portion of my amendment, I think, that there is a much stronger feeling and nothing has been said by Government, or on behalf of the Government, so far, to remove our apprehensions. Now, I would put the position on a higher ground. We are a large and important Assembly and Delhi is the capital of India : this was proclaimed—it is true there was a certain amount of opposition—but it was definitely proclaimed ten years ago and we have got to get reconciled to Delhi, everyone should look to Delhi as his capital; and we, who come from a great distance, cannot afford to arrange for three or four homes for ourselves. We have our own homes, we have some kind of summer resort, some of us, then we come to Delhi and then we have to pack up and go to Simla. This we do not like. We should all look to Delhi as the place where we have got to do our Government and our political business. And it detracts from the position of Delhi as the capital that we from long distances should have to strike camp in Delhi, then go to Simla and then go back. On that ground I appeal to all of you that we should have all our Government business, that is such business as we are called upon to transact in this Assembly, done in Delhi. Then, another aspect is, that we have never heard of a legislature which is tied to the wheels of Government. We talk of precedents. We want precedents for every thing we do. But what precedent is there for a legislature, containing a large number of Members, going about with the Executive Government from station to station; it practically comes to that. I think, that is one consideration which I would ask my Honourable friends to take into account. The King may summon his Council. The Viceroy or the Governor General in Council may summon his Executive Members, wherever he may be. But to ask us to go from one place to another—we are here in Delhi, to ask us to go from here to Simla, not because Simla contains any germs of useful business or because business can only be transacted in Simla, or because there is anything in the site of Simla that would help us to transact our business more effectively—though there are no doubt many officials of eminence there—but because of the fact that Government is there. We have been talking so much of self-respect and dignity and all that,—I think that it is detrimental to our self-respect that we should be called upon to go to Simla simply for the convenience of the Members of the Government. Simla is not so very far from Delhi,—supposing a meeting is desirable here, some Members of the Government might come down to Delhi, spend a few days with us, enjoy the climate of Delhi, and then go back to Simla for the week-end.

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Now it is for that object I say, that, if our work is arranged for the first three or four days of the week, and the last days of the week are holidays for them, during the months the meetings are held in Delhi, even if the Government is not at Delhi business might go on without much trouble. Probably there will be some inconvenience. As for the Governor General, of course, under the present system, he has nothing to do with these Councils. His Excellency the Viceroy is outside the Council of State and this Assembly. Therefore it is only the Members of Government, who are affected. Most of them are accustomed to the climate of the country. They can come down to the Assembly, attend the meetings, and then go back to their own stations. It would save expenditure. It would give us a certain amount of liberty for co-ordinating our work and it would enhance the good name of Delhi. I say further that it is not improbable that some Members in this Assembly might make Delhi a second home, that is, houses might be acquired and people might take to living here. All that will be lost if we are shifted from Delhi to Simla in this manner. The Government of India deliberately said when they shifted to Delhi: 'its climate is good for 7 months in the year; and its salubrity could be ensured at a reasonable cost'. Now we have had 10 years of this ensuring—I hope at a reasonable cost—and all the sanitary improvements have been made, and I personally do think that Imperial Delhi is fairly healthy. I have no idea of the hot weather that is ahead of us. It is not malarial, as far as I know. It seems to be a fairly healthy place and excepting the five hot months, there are fully seven months at our disposal. And during these seven months I do not ask Government to be here. I only ask that the Assembly may meet here. We are not concerned with the Council of State. Members of Government might come down just for the periods when the Assembly is sitting to attend the meetings. Now, that is not a practice without precedent. The Local Governments have taken to it. In Madras, they have been doing it. Meetings are held in Madras in the months of July and August and yet Members of Government come down. And Ootacamund is further away from Madras, I should think, than Simla is from Delhi. Members of Government come down to attend the meetings at Madras, finish their business and then go back. The old practice in the Imperial Legislative Council was all right where there were only a handful of Members. But now that we are getting Members from far distances, it is rather inconvenient personally, and it is also detrimental to our being able to do useful work here. The first fortnight, it is not irrelevant to say at this moment, is taken to settling down in a new place. I suppose when we go to a new place we have not got ready-made arrangements there. And, then, the last fortnight is taken up in packing. Already Members are packing. They are simply waiting for the Budget discussion to be over, and then will go back one after another. So, practically out of the two months we stay here, a fortnight goes in settling down and another fortnight in packing up. Then there are disadvantages which you cannot get rid of by having two places of meeting. We have not got a library at all. We are forced to say things at random in some vague fashion, and immediately an Honourable Member of Council, who has all the help of a legion of Secretaries and Assistants comes down upon us and says: 'You make a vague statement; you have not got the figures'. How can we get the figures, figures for the whole country? When I say something about the exportation of bovine cattle, my Honourable friend, Mr. Sarma, who has all the figures

in his possession, comes down upon me and says, that my statement is vague. The fact is, we have not got a library. Government ought to take steps to provide us with a complete and useful library. There will be the same difficulty in Simla. It is pointed out that in Simla we will be at a much greater disadvantage. It will be a sort of mockery for people to go on talking at random and then get refuted by Government who have all the information at their disposal. That is not to the advantage or to the credit of the Assembly or of us. I, therefore, think that Honourable Members will agree with me that whatever the delights of Simla may be, whatever the health-giving properties of Simla may be, these ideas must be put aside, and that our dignity, our self-respect and our ability to do our business in a methodical manner, these three considerations should be the chief factors in fixing our Assembly meetings at Delhi which is our home and which is the place assigned for us to meet.

**The Honourable the President:** Before I put the amendment, may I ask the Honourable Member whether he moves his amendment as it stands on the paper? The Honourable Member let fall some words at the beginning of his speech which indicated that he did not intend to move the first half of the amendment, i.e., 2 (a) on the agenda paper.

**Rao Bahadur C. S. Subrahmanyam:** I withdraw the first portion of my amendment, viz.,

'That the words 'regularly every day, Fridays, Saturdays, Sundays and the public holidays' be substituted for the words 'regularly every day, Sundays only.'

The first portion of amendment was, by leave of the Assembly, withdrawn.

**The Honourable the President:** The original question was :

'This Assembly recommends to the Governor General in Council that in future sessions of the Indian Legislative Assembly the programme should be *as far as possible* so arranged as to provide for meetings being held regularly every day, Sundays only excepted, in order that the burden of service may fall more reasonably on non-official Members attending and that the period of their detention at Delhi or Simla may be reduced to the minimum compatible with the efficient working of the Assembly.'

Since which an amendment has been moved, which runs as follows :

'(b) That the words 'or Simla' be omitted and at the end the words 'no meetings being summoned to Simla unless His Excellency the Governor General thinks matters of grave importance require consideration by the Assembly' be added.'

The question is, that that amendment be made.

**The Honourable Sir William Vincent:** Sir, I wish first to say a few words on the original motion of the Honourable Mover, Mr. Price. I want Members of this Assembly to bear in some degree with the Government in their difficulties this year. They will remember that these Chambers are new and have only just been inaugurated, and of necessity the arrangements must be provisional. We ourselves, if I may say so, speaking as a Member of Government, as has been rightly pointed out by one speaker, have very little experience of dealing with two large Assemblies, and as regards buildings, the position is this. There is this Chamber and there is another room at Metcalfe House which has proved up to the present very unsuitable for holding meetings. We are endeavouring to remove that difficulty, and during the present month, if Honourable Members will look at the provisional calendar, they will see that the two Chambers are meeting frequently on the same day. I hope that this may be possible if the arrangements for the accommodation of the Council of State are improved.

**Mr. E. L. Price:** May I ask if the Honourable Member is assuring this Assembly that we shall be sitting as per the provisional programme?

**The Honourable Sir William Vincent:** I am not giving any assurance. This being a provisional programme, it is clear, that I cannot give the Honourable Member a definite assurance. It, however, represents our present intention as I understand from the Legislative Department. Next week, I believe, the Assembly will meet for five days out of six days. The week after the next there will be four meetings and there will be two Select Committee meetings. I agree, however, with the Honourable Mover that it is really necessary if work is to be done satisfactorily that there should be—whether this will be accepted by the Government I cannot say—a second Chamber for the Council of State, in which case at least one of the difficulties to which we are subject now would be removed. But I would ask this Assembly to have some consideration in this matter not only for the Legislative Department but for the administrative departments concerned. We are very anxious that these new Assemblies should work well. We are very desirous of paying them all consideration possible, and it is for that reason that in my own Department—I speak only for one—I have made a point whenever possible of coming down to this Assembly and answering after considerable care and labour any important Resolutions that are moved, and if I have done so, it has only been out of a desire to pay that courtesy and that consideration to this Honourable Assembly which, I think, is its due. I have no doubt that my Honourable friend, Mr. O'Donnell, would have done the work better, but that has been the motive which has actuated me throughout. And, I can assure Honourable Members, that after we leave this Chamber, every man on the Government benches here has to go back to his office and sit there till 7 or 8 at night trying to dispose of the most urgent work there is. Every case that can be put off is put off, and still the cases go on accumulating. Further, I am not wrong in saying that officers are near to breaking point owing to the strain now put upon them. We have a constant flood of questions and Resolutions of every sort to deal with. An Honourable Member said, 'Oh! These Resolutions are nothing after all. Each Member should think them out and work them up before he comes to Delhi.' That is all very well for the Mover. But, what about the other non-official Members who do not know what he is going to move, and may have very different views; are they to be allowed no opportunity to study the questions, often very important questions that are brought up? Then, take the case of an officer of Government. What is his position? He does not know on what points he will be tackled. Before this session began, I counted up a number of points on which past experience told me that I was likely to be heckled, and I worked them up, in some cases I was right but in many others my surmises were incorrect and since sessions began, I have been flooded with Resolutions of the most important character on every possible subject, my table is littered with papers which will necessitate, if I am to do this Assembly justice, a great deal of study. Take Resolutions on such questions as the *Habeas Corpus*, a difficult legal problem, the separation of judicial and executive functions, the correspondence on which would make the walls of a fortress. On the whole, I think, that the most feasible proposition that I have heard to-day is that of my learned friend opposite, that when we get adequate buildings and accommodation, we might hope to sit four days a week. In any case, after all, some latitude must be given to Government Members. As it is, we have meetings of the Executive Council as late as 6 O'clock, and we have had



to sit late in the evening attempting to get through urgent matters which cannot be delayed. The Honourable Member asks this Council to sit six days every week. When is any one going to do his private work? When is any one going to prepare for the business of the next day? In the High Courts the Honourable the Judges sit only five days a week, I think I am right in saying that . . . .

*Some Honourable Members:* Four days, five days, six days.

**The Honourable Sir William Vincent:** I have received sufficient support when I hear four. Then, I should have thought too, that some Honourable Members would have desired—this is a matter that does not concern me, I know I cannot find time for my private business now—would have liked occasionally a little spare time to do their own work outside Council work.

I understand the Honourable Mr. Gôur to suggest that a great deal of labour may be spared to the Legislative Department if all notices and communications were not sent to Members but laid on the table so that they may take them away with them. I once was Secretary in the Legislative Department, I was so for five years, and I can assure this Council, that if any such system were tried, the Secretary would be inundated with complaints from day to day. Members would have to come down here three or four times a day to trace and carry the different circulars. They would never tolerate the inconvenience. Suppose, again, a Member failed to attend on a particular day and on that day a very important Bill is published, he would miss it altogether. It is really, if I may say, a proposal which could not commend itself to any one who has experience of the workings of the Council.

And now I want to turn for one moment to the proposal moved by the Honourable Member, that is, that the Legislative Assembly should not meet at Simla, although the words of the amendment are slightly different. I suggest to this Assembly that they would be well advised to wait and see what this place is like before they arrive at a final decision on the point. It is not at all a question of Government binding the Assembly to the wheels of its chariot and forcing it to accompany Government and I venture to say, that that is an appeal to prejudice. We want the Assembly to decide the question for itself, but not on a side issue of this character. Here we have a Resolution asking for continuous sittings, and into this, is introduced, at the last moment, a suggestion of an entirely different character, that the Assembly should not meet at Simla. I suggest, that this Assembly would be wise if it was to wait and see how the present system works. In any case, before it decides the question, I want it to be examined carefully in a full dress debate especially directed to it, because it is a matter of the very greatest importance, and not decided as a side issue. Honourable Members will remember what the accommodation in Delhi is, that a great many of our people even now are living in tents, and that it is very difficult to secure decent accommodation here. And there is the daily journey from Raisina to consider. The Honourable Member relied greatly on having a library here. I can assure him, that there is, as a matter of fact, a very much better library in Simla than anything we have down here, and if that is the sole ground which actuates him, he will be much better up there than here. My own belief is this: When Honourable Members have tried Simla, they will like it very much. But I do not want, in any way, to prejudice this Assembly on the matter, but I only ask them not to arrive at any final decision on it now. Let them try the climate of Delhi in May

[Sir William Vincent.]

or June or August and September; have a session there and see whether they like a four-mile drive from Raisina here, as there will be no Chamber ready at Raisina. I think many would find that it would suit their convenience and even their health very much better to have a sitting in Simla under present conditions. Then, I had cited to me passages from the Despatch of the Government in 1911 on the advantages of Delhi. I disclaim all responsibility for any portion of the Despatch, and if the Honourable Member will give himself the pleasure of coming to Delhi some time in August or September, I think, he will have some reason to doubt some of the observations made about the salubrity of this city in that famous Despatch.

**Mr. A. D. Pickford :** Sir, the officers of Government are such past masters in the art of justifying their own position, whether that position be good or bad, that they do not require any assistance from me. At the same time I think it is fair to them, both to the Honourable the Law Member and the Honourable the Home Member, to point out that they have omitted to give a perfectly valid answer to one of the points mentioned by Mr. Price. I believe, it is not the case that the adjournment from 2nd to 5th March had anything to do with what would be a perfectly natural desire of the Members of the Council of State, to transfer from their dark dungeon to this well-lighted Chamber, but that it was due to the fact that owing to the splendid work of the Finance Department in getting the papers ready in time it was not necessary for this Assembly to meet and, therefore, this room was available for the Members of the other House.

I think the Honourable the Law Member could have answered Mr. Price as to that point. One other point, Sir, I feel myself that the Honourable the Home Member has weakened his case somewhat with regard to this question of Simla. He has suggested to the Assembly that it is an alternative between Delhi in May and June and Simla in May and June. I do not think . . . .

**The Honourable Sir William Vincent :** I did not suggest the season must be May or June necessarily. I said May and June or September or whenever the Assembly might meet.

**Mr. A. D. Pickford :** I think there are a good many Members of this Assembly, Sir, who feel that the sittings of the Assembly should be arranged in such months and at such times as may make it possible for them to meet in one place and not chase about the country from Delhi to Simla and Simla to Delhi.

**Mr. Muhammad Yamin Khan :** I think, that after the Honourable the Law Member's speech and his assurance that the Government is ready to do all in their power to look to the convenience of the Members, there was hardly any necessity for the Members of this Assembly to go on making speeches and reminding the Government of their duty. After the speech of the Honourable the Law Member, there was another speech by another Government Member, that is the Honourable the Home Member. That is very assuring and we need not go on discussing this point any further. Let us wait and see how the thing works. Besides this, Sir, Dr. Gour has pointed out one thing. Of course that was not replied to by the Honourable the Home Member, and it was that ten days in a month should be fixed for this

House and another ten days in a month should be fixed for the meetings of the other House. This is a good suggestion, if it can work well. I am not in a position to say whether it will be equally convenient to the Government or not, but at least it sounds very well. If the Members can stay in Delhi for ten days in a month and then go home for 20 days, this arrangement would leave the Members time to attend to their business. Besides this, Sir, the same objection of a continuous sitting crops up. I am a little doubtful about the amendment proposed by Rao Bahadur C. S. Subrahmanyam. Then, there is the suggestion by Dr. Gour that we can have meetings at Simla in May and June instead of in August and September. If the Honourable Dr. Gour knew that May and June are the most inconvenient months at Simla he would not have proposed them. I think the best plan would be, if it is decided to have meetings in Simla, to have the meetings in August and September as that will be the most convenient time. There is also another point in that, Sir. All the courts are invariably closed at that time and those of us who belong to the lawyer's profession can find at least 15 days in a month which they can spare in the hills. Then, about the question of self-respect which Rao Bahadur Subrahmanyam referred to, namely, that we should not run after the Government from Delhi to Simla and that the Government Members should come down, does the Honourable Member suggest that only the Members of the Government should come down or that the offices should come down too for that period? If he wants to shift the Government from Simla in August and September, with all the offices, and then they have to go back in October, I think, this is not a sound suggestion. But if he wishes that only the Members should come down, then, I think, it will be very difficult for the Government Members to reply to the questions and deal with the Resolutions properly. I think the assurances which have been given by the Honourable the Law Member and the Honourable the Home Member are very satisfactory and we shall wait and see and rely upon the assurances of the Government Members.

**Rao Bahadur C. S. Subrahmanyam :** After the speech of the Honourable the Home Member advising us to wait and see and have some experience of Simla and also of Delhi in the objectionable months, and also taking into account the fact that the Honourable Member thinks the idea of not holding any meetings in Simla is a side issue, I think, I must withdraw this amendment.\*

The amendment, by leave of the Assembly, was withdrawn.

**Mr. E. L. Price :** Do I understand that these other† amendments have been dropped?

**The Honourable the President :** They have been covered.

**Mr. E. L. Price :** Then it is for me to reply, Sir. We have now got the replies of the Honourable Dr. Sapru and the Honourable Sir William Vincent. Which of them, I ask, represents the views of Government? For while Dr. Sapru gave us a glowing account of what we have done in February and represented that everything was for the best in this best of all possible worlds, the Honourable Sir William Vincent took a different line and said, that Government was not used to dealing with so large a body as this, and that we must *wait and see!* Which, I ask, is the view of Government? You cannot have it both ways. Now, Dr. Sapru says, 'Why, look, the Members of Government have to attend

\* *Vide* page 603 of Proceedings.

† Referring to amendments in the List of Business.

[Mr. E. L. Price.]

in both Chambers. How can they then sit together?' But, Sir William Vincent says, they *are* going to attend in both. Which, I ask, is the voice of Government? It is arranged that the Member of a Department sits in one House and the Secretary in another. We have suddenly discovered from Dr. Sapru an invincible difficulty that has never occurred before. Then, reference has been made to ten thousand pieces of printing. Why so much printing? We get a list of business printed out, which no House in the world can get through in a day, and, so nine-tenths of it has got to be printed again. Then, Government complains bitterly of the amount of printing. I would ask whose *bundobast* is it, this redundant printing, mine or yours? I am afraid, I must also complain that the Honourable Sir William Vincent was not here when I opened my speech three days ago and so, did not hear the stress I laid on the words 'as far as possible.' If he will look at my Resolution, Sir, he will see that those words are, at my request, in italics, and they mean what they say. I am not asking for impossibilities. I am only asking for such improvements as may be possible, and I contend, that my Resolution is a reasonable one. If it is not reasonable to sit five days, four days or three days a week, do no sit. But, Sir, on the 2nd, we were adjourned till the 5th, without a word of explanation and, when an explanation is given on Government behalf, it has something to do with the aerating apparatus of the Chamber at Metcalfe House. Mr. Pickford gets up on his own account, and I do not know whether his explanation is even accepted by one of Government's two voices, but he says, 'The reason why you did not come here on the 3rd is that the Government Finance Department got through their work;' so we are in this confusion.

I do ask the Members of this House to stand by this Resolution, to insist on it being passed, so as to get the principle established that we have a right to be consulted over our own working.

(The Honourable Dr. T. B. Sapru rose to address the Assembly.)

**Mr. E. L. Price:** Sir, on a point of order. I thought I had the last word.

**The Honourable Dr. T. B. Sapru:** Sir, there are just one or two points with regard to which I shall have to address the House again. I shall deal with one or two points which have been raised by the Honourable Mover presently, but before coming to his points, I shall just refer to one point which Dr. Gour urged and which apparently satisfied him as being a very strong point. Now, he said, that it would be a very much better arrangement if the Legislative Assembly could meet at Delhi for 10 days in the month and the Council of State for another 10 days. If I could feel sure, that the United Provinces, the Punjab, Bengal and the Central Provinces meant India, I would probably very readily consent, but I am afraid, we cannot ignore the existence of Madras nor the importance of those benches over there. I have just inquired and I find, that it takes our friends from Madras five days to reach Delhi; similarly, it takes them five days to get back to Madras, so that, while we in the north and in the neighbouring provinces might very well feel happy over ten days spent at Delhi, in the case of our Madras friends it would mean 20 days. Therefore, that arrangement, although it might be very convenient for certain professional gentlemen in neighbouring provinces, would

not be convenient for my friends from Madras. (A voice—'of Mandalay'.)

**Rao Bahadur T. Rangachariar :** It would be most inconvenient.

**The Honourable Dr. T. B. Saprú :** Well, then, there is one other important circumstance connected with the sittings of the two Houses, according to the ideal arrangement of my friend, Dr. Gour, and that is this. How are you going to provide for joint sittings of the Committees of the two Houses which, under the rules, may have to meet at any time? You cannot forget that. Anyhow, if any of the suggestions of Dr. Gour is to be accepted, I can tell the House that the staff, not only of the Legislative Department but of nearly every important Department the business of which comes up for discussion in this House, will have to be considerably strengthened. I am told by a Colleague of mine that it will have very nearly to be doubled, and I do not know whether then the Assembly will be in a position to congratulate itself on such a result.

There is only one point more to which I will refer. I do not think I need refer to the points raised by Mr. Subrahmanyam, because he has withdrawn his amendment. It was said by the Honourable Mover that the Government was speaking with two voices to-day. Well, I do not think the Government was speaking with two voices at all. There was only one single voice that was speaking. If the present arrangement continues to exist, namely, the Assembly meeting here and the other House meeting in Metcalfe House, while it might give a great deal of exercise to the Members of the Executive Council to run about from one place to the other, I do not think you will find that it will be practically possible for them to attend to both the Houses.

As regards the suggestion, that the Members might send their Secretaries or Assistants or Deputies here to represent them, well, there are certain Secretaries already doing so, but every single Department cannot be represented. Apart from that, only those Assistants or Secretaries, who are Members of this House, can represent them here; there are rules on that point. But, I venture to hope, that when we have a Chamber conveniently situated, in which it would be possible for the two Houses to meet, it would then be possible for the Members of the Government to attend while the two Houses are sitting. I think we shall welcome an arrangement of that character. Therefore, I do not think that there was any conflict necessarily between the opinion of my Honourable Colleague, Sir William Vincent, and my own. Anyhow, as I told the House when I made my earlier speech, the Government are anxious to consider the whole question very carefully and if they can in any way secure the convenience of Members, Members may depend upon it that the Government will leave no stone unturned to do so, and I may say that I take the full responsibility as a Member of the Government for that assurance.

**Mr. Eardley Norton :** May I ask the Honourable Member before he sits down, whether the Government would be prepared to give the words 'as far as possible' a liberal interpretation.

**The Honourable Dr. T. B. Saprú :** I am prepared to give an assurance on that point.

**The Honourable the President :** The question is, that the Resolution, which runs as under, be accepted :

‘ That this Assembly recommends to the Governor General in Council that in future sessions of the Indian Legislative Assembly the programme should be *as far as possible* so arranged as to provide for meetings being held regularly every day, Sundays only excepted, in order that the burden of service may fall more reasonably on non-official Members attending and that the period of their detention at Delhi or Simla may be reduced to the minimum compatible with the efficient working of the Assembly.’

The motion was negatived.

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## RESOLUTION *RE* ENGLISH TRANSLATION OF ACCOUNTS AND STATEMENTS OF INCOME SUBMITTED TO INCOME-TAX AUTHORITIES IN THE MADRAS PRESIDENCY.

**Mr. Naraindas Girdhardas :** Mr. President, the Resolution, which stands in my name, runs as follows :

1 P.M.

‘ This Assembly recommends to the Governor General in Council that in the matter of submission by the Gujrati and Marwadi communities in the Madras Presidency of English translations of their accounts and statements of income to the income-tax authorities in addition to their accounts and statements kept and maintained in their own languages the Local Government be directed to dispense with the additional requirement of an English translation.’

Sir, I do not desire to take up much of the time of this House in making a lengthy speech in moving this Resolution for the acceptance of this House. But, it is necessary, that I should briefly explain the nature of the difficulty under which the assesses referred to in my Resolution labour and which this Resolution seeks to put an end to.

In March last, the Government of Madras issued the following notification under the power delegated to them by the Government of India under section 48, sub-section I of the Income-tax Act of 1918. The notification was as follows :

‘ When the production of accounts is required under section 18(2) of the Act, if the accounts are not maintained either in English or in one of the vernaculars of the Presidency, namely, Tamil, Telugu, Malayalam, Canarese, Uriya, a true translation of the accounts either in English or in one of the vernaculars of the Presidency shall be produced along with the originals.’

The classes of people affected by this notification are the Gujrati, Marwadi, Scindhi, Khoja and Memon communities resident and carrying on business in the city of Madras. Their numerical strength is about ten-thousand in the Presidency, the great bulk of whom are in the city of Madras. I believe, there are about 500 or 600 assesses who will be affected by this rule. These people are not mere sojourners in the Presidency but have all been permanently settled in that part of the country with their hearths, home and property there. Their real difficulty is this.

Ever since these communities came and settled in Madras years ago, notwithstanding the big business which some of them are doing, they have been maintaining their accounts in their own languages. Most of them do not know English. Neither can most of them afford to employ clerks to keep their accounts in English, nor, even if they could afford, is it easy for them to find out clerks or assistants in Madras, knowing both their languages and

English. In most cases, again, even if such clerks are employed, the assesses who do not know English, will have to implicitly trust their assistants both as regards the accuracy of the accounts in English as well as their correctness. In short, they cannot satisfactorily to their own minds, check and scrutinize the English translations of the accounts maintained by their clerks. It is obvious that the real reason for the Government of Madras issuing this notification was the difficulty which they themselves felt in getting official accountants to check and scrutinize Gujrati accounts. If the Government themselves felt this difficulty, this Assembly can realize the difficulty of the assesses. For the assesses, big and small, to find out in the city a sufficient number of suitable accountants to translate their accounts into English is very, very great. In any case, even when the assesses furnish translation of accounts in English, the Government have necessarily to maintain an adequate and efficient staff to examine and verify the correctness of the translations furnished by the assesses. That being so, the same staff with some additions should be able to obviate the necessity for the assesses furnishing translations in English. Surely, it should not be difficult, after all, for the Government of Madras to get 4 or 5 accountants from Bombay or elsewhere. This, Sir, is really their trouble. It is this trouble which the Local Government ignores. The notification virtually compels these people to keep their accounts either in English or in one of the Presidency vernaculars or to maintain two sets of accounts, one in their own language and the other in English. To compel these people to keep extra establishment which is not only difficult to employ but costly to maintain is, I submit, obviously unreasonable and unjust. I understand, that in similar circumstances the Government of Burma is engaging the services of officers from Madras for the examination of accounts submitted in Tamil to assessing officers in their province. May I suggest that a similar course may conveniently be adopted by the Madras Government.

I should not have come before this Assembly with this Resolution if it were not for the insistence of the Local Government to enforce this notification and the threat of the Collector of Madras this year that non-production of translations will be visited with the penalties and other consequences laid down under the Act for general non-production of accounts. If the translations are not produced, the assesses are told they will be prosecuted as if they had not produced any accounts at all. Sir, this is a real hardship.

This Assembly is, I believe, aware that in answer to my interpellation on this subject on the 24th ultimo, the Honourable the Finance Member was pleased to say that the Government would recommend to the Government of Madras that in formulating proposals for additional staff they should aim at doing away with the necessity for the notification of the Madras Government. In this connection, Sir, I wish only to read a telegram I have since received from the Chairman of the public meeting of these assesses held in Madras. The telegram speaks for itself :

'Gujrati Marwadi community Madras thank Government for sympathetic reply while recommending Madras Government as promised to propose additional staff to obviate necessity for the obnoxious rule. They request that immediate instructions be issued not to enforce rule now which Madras Collector threatens to do by instituting prosecutions old practice may be continued until additional staff appointed. Collector's threat has caused consternation here and all assesses of their community earnestly pray Government of India to

[ Mr. Naraindas Girdhardas.]

intervene and to instruct suspension of rule until permanent arrangement for additional staff are sanctioned. Local Government sympathetic, but Government of India instructions are necessary for suspension of rule.

President,  
Public meeting, Gujrati Marwadi,  
Income-tax Assesseees.

I may mention here, that on the 23rd of February a deputation of the representatives of the communities waited upon the Finance Member of the Government of Madras, who has promised sympathetic consideration of their grievances. It only now remains for me to express the hope that the Honourable the Finance Member in this House will be so good as to issue instructions at once to the Government of Madras to stop the prosecution of the assesseees for non-compliance with the notification, allowing the practice of all these years to continue until proposals for additional staff are sanctioned. If the Honourable Member on behalf of the Government will be good enough to say that he is issuing instructions accordingly, I shall be glad to withdraw my Resolution, with the leave of the House.

With these remarks, Sir, I commend my Resolution for the acceptance of this House.

**Rao Bahadur T. Rangachariar:** Sir, I wish to associate myself with all that has been said by my Honourable friend, the Mover of the Resolution, in connection with this difficulty which is felt, as I know personally, very keenly by the two great mercantile communities of Madras. They form a large portion of the capitalist and trading community in the city of Madras and they contribute largely to the well-being of the city; and I know that this system of requiring accounts to be kept in two languages places them at the mercy of low-paid clerks who often betray them, and it will be exposing their trade to great danger if we insist upon the observance of this rule. Of course traders have to keep their secrets, and if you enforce this sort of rule on them, asking them to employ not only their own legitimate clerks, whom they know and trust, but to employ outsiders and enable them to know their business, it will be a great disadvantage to them. It is hard enough to pay income-tax with all its increments year after year; but to compel people to keep their accounts in languages to which they are not accustomed is something which is unworthy of this Government. The tax has to be collected on the figures which these people supply; you have to accept their word; and if you are not prepared to accept their word, you must employ your own agency in order to check their accounts; there is no use compelling these men to keep their accounts in a particular way or in some other way. It is hardly just; there is no justice in asking them to do like that. I, therefore, strongly commend the Resolution to the acceptance of this Council.

**Mr. J. F. Bryant:** Sir, I may respectfully draw your attention to the provisions of the Income-tax Act of 1918. Under that Act, certain powers have been delegated by the Government of India for the ascertainment and determination of any income whether of Gujratis, of Marwadis, or of any other section of the community. Under section 50 of the same Act, the Local Government to whom the powers may have been



delegated by the Government of India, have also authority to delegate to the Chief Controlling Revenue Authority a similar power in respect of framing rules. I have listened with great attention to the remarks of my Honourable friend, the Proposer of this motion; so far as I can see, he has adduced not a single instance of misuse of authority; he has not quoted a single case in which the Government of Madras have exceeded their powers. Speaking for my learned friend, the Collector of Madras, I may say from what I know of that gentleman that he would be the last person in the world in any way to exceed the powers which have been delegated to him by the Government which he serves. I would also draw attention to the remarks of my learned friend, the Introducer of this motion; he said that the community which he represents did approach the Madras Government and that the attitude of the Members of the Madras Government was entirely sympathetic. Such being the case, I think it somewhat out of place that he should come forward and occupy the time of this House before he has any reason to suppose that the attitude of the Madras Government is otherwise than what it might reasonably be expected to be. If you have delegated the powers which vest in you to the Government of Madras, it remains to be seen whether the Government of Madras or its delegates abuse the powers; until then, until that is done, you have no right to rush in and find fault with them. Still less have you the right to pass strictures upon the Government of Madras until you have communicated with that body. I would also point out, Sir, that there are very considerable administrative difficulties in connection with the proposition put forward by my learned friend, the Mover of this Resolution. There are 220 languages, I gather from the Census Report, throughout India. Each Member of these 220 communities has the same right to have his accounts translated as the Honourable members of the Marwadi or Gujrati communities. If you carry the matter to its logical conclusion, it would mean that 220 clerks have to be appointed in each principal income-tax collecting place. I think the motion is so preposterous that it does not call for any serious consideration.

I would also call your attention to the fact that the Government of Madras have introduced these rules in the interests of the assesseees themselves. They do not wish to do them any injustice; they wish the balance sheets to be considered by the assessing officers in a form in which those assessing officers can readily assimilate them; they do not wish the matter to be put before the assessing officers in a language which is foreign to the province of Madras and which is not understood by a single person, European or Indian, other than the members of the particular communities referred to, *viz.*, the Gujrati and Marwadi communities. Such being the case, I trust, that the Honourable the Mover of this Resolution will see fit to withdraw it, and to move it again if he has any concrete instances of oppression on the part of the officials of the Madras Government. Although I am not entitled to speak for the Madras Government, although I am not a Member of it, I can assure him of hearty co-operation if he approaches me in the matter and addresses that Government in the first place, instead of occupying the attention of this House to the detriment of more important questions with which we have to deal.

**The Honourable Mr. W. M. Hailey:** Sir, I do not gather that the Honourable Mover of this motion desires to bring to the attention of this House

[Mr. W. M. Hailey.]

any case of actual excess over the law, or suggest that in any case the Local Government has actually gone beyond the powers delegated to it under the Act. What he really complains of is a rule, framed by the Local Government; he pleads that it is an inconvenient rule and works hardly on a particular section of the community. Our attitude on the subject is, I think, sufficiently indicated by what I said in answer to a question by him a few days ago. I said that the Madras Government, like all other Local Governments, are at present considering proposals for an increase in their special staff employed for income-tax assessments, and the Government of India will recommend to that Government that in formulating their proposals they should aim at administrative arrangements which would do away with the necessity of any such rule. That, then, Sir, is our attitude on the subject. We ourselves consider that the rule is an unfortunate one. It has no doubt been forced on the Madras Government by the necessities of the case, but we cannot help thinking ourselves that it is bound to work hardly on an important trading community, and we ourselves should be glad to see the Madras Government take such steps to increase its own staff as would do away with the necessity for a rule of this nature. In some respects, therefore, it will be seen that I differ from the defence of the action of the Madras Government, which Mr. Bryant has put forward.

As regards the action to be taken by this House, I myself would advise that it is a matter in which it should not interfere. The law allows the Government of India to delegate certain powers to the Local Government and the Local Government in exercise of its powers has framed a rule which seems to bear hardly on a particular community. The Government of India has advised the Local Government to do its best to get rid of the necessity of maintaining the rule. Now, if the Honourable Member's motion is carried by the House and given effect to by us, it means to say that we should have to withdraw from the Local Government in this particular respect the powers formally given to it. It would be unfortunate, I think, if the House asked us to do that. I think, it is far better that the House should depend on the action we have already taken, on the expression of opinion which we have given in this respect, and on the publicity which the Honourable Mover himself has given to the question and the sympathy that he has aroused here.

**Mr. Naraindas Girdhardas:** Sir, in view of the assurance given by the Honourable the Finance Member, I do not like to press this Resolution, but I would like to say a few words in reply to what Mr. Bryant has just now said. It was not my intention to accuse or criticise or pass any strictures on the Government of Madras. I only put forward the grievances of a particular community and asked the Government that those grievances should be removed. I do not like to waste the time of the Council, and I beg leave to withdraw the Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

The Assembly then adjourned for Lunch till Twenty-five Minutes past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty-five Minutes past Two of the Clock. The Honourable the President was in the Chair.

## RESOLUTION *RE* BIHAR AND ORISSA EXECUTIVE COUNCIL.

**Babu Braja Sundar Das:** Sir, I beg to move the Resolution which stands in my name that—

‘This Assembly recommends’ to the Governor General in Council to transmit to the Right Honourable the Secretary of State for India the following expression of opinion of this Assembly with a recommendation that the Secretary of State be pleased to take action thereon and, if necessary, advise His Majesty the King-Emperor accordingly :

‘That when the senior civilian member of the Bihar and Orissa Executive Council either retires or goes on leave preparatory to retirement, the vacancy so caused be not filled and that the Bihar and Orissa Executive Council be thereafter composed of only two members and not three as at present.’

The Assembly is not unfamiliar with the topic on which I venture to move this Resolution. It formed the subject matter of an interpellation by my friends, Khan Bahadur Sarfaraj Hussain and Mahammad Ismail. Also Honourable Mr. Sethna brought it before the other House in the same form.

The province of Bihar and Orissa stretches from the Himalayas to the sacred place of Jagannath, the Holy land of Hindus bordering on the Bay of Bengal and is inhabited by a variety of Indian people, each distinct from the other, in race, language, customs and manners. The part of the province to which I have the good fortune or misfortune to belong, I mean Orissa, is studded with a net work of rivers that cause inundations and devastations almost every year. Only in July and August last, 800 sq. miles of the country were devastatingly inundated, 30,000 (thirty thousand) houses were damaged and 50 persons drowned. I leave to the House to picture to themselves the after-effects of such floods. This part of the province is under the grips of chronic famine, be that due to natural causes or to the idleness of people or to their ignorance in the ways and means of bettering their conditions or to the utter apathy of the British Government to the cause of the Oriya people,—that form a thirtieth of His Majesty’s loyal subjects.

The other parts of the province fare no better. Starvation stares them in their face—by starvation I mean starvation of body and mind—starvation of the body owing to high prices of the necessaries of life and owing to insanitary and unhealthy living—and starvation of the mind—owing to ignorance and illiteracy.

I mention all these simply because I may be mis-understood to be quarrelling over a paltry sum of 60,000, which cannot otherwise be spent to ameliorate the conditions of the people. Till late as 1912, this province formed a part of Bengal and it had all the advantages of a common mess; the cost of administration being much less than what it has now come to be.

It was formed into a separate province in order that the people might receive better attention and care that may go to serve their autonomous growth.

Is, Sir, an elaborate administrative machinery the only means to secure that end? Neither the knowledge of the people can grow in proportion to the grandeur and expenditure on educational edifices, nor can the happiness and well-being of the people be secured by means of an elaborate administrative paraphernalia. On the other hand—as the Sanskrit apothegm puts it :

*Bakdām deergha kanthattoam safarinām bipattayē* ‘the longer the neck of the crane, the greater the danger to the small fishes that swim on the surface’—the greater the cost of administration, the heavier the burden on the

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poor tax-payer—who never says ‘I won’t pay’ but ever pleads that ‘I can’t pay.’ The Government of India in their Despatch of March 5, 1919, paragraph 36, also admit this fact. They say, ‘new changes in the Government will in any case lay heavy burdens on the tax-payer and there is no need to swell them.’

Moreover, the ‘baby province’ as it was once felicitously termed, is newly created and can scarcely meet the demands of its more urgent needs to better the conditions of the people. It is still grumbling to pay its share of Imperial contribution as could be gathered from the Resolution moved by Khan Bahadur Khawaja Mahamud Noor, M.L.C., in perhaps the last sitting of the old Bihar Council and the protestations of the representatives of the Bihar Members before the Meston Committee.

Besides the grounds of poverty and economy, there is still another potent reason that guides me to put forward this Resolution.

The Montagu-Chelmsford reports in paragraph 218, make it clear that the Executive Council of Governors should consist of two Members, one of whom should be an Indian.

The Government of India Act makes the status of the Executive Councillors higher than those of the Governors inasmuch as they are to be appointed direct by the crown and not ‘after consultation with the Governor General’ as in the case of Governors (section 46, sub-section 2).

The Government of India Act lays down that ‘the Members of the Governor’s Executive Council, shall be appointed by His Majesty by warrant under the Royal Sign Manual and shall be of such number, not exceeding four, as the Secretary of State in Council direct.’

But the Joint Select Committee recommend in clause (5) of their report, that ‘the Committee are of opinion that the normal strength of an Executive Council, specially in the smaller provinces, need not exceed two Members’ and they further say, that ‘if in any case the Council includes two Members with service qualifications neither of whom is by birth an Indian they think that it should also include two Indian Members’. The Government of India, too, emphasise the fact in their Despatch of March 5, 1919, when dealing with the Governor’s Councils they say, ‘a Council of two Members, one Official and one Indian would suffice’ (Paragraph 38).

The Council of Bihar, Sir, as at present constituted, is neither the one nor the other. Like the University of Patna it is neither fully residential nor federal.

It does not conform to the recommendations made by the Montagu-Chelmsford reports nor does it conform in *letter and in spirit* to the recommendations of the Joint Select Committee. To some extent, Sir, they conform to the spirit of Government of India Despatch of March 5, 1919, where they say, ‘if contrary to our intentions a change of practice (they mean the practice of appointing a Governor with official experience) is made the strength of the Council be brought up to the present Presidency level.’

Now, Sir, the responsibilities which were borne by 3 Executive Councillors have been shared by 5—3 Councillors and 2 Ministers. This is surely a big jump for a poor province with no extra territory to administer in justification of this increase. But, this is justified on the ground ‘that it is not considered desirable that the European official element should form so small a proportion of the Government: on the other hand, if the composition,

adopted in the case of Presidencies, had been adopted for Bihar and Orissa Executive Council, that Council would clearly have been larger than was necessary.'

Most respectfully I beg to ask, Sir, is not the present Council larger than is necessary?

Again, Sir, is it at all pleasant for an Indian to think that an administration is going to be top-heavy with Indian element and that it should be equipoised by an official European element.

With great respect, I beg to submit, Sir, does it in any sense meet the spirit and letter of the declaration of the 'firm resolve of the Government of India to maintain that the connection of India with British Empire is based on principle of equal partnership and perfect racial equality—Indian lives and Indian honour being held as sacred as British lives and honour'—which was urged by my friend on the other side and was so graciously accepted by the Government of India only the other day?

The judgment, I would rather say apprehension—an apprehension of incapacity—seems to be too hard, when it is pronounced before the Indian has actually been weighed and found wanting.

If there be any misapprehensions, Sir, I say there are the fully experienced official European element in the persons of the Secretaries, who can add strength to the governmental structure.

My request, Sir, is very modest. I want that the Senior Civilian Councillor when he retires should not be replaced by another in the Council of Bihar and Orissa. I am quite confident the Government of Bihar and Orissa will suffer from no loss of strength. The people of Bihar and Orissa feel it and they want it as could be evinced from the number of Resolutions they sent on the same subject for it is they who really bear the burden of the expensive administration. With these words, Sir, I commend the Resolution for the acceptance of the Assembly.

**The Honourable the President:** The question is:

'That this Assembly recommends to the Governor General in Council to transmit to the Right Honourable the Secretary of State for India the following expression of opinion of this Assembly with a recommendation that the Secretary of State be pleased to take action thereon and, if necessary, advise His Majesty the King-Emperor accordingly:

'That when the senior civilian Member of the Bihar and Orissa Executive Council either retires or goes on leave preparatory to retirement, the vacancy so caused be not filled, and that the Bihar and Orissa Executive Council be thereafter composed of only two Members and not three as at present.'

**Mr. Sachchidananda Sinha:** Sir, the question, which this Resolution is intended to raise in this Assembly, has evidently evoked considerable interest, judging from the number of Resolutions sent in on this subject by Members from Bihar and Orissa. I also find that in the Council of State, the Honourable Mr. Sethna put a question on this subject on the very first day of the meeting of that Council. Here also, in our own Assembly, various questions have been asked on the subject and I submit that it is one which deserves consideration, not only as a matter which affects Bihar and Orissa but as one which is of general public interest.

Bihar and Orissa was the only province which had its own Executive Council, apart from the three Presidency Governments of Madras, Bengal and

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Bombay, and that Executive Council consisted of a Lieutenant-Governor and three Members—two civilian officials and one Indian non-official. Under the Reforms Scheme, the whole question came up for consideration and the Joint Select Committee of the two Houses of Parliament, in their well known and memorable Report, laid down their views on the subject in these terms :

'The Committee are of opinion that the normal strength of an Executive Council, especially in the smaller provinces, need not exceed two Members. They have not, however, reduced the existing statutory maximum of four; but if in any case the Council includes two Members with service qualifications, neither of whom is by birth an Indian, they think that it should also include two non-official Indian members'.

Therefore, the present constitution of the Executive Council of Bihar and Orissa which continues to include two civilian officials and only one Indian non-official, contravenes both, I submit, the letter and the spirit of the suggestion of the Joint Select Committee on this important question. The Government have given answers to the questions on this subject, put both in the Council of State and in this Assembly, and before I proceed further, I think, I should lay before this Assembly these answers on behalf of Government, so that Members may be able to understand what the Government's position really is on the subject.

Replying to the Honourable Mr. Sethna in the Council of State, the Honourable Sir William Vincent said :

'A Council of four would have been larger than was required for the province of Bihar and Orissa. On the other hand, if the composition adopted in the case of the Executive Councils of the United Provinces, the Punjab, the Central Provinces and Assam, had been adopted for that of Bihar and Orissa, the result would have been that in a Government consisting of five Members, there would have been only one European official, and it was not considered desirable that the European official element should form so small a proportion of the Government.'

On the same subject, Mr. O'Donnell, speaking on behalf of the Government, in this Assembly, gave a similar reply to Khan Bahadur Sarfaraz Hussain Khan, and said :

'If the composition adopted in the case of the Executive Councils of the United Provinces, Punjab, Central Provinces and Assam had been adopted, the result would have been, that in a Government consisting of five Members there would have been only one European Official, and it was not considered desirable that the European Official element should form so small a proportion of the Government. On the other hand, if the composition adopted in the case of the Presidencies had been adopted for the Bihar and Orissa Executive Council, that Council would clearly have been larger than was necessary.'

Then, I find in the proceedings that my Honourable friend, Mr. Samarth put a supplementary question. He asked :

'Arising out of that, Sir, may I ask whether the composition of the Bihar and Orissa Government is in conformity with the recommendations of the Joint Parliamentary Committee on the Government of India Act?' and Mr. O'Donnell replied : 'No, it is not strictly in accordance with the letter of the recommendation of the Joint Committee.' Mr. Samarth pressed the matter further in his second supplementary question and asked : 'May I further ask if it is in conformity with the spirit of the recommendation of the Joint Parliamentary Committee.' To which Mr. O'Donnell hesitatingly replied : 'I think so'.

Now, I have read out to the Assembly the recommendation of the Joint Committee and I am sure Honourable Members will agree with me that the constitution of the Executive Council of Bihar and Orissa is not in conformity either with the letter or the spirit of the Joint Committee's recommendation.

My Honourable friend, Mr. Braja Sundar Das, has put his case very ably, if I may say so, on various grounds including that of economy, and the question of economy in the case of a province like that of Bihar and Orissa is not one to be ignored or despised. Honourable Members will perhaps be interested to hear what Lord Meston's Financial Committee had to say on the situation of Bihar and Orissa in the matter of finance. They say :

'In Bihar and Orissa the Local Government is quite the poorest in India and very special skill will be required in developing its resources. Heavy initial expenditure lies in front of what is still a new province ; and there is a wholly abnormal want of elasticity about its revenues. We cannot advise that any share of the deficit should be taken from Bihar and Orissa in 1921-1922 ; and we expect that the province will be sufficiently burdened by having to work up to its standard ratio of contribution in the same period as the rest of India.'

This, then, is the position in Bihar and Orissa, for which reason Lord Meston's Committee recommended that the province should not be called upon to contribute towards the maintenance of the Central Government in the first year under the Reform Scheme. But, I put my case on a wholly different ground. I do not agree with the Honourable Sir William Vincent and Mr. O'Donnell, when they say that the constitution of the Bihar and Orissa Executive Council could be defended on the ground that as the Government of the province is mostly Indian, there being too many Indians in the personnel of the administration, that it is, therefore, necessary that there should be more than one civilian official on that Government.

I may inform my Honourable friends, that those replies of theirs have caused most profound dissatisfaction throughout the country and not only have the so-called extremist and nationalist, but even the most moderate papers have written on the subjects in terms, which perhaps the Honourable Members who gave those replies would not quite relish.

I shall read out an extract—a very short one—from a Madras paper called 'The Citizen', which is known to be a 'notoriously moderate paper. The paragraph which is headed 'The Cat in the Bag' is as follows :

'The truth is out after all. Sir William Vincent's reply in the Council of State to the question regarding the composition of the Executive Council of Bihar and Orissa reveals a state of official mentality which is repugnant to a degree. It is now admitted that four Members would have been too much for the province ; on the other hand, if only two Members had been appointed, one Indian and one European, the Executive Government would have consisted, including the Ministers, of four Indians and one European and 'it was not considered desirable that the European official element should form so small a proportion of the Government'. Would the heavens fall if there were only one European in the Government? Why is this distrust of Indians? Even Lord Sinha is not above suspicion, and it is a thousand pities that His Lordship should have been led into this trap by designing persons. The price of having an Indian Governor is the violation of the clear recommendation of the Joint Select Committee regarding the equal proportion of Indian and European elements in the Executive Council. We place self-respect much above this kind of patronage of dubious generosity. If rumour speaks true, it is the gods on the Indian Olympus that insisted on this device if Lord Sinha's elevation to the Governorship was to be acquiesced in by them' ;

and so on and so forth.

I need not inflict upon this Council passages from other papers which may be dismissed as Nationalist or Extremist, and I have taken up the time of the Council so far to show the amount of feeling which this question has evoked. Now, I said in my opening observations that this question interests the whole of India and not only Bihar and Orissa. The point is this. We hope—we earnestly hope—that before long there will be more than one

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Indian Governor in this country. I knew this Council at a time when there was no Indian Member of the Government of India. Then came Mr. Sinha—now Lord Sinha. I saw here two years back two Indians as Members of the Government of India. Now we see three Indians as Members of the Government, and I hope before long we shall see even more than three. We also earnestly hope that Lord Sinha's administration will be so successful that it will induce His Majesty's Government to have more than one Indian Governor. But then the question is this. Are we to understand that when there is an Indian Governor in a province, he will always have a Council of three, of whom two will be European officials as a counterpoise to the Indian element? This is what was clearly indicated in the language used by Sir William Vincent. I do not know what he meant to convey. I hope he did not mean that. He is here, and I hope he will give us some explanation that will satisfy us that he meant to say something else; but, taking the words as they stand, the implication is quite clear. So this question is of great interest to the whole of the country and not only to Bihar and Orissa. I think it amounts, in my opinion, to use the most moderate language, to a grave and serious reflection upon a gentleman of Lord Sinha's position, that even he, as the Governor of a province, should not be trusted to keep the balance even, and to be impartial to Indians and Europeans alike, and that, therefore, it is necessary to have more than one European as a counterpoise; this distinctly is against the proposal of the Joint Committee. I do not think, Sir, I shall be justified in taking up the time of the Council any farther, and I think, it is so clear a proposition which the Assembly has before it, that I hope it will be unanimously adopted.

**Khan Bahadur Sarfaraz Hussain Khan:** Sir, far be it from me to raise a racial question.

My chief point is that when the work of the Government of Bihar and Orissa was lately carried on by three Members of the Executive Council—work which has now been divided among five Members, *viz.*, three Members of the Executive Council and two Ministers—the same work can be carried on by two Members of the Executive Council, and two Ministers, without any detriment to the successful working of the Local Government of our province.

Had our province been a rich province, there would have been no urgent need for the moving of the Resolution. But as our province is poor, so much so that we cannot have our University inaugurated for the mere inability of our province to finance the scheme, and the refusal of the Government of India to come to our rescue, we have every justification in asking for the reduction of one Member of the Executive Council. Sir, it is not that we ask for the reduction just now. What is asked for is, that when the senior Member of the Executive Council retires, the vacancy caused may not be filled.

The reply given to my question put in the meeting of the Legislative Assembly held on the 15th February 1921 has already been read by my Honourable Colleague, Mr. Sachchidananda Sinha, and I need not repeat it. I hope to be pardoned if I speak out my mind freely. The answer given to my question conveys an impression to the Indian mind that Indians, howsoever high-placed they may be, do not quite enjoy the confidence of officials in



this country. In the very interest of Government, I say that this impression in the Indian mind should be removed.

Sir, after the momentous declaration of policy made in the announcement of August 1917, distrust must give place to confidence. It may not be out of place to point out here that distrust begets distrust and trust, trust.

I have got nothing more to say. All I need say in conclusion is, that what I say is what every Indian feels.

**The Honourable Sir William Vincent :** Sir, the subject of this Resolution has been already agitated more than once in questions both in this Assembly and in the Council of State. I have attempted to explain the reasons for the action of Government in the Council of State and Mr. O'Donnell has done so here. The result is this article quoted by my Honourable friend behind—'The Cat in the Bag'. I should have thought the author meant really the Cat out of the Bag—not in it. But if the suggestion is—or if the accusation against me is that I put the plain facts and told the simple truth to the Assembly, well then I must plead guilty and I hope that in that respect, in letting the cat out of the bag and in putting plain facts before this Assembly and the Council, my conduct will always meet with the approbation of this Assembly. The Assembly does not want me to keep information back, I presume. What is the Honourable Member's desire?—that I should put forward some specious or untrue or plausible explanation? I tried to put facts simply as they are. The answer however was obviously not accepted for I received immediately afterwards notice of six different Resolutions. I think the Honourable Members intended to make quite sure that one at least of them would succeed in getting a day for their Resolutions in the ballot.

All I can do now is to endeavour to amplify the answer that I gave in the Council. In the Montagu-Chelmsford Report, the proposal is, that in an ordinary province, there should be two Members and two Ministers and in addition to that they suggested, that there should be in those provinces two extra officers, *quasi*-Members without portfolios, so as to secure some European representation in the Council which otherwise would have consisted of five Members, four of whom would be Indians and one a European. Well, that—for various reasons into which I need not enter now—that proposal did not meet with approval. It was criticised both by the Local Governments and the public and was turned down.

I was one of those responsible for originally suggesting it. But I quite acquiesced in the criticisms and I felt myself that it was not a proposition that could be supported. Then, we come down to the Joint Committee recommendation which said that if there were two European officers in the Government, then, there were to be two Indians. The Joint Committee, however, viewed this case from a very different aspect, and the necessity for increasing the number of Indians was in their minds rather than the question of the number of Europeans. The paragraph runs as follows: 'If in any case the Council includes two Members of service qualifications neither of whom is by birth an Indian, they think that it should also include two non-official Indians'. What is the position in Bihar? The Government there is a joint Government of six Members of which four are Indians, and if the Honourable Member's proposal is accepted, there would be four Indians and one European. Now, since the foundation of the Bihar Government, there have always been two European Officers with administrative and executive experience, and we

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thought, rightly or wrongly, that it would not be desirable suddenly to reduce the number of these officials with administrative experience down to one. The Governor of Bihar and Orissa has rendered conspicuous services in public life and I desire now to repudiate any suggestion that the Government of India or any Member of the Government of India has not the fullest confidence in him. Indeed, we all regard him as one of the most eminent men in this country; and the suggestion which has been made that the policy of the Government was undertaken is in order in any way to depreciate His Excellency Lord Sinha, I am glad to have an opportunity of publicly repudiating in the most emphatic manner possible. The position is simply as I have told the Assembly. There was a Government there of four people, three being Europeans with administrative experience. There are large European interests in the place—the province includes as every one will know, large collieries, large planting industries and other industries of the same character,—and for that reason, the Government thought it was advisable as a temporary measure to retain the two European official Members of Council, meaning to revise that procedure as soon as the Honourable Mr. LeMesurier retires, which will be in 1922. When, owing to Reforms, we were making great changes in the administration of the province, we did not desire to break away too rapidly from the old traditions. Honourable Members will remember that this is not a small province. It is a province of 35 millions of people with extraordinarily complicated problems constantly arising, as I think, my Honourable friend behind me will bear me out. We believed that there would be a considerable increase of work with the introduction of the new system of Government. From old times, the province has been governed by a Government consisting of three Europeans, as I have said, and we were unwilling at the moment suddenly, at the introduction of the new system of Government, before we knew how it would work, before we knew anything about it, to reduce the European official element to one. It has been suggested—perhaps ‘suggested’ is not too strong a word—a sort of suggestion at any rate was made that this appointment of two European Official Members of Council was in contravention of Lord Sinha’s wishes: that Lord Sinha did not want it. Now, I am authorised to say that this arrangement was come to with the approval of Lord Sinha, and that he himself did not want, in the beginning of his term of office, to change the existing arrangement, always with this proviso that this was understood to be as a temporary arrangement. I am glad to say, that there has been no suggestion made here in this Assembly that this step was taken solely in consideration of the interests of the Indian Civil Service. I am grateful to my Honourable friend, the Honourable Mover, that he did not suggest this. And, indeed, there would have been no ground for it. For, if one of the Civilian Members had not been re-appointed when the Reforms came into operation under section 26 (a) of that Act the Member so retired could have claimed compensation from the Government, he would, therefore, have been in the same position whether he was kept on or whether he retired.

Another point was made, and that was an argument addressed on the score of poverty. Well, the province is a poor one, and I entirely admit this. But that hardly justifies the Honourable Mover of this Resolution in supporting the present proposal by the argument that the contribution given by the province to the Government of India is more than it can bear. For, I may

inform this Assembly, that the province of Bihar and Orissa makes no direct contribution at all to the Government of India.

**Rai S. C. Sen Bahadur :** Sir, I beg to support this Resolution. The Resolution, as it is worded, appears to be a mild one, and it appears to me that a part of it has been made clear by the statement of Sir William Vincent. The Resolution does not say that the existing arrangement should at once be disturbed. What it says is this, that for whatever reason the present arrangement has been made with regard to the Executive Council of Bihar and Orissa, let this arrangement continue until Sir Walter Maude retires or takes leave with a view to retirement. So that the Resolution, as a matter of fact, does not claim any immediate change in the constitution of the Executive Council of Bihar and Orissa. It has been admitted that the province is extremely poor; and on account of the poverty of the province, and the difficulty of expanding the revenue, the contribution to the Central Government by the Bihar Province has been excused at least for the first year by Lord Meston's Committee. So the question that this Assembly has to consider is, whether in view of the poverty of the province and in view also of the difficulty of expanding the resources of the province, it is not desirable that the strength of the Executive Council should be reduced by one at the earliest opportunity possible. I submit, that this is the main question. The work of administration in this country is going on increasingly unwieldy, and there ought to be some step of putting a stop to such unwieldy expansion. Now, before the introduction of the Reforms, the work of Government in Bihar used to be done by three Members of the Executive Council. Now, there are two Ministers we must have two Ministers under the law. The work of the Executive Council has been divided and thus a considerable portion of the work has devolved upon the Ministers. Therefore, it may certainly be assumed that one of the Members of the Executive Council may be reduced. So, I beg to ask the Council to consider whether it is not desirable, when Sir Walter Maude retires or takes leave preparatory to retirement, that his place should not be filled up. It is not a question of race that I wish to raise. It is a question of efficiency no doubt, but it is also a question of necessity of there being three Members. I submit that two Members ought to be quite enough, and two is, according to the policy of the Reforms Scheme, the normal strength of the province of Bihar and Orissa. With these few words, I beg to support the Resolution.

**Mr. N. M. Samarth :** Sir, it has been conceded by the Honourable Mr. O'Donnell in his answer to one of the supplementary questions which I asked, that this arrangement in regard to the Government of Bihar and Orissa is not in conformity with the letter of the recommendation of the Joint Parliamentary Committee. When I further asked him whether it was in conformity with its spirit, he said 'I think so'. I venture to think, Sir, that he is not correct there.

The Government of India, after the original recommendation of the Joint Parliamentary Committee which was read out by my friend, Mr. Sinha, again represented their view against the view of the Joint Parliamentary Committee. I was there in England at the time, and I know that the Joint Parliamentary Committee in the report which they subsequently issued, emphatically reiterated their previous view and said, that they were not going to agree to the recommendation of the Government of India in this matter. Now, Sir, whether the present arrangement in Bihar and Orissa is or is not in

[ Mr. N. M. Samarth. ]

conformity with the spirit of the Joint Parliamentary Committee's recommendation is an easy question to answer, for any one who knows the scheme of the Reform. What is the scheme of the Reform? The Governor in any province is the arbiter between the two wings of his Government, the Executive Council on the one hand, and the Ministers on the other. Whether he is an Indian or a European is a matter of absolutely no concern whatever. Why is it that we, who asked for an equality of representation in the Executive Council for Indians, were so keen on it? Our ground was this: 'You are going to introduce dyarchy in the provinces. We admit, that it is the right scheme at the present moment, but dyarchy postulates reserved and transferred departments, and with regard to reserved departments, the popular assemblies, the Legislative Councils in the provinces, will have hardly any effective voice. They may pass their votes, but the Governor and the Executive Council may pounce upon them and say that the grants are necessary for the safety and tranquillity of the province, and consequently they will have no effective control over the reserved departments. It is, therefore, necessary that in the new Executive Councils there must be an equality of the Indian and European elements.' That point was conceded by the Joint Parliamentary Committee, and in accordance with it, in spite of the representation of the Government of India to the contrary, that Committee reiterated emphatically their considered opinion that they could not deviate from the basic principle of the scheme, namely, that in the Provincial Executive Councils there must be an equality of Europeans and Indians. In the major provinces, the Governments here asked that the two Europeans must remain. The necessary consequence of that was that there must be two Indians in those Executive Councils thus giving effect to the Joint Parliamentary Committee's view, the letter as well as the spirit of their recommendation, I say, namely, that there must be an equality of the European and Indian elements in those Executive Councils, so that, so far as the reserved departments are concerned, they will have an equal voice. The Governor, whoever he may be, whether an Indian or a European, will act as an arbiter between the two wings, the Ministers on the one hand and the Executive Council on the other. I say, again, that I am very sorry to say that there has been in the case of Bihar and Orissa, a departure, not only admitted from the letter, but also from the spirit of the Joint Parliamentary Committee's Report.

**Lala Girdharilal Agarwalla:** I have heard with great interest the reply given by Sir William Vincent, but I fail to understand what harm may be done if there is only one European Member in the Cabinet of the Bihar and Orissa Government. I find from the Budget which has been presented, a copy of which has been laid here, at page 7, the strength of the Army in India, and I find the heading Royal Air Force. In that Royal Air Force there are 247 British officers, and other British ranks number 1,964. The next column is for Indian officers, and that is left blank, so that not a single Indian is required to fill the ranks of British officers in the Air Force. When we can go on with that, I fail to understand why the Government of Bihar and Orissa will suffer seriously if there is only one European gentleman. I do not want to draw any racial distinction between Europeans and Indians, but what I mean to submit is, that the recommendations of the Joint Parliamentary Committee should have been followed. I did not follow very well what my Honourable friend, Sir William Vincent, said when he said, that

'the statement is true', whether he meant to say that the statement made by the Honourable Mr. Sinha was correct, or the other statement. Mr. Sinha said, that this makes a sort of reflection upon the Indians, and it gives rise to an idea in the minds of certain people rightly or wrongly that the Indians are not trusted. I do not know what the Honourable Home Member meant by that. I submit, that the Resolution is one which should be adopted, and I beg the Honourable House to adopt it as the correct view of the Indians.

**Mr. B. Venkatapatiraju :** Sir, I congratulate the Honourable Sir William Vincent on his candour, but he cannot escape the consequences. He says, that he has let out of the bag a cat, but I can assure him, that he has let another cat out of the bag. We were hitherto considering whether it was absolutely necessary that four Executive Members should be appointed in the major provinces, and we suspected that it was evidently due to a desire to keep two more civilians in office. Sir William Vincent has confirmed our suspicion by stating that 'Because we cannot provide these two civilians elsewhere, therefore we are providing for them in Bihar.' Sir, it is said, we should not make any racial distinction. Then, what is the necessity of employing two European officers, on the sole ground that they are Europeans leaving out other questions. Have they no sufficient confidence to leave the administration in the hands of Indians? That is exactly the complaint to remedy which the Reforms came in, and after the Reforms came in, why should the same spirit of distrust continue? Does it make any difference in their mind if, instead of Lord Sinha presiding, some European presides as the Governor? The Honourable Sir William Vincent says, that 'we have got the highest regard for him and we do not make any difference.' Then, why this difference here? I earnestly appeal to the Assembly, that in order to show that not only Bihar but all the provinces unanimously feel on the point, they must unanimously support the Resolution.

**Mr. E. L. Price :** Sir, if I intervene in this debate, probably to the surprise of many Members here, it is only that I may put another point of view. We have had it from the Honourable Sir William Vincent that the arrangement for the constitution of the Provincial Government of Bihar and Orissa—personally, what it was before I do not know, really, what it is now I do not particularly care—it is the province's own business, if they do not like it they will probably get it altered,—but we have had it from the Honourable Sir William Vincent that the present constitution of the Government of Bihar and Orissa is as Lord Sinha desired it.

Now, Sir, Lord Sinha is the first Indian Governor and I do say, that an observance of the laws of cricket ought to impel this House and everybody in India to give him a fair chance and to leave him alone to run his own show with a minimum of outside criticism. It is extremely distasteful to me to hear speech after speech all based on some racial idea. You have got one Indian Governor in India as yet. He has got the Government that he desired. He is doing his best, and I wish him godspeed. And I do appeal to this Assembly to play the game and leave the Government of Bihar and Orissa alone, to let them *drée their own weird*, play their own hand, and make it a success, without interference from this Assembly.

**Babu Braja Sundar Das :** I have listened with deep interest to the debate. The Honourable the Home Member has admitted two points. The poverty of the province is admitted and it has also been admitted all through,

[ Babu Braja Sundar Das. ]

that the present arrangement is a temporary one and to this temporary arrangement the Indian Governor has assented. The Home Member did not say that it was a permanent arrangement and that Lord Sinha was a party to the permanent arrangement. He said, that as a temporary measure Lord Sinha agreed to having two Civilian Executive Councillors for one year.

**The Honourable Sir William Vincent :** May I rise to make an explanation ? I do not think I said it was for a year.

**Babu Braja Sundar Das :** Then I am mistaken. I think I heard him say that. Whatever it be, he assented to it as a temporary arrangement. Here the Resolution does not require the reduction in the number all at once. The Resolution asks that when the senior civilian councillor retired, it may be after a month, a year or after two years, his place should not be filled up by another. That is the Resolution and my friend, Mr. Price, said that this should be left entirely to the Government of Bihar. The Government of Bihar can have no hand in the affair according to the provisions of the Government of India Act. They cannot have any hand in that. When the Governor of a province is appointed, the Government of India are consulted, but in the case of the appointment of an Executive Councillor, even the Government of India are not consulted. The Executive Councillors are to be appointed directly by the Crown. This is the difference that gives an enviable position to the Executive Councillors. They are in this respect in a better position than the Governor of the province. So the request is, that this recommendation be forwarded to the Secretary of State for India in order that he may advise His Majesty the King-Emperor that this procedure should be adopted in the case of Bihar and Orissa. I would rather say my friend, Mr. Price, is mistaken in thinking the choice should be totally left to the Government of Bihar and Orissa.

Another reason which was advanced by the Honourable the Home Member is this, that there is a planting community whose interests must be safeguarded. I ask what is their number ? Very small indeed. They are in the minority, and a Governor, be he an Indian or a European, when he is appointed, is charged with the sacred duty—that is an express recommendation in the Montagu-Chelmsford Report—of safeguarding the interests of the minority. On that score, therefore, my European friends and the planting community need not be afraid.

Then, again, the Honourable the Home Member says, that Bihar is a very big province with a population of 35 millions of people, so that there must be more men at the helm of affairs. I say that the United Provinces has a population of 50 millions and they have only two Executive Councillors and two Ministers. If the demands of that big province, a more advanced province, can be supplied by two Councillors and two Ministers, why cannot the demands of the more backward province of Bihar and Orissa be satisfied with two Executive Councillors and two Ministers ?

Of course, as to the racial question, I did not refer to it in my speech in that way. I simply said, that it is not in keeping with the spirit of the declaration which was urged in the first clause of his Resolution by my friend, Mr. Jamnadas Dwarkadas, and which was accepted by the Government that

there should be racial equality and almost all Indians would be thinking it strange that the acceptance of the declaration of that policy should come on this very day, the 15th of February, when the reply was given to my friends' interpellations on the Bihar Council question. That is what strikes me and what strikes all of us. Therefore, the request that I make is a very simple one; and I think the Government should accede to our humble request.

**The Honourable Sir William Vincent :** Sir, I am very anxious, that there should be no misunderstanding on one point and, that I should not be subject to any imputation subsequently of having misinterpreted Lord Sinha's wishes in this matter. I will, therefore, try to make the position clear. What the Government of India intended was, to retain two Europeans with actual administrative experience in this Council of Bihar and Orissa until the matter was re-examined on the retirement of Mr. LeMesurier. I do not think, I should be justified in saying that Lord Sinha definitely concurred in that, though I might be justified in saying that it is very likely he would concur in this proposal. We merely asked him about the question of the appointment of two European Members when the reforms were inaugurated and I will read his answer, because it is most important that the Government of India should not in any way misrepresent him. We asked him whether the question had been discussed with him, and he said :

'The question was certainly discussed between me and the Secretary of State and I agreed that the existing arrangement should not be disturbed at any rate for the present. Above with reference to your telegram.'

Now, I believe, I placed the contents of that telegram accurately before the Assembly before. At any rate, it was my intention to do so, and I have now read it out *verbatim*, so there is no room for misapprehension, I hope. Our simple position is this,—that in the initial stages of these reforms, until we know something of how they are going to work, it is advisable to retain more than one officer with some experience of administration. That is the simple question for this Assembly. In the other provinces there is more than one officer with experience of this work. If you have only one such officer, well then you do come to a Government in the end of one European of administrative experience and four Indians, not one of whom has ever been through the mill of administration. It was, therefore, that during the initial stages of the reforms and until we had experience of the working of the new system, that we sought to retain the present arrangements. Mr. Samarth said, the whole scheme of equality in the number of Members of Council was based on the fact that the Legislature had no power over the Executive Government in regard to certain subjects. He said, 'We really can do nothing. Why, the Governor can certify this or that, and the Legislature have nothing to do with reserved subject'. Believe me, Sir, that my experience of these new Legislatures does not confirm that opinion. I believe, many here will agree that this new system has given the new Legislatures, both here and in the provinces, very much more power, both in regard to reserved and transferred subjects, than was ever contemplated by the authors. The safeguards, the so-called reservations, are of such a character that it would be impossible—indeed wrong—to use them save in the gravest emergency, and, practically, whether it is right or wrong, the Legislature, both in the Government of India and in the provinces, will exercise the greatest amount of control over the Executive.

**The Honourable the President :** The question is that the following Resolution be accepted :

That this Assembly recommends to the Governor General in Council to transmit to the Right Honourable the Secretary of State for India the following expression of opinion of this Assembly with a recommendation that the Secretary of State be pleased to take action thereon and, if necessary, advise His Majesty the King-Emperor accordingly :

That when the senior civilian Member of the Bihar and Orissa Executive Council either retires or goes on leave preparatory to retirement, the vacancy so caused be not filled, and that the Bihar and Orissa Executive Council be thereafter composed of only two Members and not three as at present.

The motion was adopted.

## RESOLUTION *RE* INQUIRY INTO THE CAUSES OF NON-CO-OPERATION MOVEMENT.

**Mr. Muhammad Yamin Khan :** Sir, I beg to move the following Resolution :

'This Assembly recommends to the Governor General in Council to appoint a Commission consisting of three elected members of the Assembly, two elected members of the Council of State and two officials to thoroughly investigate the real or supposed grievances of the people leading to non-co-operation and to make recommendations.'

Sir, since I sent in this Resolution some other important Resolutions have been discussed in this House, and matters other than Resolutions have been discussed in the other House of the Legislature. But all the same, the position of the Resolution remains unchanged. My object in moving this Resolution is to clear the embarrassing situation for the Government and also for the Moderate party, and also to try to bring round the people who call themselves as non-co-operators again as co-operators. I have to congratulate the Honourable the Home Member on the speeches which he made on the Honourable Mr. Bhurgri's motion for adjournment in the Council of State and the reply which he gave on the Resolution of Mr. Jamnadas Dwarkadas here in this Assembly. It is said and probably believed by a majority of the people that the causes of non-co-operation are only two, as it has been put by a number of persons, and they are enumerated as the Khilafat question and the question of martial law as administered in the Punjab. But, Sir, what strikes my mind and what experience shows is that these are not the only two causes, but that there are a good many other causes as well. I have had the opportunity of meeting all kinds of Indian opinion, Hindus and Muhammadans, moderates and nationalists, villagers and people living in urban areas. I have, however, found that there has not been the slightest decrease in the excited mood which they had before the Honourable the Home Member's reply on these questions. My object in bringing up this Resolution is this. If we find that there are ten causes which are leading to non-co-operation, and if you remove one, nine still remain; if you remove two, eight still remain, and two new ones crop up and the same thing still continues. The situation does not change. If the Government seriously feels that the situation just at present in India is very dangerous and that it is not conducive to peace and order, then they must try to remove the real grievances of the people and to meet them all at once, and not one by one. If you meet them one by one, the situation does not change at all for the better; it is only if all the questions are taken together at once and something is done, then the Government and the people, at least the moderates, will be able to say that whatever the grievances were they have all been redressed. What we find, now, is that though these two questions were discussed at great length, the effect that has been produced, in fact stands at zero.



Then, Sir, there is another reason why I have moved this Resolution, and it is this. One member of this Assembly might feel that it is his duty to remove the grievances of the people of his own constituency, while another member may think in the same way and he may try to remove those grievances with which he is concerned. But this will not affect all the members. In order to take up the whole thing and to make one sustained effort with a view to find out from the people what really their grievances are, whether their grievances are genuine or otherwise, and to what extent Government can remedy them, it is absolutely necessary to appoint a commission. Some members from the Punjab by having a knowledge of the conditions prevailing in their own constituency think that only the Punjab question is agitating the minds of the people a good deal. Others think that it is the Press Act, or the Rowlatt Act, which is responsible for the unrest and agitation, while others might attribute the trouble in the country to the Khilafat problem. But if we deal with each of these items separately, the situation will still remain the same. Therefore, with a view to take all these questions in hand, simultaneously, and at once, it is necessary that a commission such as I propose should be appointed, both in the interest of the people as well as of the Government. At present there is great tension between the Government and the people, and no Government has ever been successful, and history bears ample testimony to this fact, to carry on its administration properly and peacefully until it has acted in conformity with the wishes of the people. I am not here to discuss whether the grievances put forward by the people are just or not. Government may have formed an entirely different opinion as to the genuineness or otherwise of the grievances; it may be in sympathy or it may be ready to redress them to some extent, if not to the extent demanded by the people. But the main question is that a serious attempt should be made to collect a list of all the grievances which the people of India are feeling to-day.

Then, Sir, with regard to the Khilafat question, I have to congratulate the Honourable the Home Member for the speech which he delivered the other day in the Council of State, and it has done a great deal to soothe the feelings of those who relied on the good offices of the Government of India. Of course, people had misunderstandings with the Government for a long time past, and Government have shown several times that they were doing their best to remove them, but what actually the Government were doing in that direction was not published. We of course knew that the Muhammadan feeling was represented in the League of Nations, but what was actually represented we do not know. The reply which His Excellency the Viceroy gave to the Khilafat deputation in Calcutta and the Honourable the Home Member's speech show that the Government of India have done a good deal, and that they have left no stone unturned. But we have to see what effect the efforts of the Government have produced in the public mind. Government may feel that they have done their duty and may sit quiet, while, in the absence of any publication of the activities of the Government, people think that the Government have not done their duty. If this state of affairs continues, the existing tension will go on increasing every day which, taking a deep root in the minds of the masses, might one day lead to anarchy. There is one thing which people to-day feel and I have had great opportunities to come into contact with all classes of people including the masses, they feel, in fact even the moderates feel, that there may be some justification for the attitude which the Government of India have adopted, but there can be no justification for

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the action of the Home Government as far as the Khilafat and other cognate questions are concerned.

That is why I propose this, Sir, as the Government of India may just feel satisfied with this point of view that they have done their duty and they do not want to do any more; and whatever lies out of their control they do not want to bother themselves about. But that is not the thing; that will not clear the situation. If the Government of India are really anxious that they should administer peacefully and carry on their work smoothly and in close co-operation with the people, then it is best to try and remove all kinds of misunderstandings and to impress on the minds of the people that whatever they could do they have done and to convince them that nothing further lies in their power. Now, Sir, what do the people of India think of the Government to-day? They think that they are the symbol and the representative of the Home Government, and whatever actions are done by the Home Government, by the Prime Minister and by other persons, the Government of India are held responsible. They do not know, they do not come in contact with, the Home Government; they have nothing to do with that. There is only one plain question before them, either we are to be governed by the Home Government or we are to be governed by the Government of India. If the Home Government wants to govern, then there should be proper representation of India in the House of Commons. That is the feeling. They are not content with having a Council of State and a Legislative Assembly. What they want is that, if the Prime Minister is going to take over anything, if the Home Government are going to decide questions concerning Indians and their feelings, then there should be proper representation in the House of Commons, or there should be a complete severance between the Government of India and the Home Government. These are the feelings which exist and which are taking root to-day in the minds of the people. I remember, Sir, just about the time when the Turkish Treaty was signed, I was talking to a Government official and he put the question to me—what will the Muhammadans do now that the treaty with Turkey has been signed? The matter is now finished. I answered we must go and see to the circumstances. We must see what causes there are and what will be the effect. The only thing which I could make out at that time was that a new movement would take place. Muhammadans have begged long enough and when their feelings are not cared for, the only remedy which lies before them is to sever their connection with Government. This has been talked about by nearly all the moderates who know what the circumstances are and how to proceed ordinarily. They have the belief that the demands should be proper and that responsibility should be thrown on the shoulders of those who are really responsible.

The Muhammadans have always been very thankful to the Anglo-Indian Press, to the Government of India and to the retired officials who represented their case in England, but all the prayers that were made fell upon the deaf ears of the Prime Minister. The whole question therefore is, whether the Prime Minister has to deal with questions concerning India, in the future, or not.

Now, Sir, I well remember in 1915 when a fund was started called the Special Indian War Fund and Lord Meston—he was then Sir James Meston—and was the Lieutenant-Governor of the United Provinces, came to my place,

Meerut, and asked for my assistance. Well, I promised Rs. 30,000, the cost of an aeroplane, from Meerut, and I said I would do my best to get that sum, and he announced it in his Durbar speech. When I told my friends what I had promised to do they began to laugh, and they even said that it was impossible to collect Rs. 30,000 in Meerut, but, Sir, I never lost hope. I called a meeting only in one small place and after I had laid the proposition before the people there, they promised Rs. 22,000. I found that at that time the people wanted to support the Government. The next meeting brought me Rs. 86,000 promised and the result was that about 1 lakh and Rs. 60,000 were collected from one district. I had an opportunity at that time of knowing what the feelings of the people were, and I found that they were zealous and wanted to support Government and they would do anything in their power to help Government. Every man brought something and showed that he was willing to do anything. This was the feeling in 1915. Then I found that that feeling went up to 1918. But if I were to go and try to collect something now on behalf of Government, I should probably find that a man would turn his back on me and walk away.

This is the state of affairs as they exist to-day, and my object in moving this Resolution to-day is to let Government know that, though they are hearing from people every day as to the situation of the country, the real state of affairs is not known to them. They cannot know what is really happening unless they come into contact with the people and talk to the people. And this is not only the state of affairs as far as Government is concerned, but it is also true of those people who want to co-operate with Government or who want to give sound advice to the people.

Then, Sir, take the case of the Honourable Mr. Sastri—and no one is more respected than he is in thinking circles.

But what fate did he meet at Bombay? When he tried for two or three days consecutively to persuade the people to listen to him they would not even listen. They knew what he was going to say and that was not very pleasant to them. If this sort of thing goes on . . . .

**Sir Jamsetjee Jeejeebhoy:** Sir, I have listened with a good deal of patience. May I rise to a point of order and ask how this question is relevant to the Resolution?

**The Honourable the President:** I think the Honourable Member's argument is relevant. The Resolution is drawn up in very wide terms.

**Mr. Muhammad Yamin Khan:** Sir, this thing goes on and we find that it is not abating but increasing. We find the school children, the college students, leaving their homes. The boys of to-day will be the men of to-morrow. They might grow up with these feelings. Then, what hope can we have that we shall see co-operation from these people whose tender years have been poisoned against Government? There is an Indian proverb—the words are Persian—it has been said very wisely:

*Ai salim ab-e-ze sar chashme ba band*

*Keh choo pur shud natwan bastan joe.*

It means that when a spring bubbles up it should be stopped at the time, for, when it begins to flow into a river, it will be impossible to stop it. This non-co-operation is only in its infancy now, and the remedy must come at once.

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But if the remedy is not applied and if it grows up, if the spring becomes a river, then there will be nothing to stop it—unless by bloodshed, which will be most unfortunate. I think, Sir, that with this object we must act at once. Of course, this Legislature cannot take any steps and cannot recommend anything until we know what real grievances the people really have, and how they can be redressed. Whether the Government finds itself in a position to redress them or not, whether the grievances are spurious or real and genuine, these are things which cannot be decided in a day not by any single individual, but this can be ascertained by a Commission, by a small body which will go through every village, every city and study every shade of opinion. I do not mean exactly that they would go to every particular village, but they must go into the remotest corner of a village and they must find out the feelings of the uneducated, as well as those of the highly educated, man. Villagers might be feeling quite differently to educated people. The educated man might be thinking something else. The Press man might be very glad that the Press Act has been removed from the list of Statutes, but it will not console a bit the man who is concerned with the Khilafat. People in the Punjab might be concerned with one thing and people in Madras with another. What I mean is, that we must try to bring the nationalists also into the same paper. We cannot let these things remain as they are. Things have come up, and we have seen some very sorrowful things indeed. Dead bodies have met all kinds of indignities; we have seen that living persons have been jeered at. All these things will go on and will continue. People will be boycotted. Some will be hooted if they will try to persuade the people or to give them good counsel.

The other cry is coming up for Swaraj. Swaraj is nothing but this movement only. Though the Government of India may say that they are actually doing their best, what responsibility have they got? The Home Government do not treat their views and the feelings of the people of India with respect. They are showing a callous disregard of all the representations, to everything which is said by the people, even by English people themselves. People are asking the question that, supposing any movement had come up in England in the same gigantic dimensions as this Khilafat question to-day, would the Prime Minister sit quietly? He would not. He would say to the English people: 'Yes, I will consider it'. Because he will not be the Prime Minister the next day if he did not accept to do that. Here, Sir, whatever these millions and millions of men may say what does it matter? The Government of India might be feeling all the burden. But it has become unpopular. It is between two stones—one the people, because the Government of India is unable to get what the people want from the Home Government. And at the same time, there is another stone which is sitting in England and which is crushing them, because they are not listening even to the Government of India's representation. That is making the position of Government very difficult. In order, Sir, to put concisely into a nutshell what the real grievances of the people are there must be a Commission which will recommend to the Governor General, and the Governor General will make such representation as he thinks fit to the Home Government.

My object, Sir, in putting down the personnel I suggest is this. I suggest that the Commission should consist of three elected members of the Assembly, two elected Members of the Council of State and two officials. Sir, when we

want a Commission to investigate the causes, I thought we must have people of different views in that Commission. I thought that this Assembly, which is a representative Assembly and which is constantly in touch with the people and their views, should have three members on the Commission, one a Muhammadan gentleman, one a Hindu gentleman and one elected Englishman. This would safeguard its being well represented. Then, Sir, as regards the Council of State, there are some people in the Council of State who are experienced, and who have been in the Council for a long time. Out of them I suggest two members being appointed, one Muhammadan and one Hindu. As regards the two officials, one Englishman and one Indian, or both Englishmen or both Indians, be appointed as the Governor General pleases. But if a Commission is appointed in this way it will certainly have the confidence of the people . . .

**The Honourable the President :** The Honourable Member has already exceeded his time.

The Honourable the President read out the Resolution\* and then called upon Mr. Ginwala to move his amendment.

**Mr. P. P. Ginwala :** In moving this amendment 'that after the word 'non-co-operation' the words 'in India and non-participation in  
4 P.M. Burma' be inserted,' I have two objects in view, but the desire that either the Resolution or this amendment should be carried, I may tell the House, is not one of them.

First of all, following the very laudable example which has been just set by the Honourable the Home Member, I wish to place a few facts plainly before the House in connection with this question of non-participation in Burma, so that he may verify his impression, if he so wishes, of what is taking place in Burma,—an impression derived from blue books, despatches, press communiqués, — in the light of facts that may be placed, rightly or wrongly, by somebody who claims a personal knowledge of the affairs of Burma for the last 16 years. I also wish to take this opportunity for disabusing the House on one very important point. It has been suggested that this movement of non-co-operation, of which we have heard so much in India, is the same thing as what is called non-participation in Burma. I assure the House that there is not the slightest justification for the suggestion—that has often been made in quarters which ought to be better acquainted with the facts—that it is the outcome of non-co-operation in India.

This non-participation movement in Burma is entirely, I should say, a protest against what the Burmans believe to be the treatment they have received in the matter of the reforms, from all departments of the Government, from the Secretary of State down to the Government of India and the Government of Burma. That is one aspect of this non-participation movement. The second aspect is, that it is a protest against the present policy of the Government of Burma in many directions. It has nothing to do with Mr. Gandhi's spinning wheel or his soul force or any other fantastic thing. It is purely and simply a condemnation of what Burma considers to be a manifest injustice, and is a concrete protest, as I have said, against certain aspects of the policy indirectly connected with the reform question.

First of all, I must tell the House—I assume, Sir, that the House knows at least as much as the Government does about Burma, but if I tell them

\* *Vide* page 628 of Debates.

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something which they already know they will pardon me. They would remember that Burma was excluded at the very outset from Mr. Montagu's political pilgrimage, and I was astounded to hear the other day that the Government of India supposed that, because it would have been inconvenient for India, Burma ought to have been excluded. That was the reason given by the Honourable the Home Member, among other reasons, in the other House. Sir, that is what Burma protests against. If the reforms were not to be given then and Burma was to be kept for separate treatment, then we ought to have got separate treatment, but not in the way in which that treatment has been meted out to Burma. This mission never came to Burma. They saw half a dozen or a dozen men who were selected—I do not know by whom—and who went and saw the Secretary of State and His Excellency and had some interviews at which they were able to satisfy both His Excellency and Mr. Montagu that Burma was not India and that Burma ought to have separate treatment. We understood at that time that that meant that on some subsequent occasion some inquiry would be made to find out what sort of constitution was to be given to Burma.

Just at this time when the announcement was made, there was a change in the office of the Lieutenant-Governor of Burma, and just at the crucial moment, Sir, when we had, and required on the spot, a Lieutenant-Governor who was familiar with the conditions of Burma, who was popular in Burma, who understood the Burmans, we were deprived of him. Another Lieutenant-Governor was sent out who was an exceedingly good administrator, but was only an administrator. He had no opportunity at that time of acquainting himself with Burma with that degree of precision, which was required in the investigation of a subject which was going to affect the future of Burma. The present Lieutenant-Governor was deputed, as we were told the other day by himself, to prepare a scheme for Burma. When we were told, Sir, that we were going to get separate treatment, we understood that a scheme was to be prepared in the same way as it was prepared for other parts of India. But it was prepared by him. I need not detain the House over that scheme. It was not a scheme of reform at all, Sir. Indeed, if I may say so it was, in the thin disguise of reform, but was nothing but an accentuation of the present personal form of Government. It pretended to confer responsibility upon the people, but it really amounted to the concentration of all responsibility in the hands of those very persons who have it now, and I say that to that extent it was dangerous. That scheme, let me tell you, Sir, was condemned. It was condemned all round. Of course, speaking as a Burman, though I happen to be an Indian, I say it was condemned in a mass meeting. It was condemned in all Burmese newspapers. At one meeting alone there were present 8,000 Burmans and some Indians and Resolutions of protest were passed. Burmese women were present. Burman priests were present. On that occasion the meeting was so crowded that they had an overflow meeting and all condemned the scheme. The Government, Sir, said that was not an expression of public opinion because some Indians were present and some what were called young Burmans were present, who had engineered the movement. But about that time another meeting was held to which, I am sorry to say, Sir, people were asked to attend by invitation. No programme of the meeting was published and Resolutions approving the scheme were passed. Subsequently we were told that two memorials had been signed approving the scheme, and when we

asked for the names of the gentlemen who had signed the memorials, the names were not given. It was suspected that they were the very gentlemen who had attended that meeting. That was openly stated and there was no denial. Those gentlemen were considered to have represented public opinion in Burma, whereas a meeting at which 8,000 people assembled and at which Resolutions were passed condemning that scheme was considered not as an expression of public opinion. That, Sir, is what Burma resents. That is what has led to this non-participation movement. That is one of the reasons, and the result is, Sir, that there is not one Burman here to represent Burma in the sense in which a Burman alone can represent Burma. I have considered myself a servant of Burma, but my representation can never amount to a representation of Burma by a Burman.

They said that these reforms were not to be applied to us. We were going to have separate treatment, but when it came to providing representation for the Burmans on this Council the rules made under your Reform Act, Sir, were made applicable and there is no electorate, so far as this Assembly is concerned at present; at least if there is, it is certainly not the electorate that was intended to be given. The Burmans resented it and that was the reason why the Burmans did not take any part in the last elections.

(At this stage Mr. Sinha took the Chair.)

But, Sir, to that is now to be added the continuous folly of supposing that you can govern a country or any province merely by principles. I am referring now to the trouble which has arisen over the 'boycott of schools and the University. Now, Sir, it is very unfortunate that in the whole world the Education Department is often in the hands of people with what is called a Socratic temperament. They would rather drink the hemlock and die than budge an inch from a principle which they consider to be good; and that, I say, is the principle on which the present policy of the Government of Burma in connection with education is conducted. The schools went on strike. What was the reason? There was no question of this nonsense of national education of which we hear so much in India. In a Buddhist country you would expect that all schools, especially if they are aided schools, would be closed on Buddhist holidays. One of the schools was not closed, and some of the boys took what is called French leave. Well, I do not say that they did right from the abstract point of view, but certainly I say they were justified, because they were in their own country and they were entitled to have their day's holiday on their religious festival. All these boys were fined, some extra fines were asked for. The boys refused to pay. Of course, Socrates will take his hemlock, but his principle is to be accepted and they persisted in claiming these fines. The result was that within a fortnight every school was denuded of all the students except perhaps the sons and relatives of Government officials and others whose duty it was to keep up the prestige of the school.

Take the question of the University, Sir. There also the Burmans have been told that they were going to have the best University that you can create. Well, Sir, we all know that a residential University and a unitary University is the best that you can have. But it was not necessary to persist in establishing on principle this one form of University, when the Burmans said that, so far as they were concerned, they did not think that it would suit their conditions. They did not say, Sir, 'Give up this University altogether'. They said, 'Make it possible for us, so that in years to come,

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say in 10, 15 or 20 years, we may get a college affiliated to the University. It was admitted that there was not the slightest possibility of any college being started for 15 or 20 years, but the concession was not made. And the result was that the University started on its career with a complete boycott at the beginning. Then came the Regulations. The other day I asked a very simple question of the Honourable Member for Education and I expected a very simple answer from him. I asked him . . .

**The Deputy President:** Order, order. The Honourable Member's time is up.

**Khan Bahadur Zahir-ud-Din Ahmed :** Sir, I support the Resolution moved by my friend Mr. Muhammad Yamin Khan. I belong to the Dacca Division and it will surprise the House when I tell them that the Mussalman population there is 8 millions, and I know their minds more or less. You would not believe me if I were to tell you here what I know. The best course would be for the Government to accept a commission in order to ascertain the views of Mussalmans in time. If you do not satisfy the Mussalmans now, you will not be able to satisfy them afterwards ; just as what would have satisfied Irishmen some years ago is not satisfying them now. There is a Persian verse which runs :

‘ Agar bini a nabinao chah Ast,  
Agar khamosh bini gunah Ast.’

which, when translated, means that when you see a blind man approaching a well, if you remain silent you commit a sin. Now that is the position. I speak out because by remaining silent I should be doing an injury and not a service to Government.

**Mr. F. McCarthy :** Sir, I only rise to make a few remarks with reference to what has fallen from Mr. Ginwala. I shall be very brief, for I fancy this Assembly had has quite enough of Burma for one day.

Mr. Ginwala spoke of the non-participation of Burmese in the elections to this Assembly. But Mr. Ginwala has no reason to complain on that score, as but for that non-participation he would not be here. He has painted, as far as I could follow him, a picture of a reactionary administration, deaf and blind to every sign of the times. Through all the time that Mr. Ginwala has spoken about he was a member of that reactionary administration, retiring from it only on the eve of leaving Rangoon to take his seat in this Assembly. He gave you an account of the history of the school strike, the college strike, the general non-participation in Burma. As I said before, you have probably heard enough of Burma for one day and I shall not go at length into these matters. I will merely say that his account of the facts is a very partial, almost fantastic, version of the whole story.

(The Honourable the President here resumed the Chair.)

I submit, Sir, on general grounds that this is not the place to discuss Provincial subjects. In the first place, it is not fair play to a Provincial Government to criticise it when it is not able to reply. It can give as good as it gets in its own Council. I will not discuss the Burma Government here, but as the question has been raised, I simply state—and I think my friend (Mr. Ginwala) will allow I have had at least as ample opportunities as he of forming an opinion—that no Government could be more anxious for the



welfare of its people, more eager for co-operation, more desirous—if I may use a modern hackneyed expression—of exploring every avenue towards conciliation. Signs now point to the *rapprochement* of the administration and the people.

On general grounds I object to the Resolution itself, although I shall not say much about it beyond this that to me the belief in the efficacy of commissions is pathetic.

With regard to Burma this Resolution and amendment would do no good and might possibly do a great deal of harm by delaying the re-establishment of the cordial, almost affectionate, relations that have existed for generations between the administration and the people.

**The Honourable Sir William Vincent:** Sir, in addressing this Assembly on this Resolution I am a little more hopeful of a successful result than I was on the last motion. I hope I am not unduly sanguine, but really this is a Resolution which it is easy to meet from the Government point of view. At the same time I am oppressed by minor difficulties, largely because the discussion has covered such a very wide field. At one time, like the Honourable Member opposite, I was at a loss to discover the connection between the subject-matter of the Resolution and the Honourable Mover's speech; and he added to my difficulties by congratulating me on my benevolent intentions on what Government had done, so that it seems a little ungracious of me to criticise his attitude, and I hope that Members of this Assembly will pardon me if I find it necessary to do so. A fresh difficulty is added by the Honourable Mover of the amendment who opened his speech by admitting that his amendment had nothing whatever to do with non-co-operation at all. It relates to an entirely different movement. Well, Sir, I feel that if this is so, this Assembly might have been treated with greater fairness, and the Government with greater consideration, and that when an Honourable Member wants to move a Resolution on an entirely different subject, he should put it before us fairly and frankly in a separate Resolution and not attempt to tack it on to another Resolution with which, as he himself admits, it has no possible kind of connection. The amendment really was, if I may say so, a ruse on the part of the Honourable Member to put up before this Assembly a number of Burma grievances, chiefly relating to the reforms with which we are only indirectly concerned.

And here, I shall refer again to the terms of the Resolution as amended; the proposal is to appoint a committee of non-officials and officials to go into certain real or supposed grievances of the people leading to non-co-operation and non-participation. Now, Members of this Assembly are aware that during this month the Secretary of State proposes to introduce a Bill for the Burma Reforms Scheme, and I put it to them, as practical men of business, would there be any sense in establishing a committee of three non-official persons, etc., and embarking on an investigation into the Burma Reforms Scheme at the very time when a Bill is going to be introduced? Further, is it a matter on which the elected Members of this Assembly are competent to express any opinion of value? Have they any special knowledge of it? I submit there can really be one answer to that question.

Now, I turn to what is the real subject of the Resolution of the Honourable Mover, *viz.*, the causes that have ever been assigned for this non-co-operation movement. The three causes of which I have ever heard are (1) the Khilafat question, (2) the Punjab, and (3) the desire for immediate self-government. Well,

[ Sir William Vincent.]

what is the point of appointing a committee such as the Honourable Mover proposes on this Khilafat question? It is to visit every village, we are told, inquire into the grievances of the rural areas and put them right; and the Honourable Member says in the same breath. 'Whatever happens, you will be held responsible for what His Majesty's Government do.' Now, I am aware of the principle of law by which the principal is responsible for the action of his agent, that is, by which His Majesty's Government might be made responsible for any action of the Government of India indirectly. But I am not aware—and I speak subject to correction in an assembly of lawyers—of any principle by which an agent is made responsible for the action of the principal.

Now let us examine a little more in detail. What this committee is to do? Is it to go out and start roving inquiries in every village? If so they would not be finished in ten years if every province is to be visited. In the meantime, does the Honourable Member suppose, and does this Assembly suppose, that the Conference of the great allied powers which is now sitting, I understand, and considering the treaty of Sevres, is going to wait till a committee of officials and non-officials of this Assembly has concluded its inquiries into this matter? Is the peace of Europe to be deferred pending these inquiries? Is that a practical proposition for this Assembly to put before the Government, or for us to put before His Majesty's Government? Here again there can be but only one answer to such a question? Moreover, His Majesty's Government are well aware of the attitude of the Government of India and of the Muhammadan feeling on the question of the Turkish Peace terms. We have done everything possible to ensure that the Muhammadan feeling should be adequately represented. I have placed all the facts quite recently before the Council of State and they have been fully published, and I don't want to detain the Assembly by a repetition of those statements. I have only to add one new piece of information which I have just had from the Secretary of State, namely, that he is adding Dr. Ansari to the delegation. I have also another telegram here which also might interest this Assembly. Honourable Members are aware that, when this question on the Khilafat was brought up in the Council of State, the Government of India really being very anxious to do anything possible in this matter and feeling the gravest concern over Indian Moslem opinion on this question took the earliest opportunity of cabling Home the views of such Indian Moslem Members of the two Chambers as we could secure, and we also cabled the proceedings or an abstract of the proceedings in the Council of State. I have now received the following answer from the Secretary of State:—

'I have lost no time in communicating the representations in the Council of State to the Prime Minister, and I am sure that both the Council of State and your Government must be aware that I am leaving no stone unturned in any direction which may possibly lead to a final settlement which should be found acceptable to all loyal Indian Muhammadan opinion.'

Now, Sir, on the face of what is happening and what has been done, is there any practical point now in appointing such a committee as the Honourable Member recommends?

The second question is the Punjab. That has been fully debated in this Assembly. I thought that it was in accordance with the spirit of the decision of this Assembly the other day when we discussed it at great

length that we were not going to re-open that question again. That is what I understood was the generous view put at the time by the Honourable Mover of the Resolution. We have had committees, committees galore; the Hunter Committee and the Congress Committee have already explored the whole subject. Does this Assembly seriously suggest that the matter should be resuscitated and that bitterness should be revived by a further inquiry after a lapse of two years? I assure this Council that it would be absolutely impossible to ascertain anything like the truth on either side. I am quite certain that I have the support of the whole Assembly in saying that such a proposal stands self-condemned.

Now, Sir, I turn to the third of the grievances of the non-co-operation party, that is this question of self-government. I am one of those who feel myself that to accept such a proposal would not be consonant with our position *vis-a-vis* His Majesty's Government. We are committed by Parliament to a certain stage in political progress, and we are doing our best to work it for the greatest benefit to this country. We have tried to give evidence of our desire to make it a real step forward, and I am glad to say that I have received much support from the non-official members of both Chambers.

In any case, as an immediate proposal, this idea is not practical politics. Complete self-government on the lines of the Dominions connotes one thing which this Assembly must never forget, and that is self-protection, and no one can say—I hope it may be different some years hence, but no one at present can say—that this country is now prepared to defend itself either from external aggression or from internal dissension. There is only one power here which holds together the various centrifugal forces that are constantly at work in the country, and that is the British Empire. If you take away that force the removal will at once be followed by general disintegration, ending I believe very shortly in chaos and anarchy which would probably again culminate in a military despotism such as exists in Russia. The analogy between this country and in Russia is very striking. You have in both countries the spirit of national consciousness awakened largely, in urban areas, this being the result in India, I believe, I am right in saying of the policy of the British Government, and of the system of education which we have inaugurated. This spirit has not however as yet permeated through to the masses in the rural areas, though it is so permeating I am glad to say, and the one great aim which every Indian should have before him at this moment is the promotion of this feeling of solidarity throughout the whole country. Until that is secured it is impossible that this country should be able to stand alone and resist the various disintegrating forces caused by diversity of race and of religion, by differences of custom and by great distances of the various parts of the country. The creation of this national self-consciousness has been, I believe, one of the greatest benefits that the British Government has ever conferred on this country. If however this Assembly attempted to force the pace unreasonably and to ask for immediate self-government on the lines of a Dominion, I believe they would be risking the whole of the political progress of this country in the future. The powers already granted under the Reforms Scheme are very great; indeed, as I said recently, much greater, I believe than the authors can have contemplated or many Members seem to me to realise. But in any case is the question of immediate self-government a matter for the investigation of which it would be futile to appoint a committee of five non-officials and two officials. Would it be in accordance with our duty to

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His Majesty's Government? Is it not our duty now, here in this Council, so to work this Reform Scheme that the ideals of all good Indians may be expedited by ordered progress and not by any revolutionary process such as is contemplated by the non-co-operation party?

Further, what would be the use of a committee to inquire into this complaint; into this aim of the non-co-operation movement? Is this country prepared at this moment to undertake to defend itself, protect itself, against its enemies on the North-West Frontier; from the Bolshevik menace or from the internal disorder certain to be created by ambition and racial and religious dissensions? Is it prepared, without the protection of the British Army or the Indian army officered by British at present to take this risk—the risks of chaos and anarchy? I have been told that I value law and order too highly. Well there are ideals to which law and order must yield. An Indian well might say—I can conceive a patriotic Indian saying here is this country well administered but apparently destined permanently to domination by a foreign power. I can understand such a man saying to himself 'whatever be the benefits of this I cannot bear it'—'I have higher ideals towards which I must strive: I must try to get rid of this domination, whatever be its benefits, at all risks.' But this is an unreasonable position to take up when this country is promised and is securing gradual realisation of responsible government by ordered progress.

I have now dealt with all the grievances which I know to be the subject of complaint by the non-co-operation party. I have tried to show this Assembly that such a committee as the Honourable Member proposes on the Khilafat would be valueless. I have tried to prove, as regards the Punjab, that it would be most injurious and I have attempted finally to prove as regards the only other demand of the non-co-operation party, that is, immediate self-government within three months or six months—I have forgotten the period now—that it is also a matter which is impracticable and one on which the Government of India and this Assembly, consistently with their duty to His Majesty and His Majesty's Government, cannot embark. I hope the Assembly will by a large majority reject this proposal.

**The Honourable the President:** The original question was:

'This Assembly recommends to the Governor General in Council to appoint a commission consisting of three elected Members of the Assembly, two elected Members of the Council of State and two officials to thoroughly investigate the real or supposed grievances of the people leading to non-co-operation and to make recommendations.'

Since which an amendment has been moved to insert after the words 'non-co-operation', the words 'in India and non-participation in Burma'.

The amendment was negatived.

**The Honourable the President:** The question is, that the Resolution be accepted.

**Mr. Mahmood S'Chamnad Sahib Bahadur:** Sir, I feel very much tempted to support this Resolution, but I feel so much on this question that I hardly know what to say, and what not to say. Before I begin to say anything about the Resolution, I shall examine and see what the position actually is. It says:

'This Assembly recommends to the Governor General in Council to thoroughly investigate the real or supposed grievances of the people leading to non-co-operation and to make recommendations.'

What are these grievances ? The Honourable Member has explained two of them and says, there are some others also, but the real question is the one which is called the Punjab tragedy, or the martial law administration of the Punjab and the Khilafat question, the others being their offshoots.

Well, in regard to the Punjab affair there was a Resolution moved in this House and it was somehow brought to a close ; but, I am afraid, it has not satisfied all.

Now, as regards the Khilafat affair, I think the less said the better. Because, about this question the Indian Government said, they had done their best. They have made all possible representations to the British Government and even a Muhammadan could not have done better in the matter. But, day by day, we read in the newspapers that the British Prime Minister is not inclined to revise the Turkish Treaty. Well, in this connection, I mean to say, perhaps the Government is not aware of the serious situation in the country. The situation is very critical. There is no use in ignoring the situation. Well, instead of trying to move like a blind man it is better to reach the real point and find a remedy for it. Now, if a Commission is appointed, I think we will get the co-operation of some of the leaders of the people and thereby the question may be settled once for all. Now, what the Government say is : 'Well, we are not responsible for the action of the policy of the British Government.' The Honourable the Home Member was pleased to say, the Agent is responsible to the Principal, but the Principal is not responsible to the Agent. But the responsibility must be mutual, or, at any rate, if the Indian Government is not responsible for the policy of the British Government, then, of course, we are not also bound to act according to the wishes of the British Government, because it is the external policy of the British Government that has brought on such a deficit in our budget, for the state of war that was brought about and the large expenditure that we had to undergo was on account of the external policy of the British Government . . . .

**Mr. Wali Muhammad Hussanally :** Sir, may I rise to a point of order. Is the speaker now relevant to the point at issue ? We are now on the question of the Resolution moved by my friend regarding the appointment of a Committee to consider certain questions, but the speaker is going into the Budget.

**The Honourable the President :** The Resolution is drawn in such terms as to make many things relevant. If, in the opinion of the Honourable Member, the Budget or any other action of the Government is one of the causes leading to non-co-operation, he is perfectly at liberty to speak on it.

**Mr. Mahmood S'Chamnad Sahib Bahadur :** Therefore, Sir, I submit, it will assist the Government in the peaceful administration of the country, if they appoint a Committee to look into the real causes of non-co-operation and to try to put an end to such a thing. I think, if the Government has a mind, it can be easily done. Of course even the British Government can be made to listen to our reasonable demands if, I think, it is supported with all the strength of the Indian Government ; and, I think, this Commission will help a good deal to elicit the truth and find out the real solution.

With these words, Sir, I beg to support the Resolution.

**Chaudhuri Shahab-ud-Din :** Sir, there cannot be two opinions that there is unrest and dissatisfaction in the country. The position is indeed very

[ Chaudhuri Shahab-ud-Din. ]

serious, and the Government has to face it. As regards the causes of unrest and dissatisfaction, I think, as the Honourable the Home Member has said, they are there. No Commission is needed to go into the question of causes. They are already ascertained and definitely known. As regards the remedies, the question of Khilafat is now before the Allies who are considering it. We must wait and see. As regards the question of Swaraj, it is a big one, and I do not think Government is prepared to give it at once. Of course, if the Government is prepared to give Swaraj to the country, the whole thing ends. As regards the Punjab question, I am unable to agree with the Honourable the Home Member that it is a closed chapter. I must, with due deference to him, as well as to those who consider that this question is closed and ended, say, 'No,' so long as martial law prisoners are in jail, Punjab, the dishonoured, insulted, disgraced, humiliated and injured Punjab, can never feel satisfied. That is the grievance which I want to put both from the legal side, and from the side of clemency before this House, if I ever get an opportunity. Unless Punjab grievances are redressed, the feelings of the Punjab will never subside. As regards the other questions, of course, Khilafat is already under consideration and Swaraj is a big problem. Therefore, it is impracticable to appoint a Commission which will go from village to village. It may take 20 years to ascertain the causes; and by the time it is able to submit its report to this House, I have no doubt, numerous more causes will have cropped up. For these reasons, Sir, I oppose this Resolution.

**Pandit Radha Kishan Das :** Sir, I rise to support this Resolution. To me it appears that the Honourable the Home Member and my Honourable friend, Mr. Shahab-ud-Din, have overlooked a matter contained in the speech of the Honourable Mover. The Mover was careful to say that besides these causes there were many other grievances. Both the speakers that opposed this Resolution seem to have ignored this point. There are, in addition to these causes, economic causes as well, besides others. The question is, is there real discontent in the country or not? I think that all are agreed that there is discontent in the country. Is it or is it not the concern of the Government and of the people as well, to find out what are the causes of this discontent and what are the grievances which have brought about this discontent? Sir, I assure you on this point, that not even a hundred Gandhis or a hundred thousand agitators could have succeeded, in the campaign of non-co-operation in the way in which they have succeeded, were it not for the fact that there are certain grievances which have remained unredressed. Is it or is it not for good government that we should definitely find out what those grievances are and try to remedy them as far as it lies in our power? No armies will be sufficient to govern the country well, if there is discontent and if there are grievances in the country. It is on these grounds, Sir, that I support this Resolution.

**Mr. J. P. Cotelingam :** Sir, the Honourable the Mover has proposed the appointment of a roving Commission as a panacea for all the ills of non-co-operation. I would like to know, Sir, what guarantee there is that any Commission, however influential, will succeed in reconciling the irreconcilables. The arch non-co-operator looks upon Government as 'satanic' and will have nothing whatsoever to do with it. A wise Providence, however, has made this Assembly, the Council of State and the Provincial Legislatures a part of that 'satanic' Government. It behoves us all, and we have ample

opportunities, to demonstrate, that we are not 'satanic', but that we are human and humane as well and, one step further, that we would fain be angelic, but we know our own limitations. The remedy, Sir, therefore, lies with us so far as non-co-operation goes, so to help in carrying on the machinery of Government as to make non-co-operation impossible. I, therefore, am opposed to the Resolution moved.

**Mr. Amjad Ali:** I oppose the Resolution, Sir, whole-heartedly, because my learned friend is aware positively of the causes which have led to this non-co-operation. There are two causes and not three. One is the longing to get Swaraj, and the other is the longing to get Khilafat. These are the two things which have led to this movement.

Now, Sir, if Swaraj is had, a portion of the community will be satisfied for some time, at least; and if Khilafat is given, it will satisfy a certain other portion of the community, namely, the Mussalmans. Now, my friend says that 'a Commission should be appointed consisting of three elected Members of this Assembly,—enemies of the non-co-operators, two elected Members of the Council of State and two officials to thoroughly investigate the real or supposed grievances of the people leading to non-co-operation and to make recommendations,' as if my learned friend is not aware what those causes are. He knows thoroughly well that there are only two causes and nothing more which have set up this unrest. He then asks that recommendations may be made. What recommendations does my friend want? Does he want any more legislation? Is he not aware of the Hunter Report and that Act, and the disastrous result leading to disturbances in the country? That matter has been discussed threadbare the other day by means of a Resolution. He knows that thoroughly well, and still he wants recommendations, meaning thereby that, after the submission of the report of the Commission, some legislation will be resorted to, so that it may create more unrest in the country than there is at present. No amount of legislation, I dare say, can put down the discontent or pacify the people of this country better than the policy which is at present adopted by the Government, namely, a policy of love and affection, and not a policy of terrorism. If the policy of terrorism is adopted again and the country is again driven to unrest and crime, there will be no rest till Doomsday. I assure the House on that point. If the Government adopts a policy of love and sympathy, as it is doing nowadays, then this unrest, this non-co-operation, will die out gradually, as it is dying out from to-day. This non-co-operative movement consists only in this, namely, that some students who have no love for their studies are boycotting educational institutions, excited by persons at their back who are interested in the students boycotting the educational institutions. If the students say to them 'We have boycotted the schools,' but you are going on with your profession,' the reply is 'We cannot, but you go on'. I say, Sir, that this non-co-operation movement is going to sink, it is going to die, and it will die as it is bound to die. The request for a Commission consisting of two or three Members of this House, I daresay, they have not been returned by the non-co-operators, would only serve to fan the flame into a blaze. If any such Commission is constituted, or if the Resolution is accepted by the House, I am afraid that it would be doing what is called rousing a sleeping house. The non-co-operators are now sleeping. They content themselves at present by holding a meeting here and a meeting there and now it is proposed to hold a Commission excluding them altogether.

[ Mr. Amjad Ali. ]

There is no mention that some one of the leading members of the the non-co-operation movement should be included in this Resolution. It is only stated that there will be two or three Members of this House, two Members of the other House and two officials. When this news, that this Resolution has been adopted gets out, there will again be unrest. The Commission will go here and there and there will be fresh disturbances. The non-co-operators will call more and more meetings and there will be further unrest in the country. I would therefore suggest to this House, Sir, to leave this matter entirely to the Government to kindly redress the grievances. There is no necessity whatsoever to ask the Council to appoint a Commission consisting of some gentlemen here and some gentlemen there as indicated in the Resolution. With these words, I oppose the Resolution.

**The Honourable Dr. T. B. Sapru:** Sir, it was not my intention to take part in the debate which has taken place this afternoon for more than one reason. The only apology that I can offer to the House for standing up at this somewhat advanced hour of the day is that I am anxious that one or two points of view should be placed before the House.

So far as the question of non-co-operation is concerned, I can honestly say that I have never deceived myself or any one of my friends or opponents with regard to that question and it is impossible for me to speak about this question of non-co-operation more strongly in my position as an official than I have already spoken in the happier and freer days of private life.

Now, it is important to bear in mind what it is exactly that the House is invited to do this afternoon by the Honourable the Mover of the Resolution. He has not invited the House to enter into a general discussion about non-co-operation. That is not the point before the House. He invites the House to recommend to the Governor General in Council to appoint a Commission, not of officials wholly, not of non-officials wholly, but a mixed Commission consisting of three elected Members of the Assembly, two elected Members of the Council of State and two officials, to thoroughly investigate the real or supposed grievances of the people leading to non-co-operation. In other words, he limits your choice in regard to the selection of men to the elected Members of this Assembly, to the elected Members of the Council of State and to two officials. Now, I have heard it said very often and I have read it in the Press, although I do not accept that view, that this Assembly does not represent the real country. Well, if that be so, what is the good of deceiving yourselves that a Commission consisting of three Members of this House, two elected Members of the Council of State and two officials belonging to what is called the 'satanic' Government will carry conviction to the minds of those who will not be happy until they have got complete Swaraj within 48 hours or say at the latest by October. Well, therefore, I put it to you as practical men, do you really expect that a Commission consisting of men such as are indicated in the Resolution will take you far with the country (cries of 'No, No') or with the non-co-operators? I do not think so. What is, after all, the object of this Resolution? If the object of this Resolution is to convince what is called the Moderate Party that there is unrest in the country, I think it is worse than useless. If the object of this Resolution is, somehow or other, to persuade the non-co-operators to take the view which is held by what is called the sensible section of the population, then, I think, it is (A voice—'hopeless') hopeless, as my friend has said. I also venture to think that



this Commission which you may solemnly and seriously appoint to-day will be repudiated to-morrow by those very people. Therefore, why invite a deliberate indignity upon this House? Is it consistent with the self-respect of this House to appoint a Commission when you know for certain that to-morrow you will be told that this House had no authority to represent this sentiment of the country and that those men who have been appointed are not the men who represent the feelings of the non-co-operation party. I could very well understand my Honourable friend, the Mover, or any Member of this House saying 'We want a Commission of so and so and so of the non-co-operation party to investigate the causes of non-co-operation', and if the Mover of a Resolution like that could convince the House to adopt it, then possibly the House might have gained some credit with the non-co-operation party. But a Resolution like this, so far from bringing credit to this House, or so far from contributing to the removal of this spirit of unrest, is bound to involve us in further difficulty. That was one point of view which I wished to lay before the House.

Then, there is only one other matter to which I will very briefly refer. So far as the causes of non-co-operation are concerned, I think, there was almost complete agreement between the Honourable Mover and my Honourable Colleague, Sir William Vincent. Those causes related in the first place to difficulties arising out of the situation in the Punjab two years ago. I do not wish to traverse the ground, so far as the Punjab is concerned. Then comes the Khilafat question and lastly, the question of Swaraj. The Honourable Sir William Vincent has given a reply to every one of those three points. But, then, it has been pointed out by some speakers, 'Oh, well, these are not the only causes which have led to non-co-operation. There are others too.' In the first place, what I will say is this, that those are the only ones, or say the principal ones, which are put forward by the authorised representatives of the non-co-operation party. In the second place, these are the only ones on which there is agreement between the Mover and the first representative of the Government who spoke in the House before me. And, in the third place, it is not quite fair to this House to refer to other causes of discontent without specifying them and without giving a chance to the other Members of this House to express any definite opinion with regard to these other grievances. My Honourable friend, Pandit Radha Kishan Das, referred to 'other causes of discontent'. I should very much have liked him or any other Member to say, 'Well, here are causes A, B and C which the Honourable Mover has pointed out, and here are causes D, E and F, which I point out as causes which have led to the non-co-operation movement.' Therefore, what is the good of appointing a roving Commission the object of which is to enquire into the causes of unrest which may be political, economic, social or any other. It is only on these grounds that I will ask the House to reject this Resolution. I venture to submit, Sir, that so far as the Government is concerned, the attitude of Government towards this House has been made clear by more than one Member of the Government ever since we started upon our new career here; and speaking, not as a Member of Government, but as an Indian, and speaking with the faith that is in me, I venture to submit to this House, that it is time for us to consider whether the road towards that goal which every one of us has in view lies through non-co-operation or through the vindication of our capacity to work in this House and the complete removal of those doubts which may legitimately be entertained with regard to our capacity.

**Mr. S. C. Shahani:** Mr. President, I would request permission to say just a few words with regard to this Resolution. I must confess to a sense of disappointment on hearing what fell from the Honourable the Law Member just now.

He told us that one reason why we should not accept this Resolution was that any Committee that might be appointed would not carry weight with the people of the country, because this House was not spoken of as being representative. I am open to correction here. If I have not understood him rightly, I shall not go on with what I have got to say.

**The Honourable Dr. T. B. Sapru:** May I rise, Sir, to a personal explanation. My whole argument was, that a Committee consisting of Members of this House who are said to be not true representatives will carry no weight with the non-co-operators.

**Mr. S. C. Shahani:** I would very much like to know why. If the Members of this House have been duly elected, there is no reason why they should not carry weight with the people of the country.

**The Honourable Dr. T. B. Sapru:** I agree.

**Mr. S. C. Shahani:** The only work that we have got to do in this case, then, is to discriminate the character of the Resolution. The Resolution wants us to do something which will be of no practical utility. You are required to appoint a Committee to go from place to place in order to ascertain the causes of discontent in the country. The causes are fairly well known. The principal causes have been recounted rightly, and if there are any subsidiary causes, they can be very well discussed and dealt with by the House itself. The suggested action, so far as I can see, is called for.

**Sir Jamsetjee Jeejeebhoy:** Mr. President, I also rise to oppose the motion of Mr. Muhammad Yamin Khan. I think the death-blow to the non-co-operation movement has been struck by the speeches of His Royal Highness the Duke of Connaught which have over-flowed with sympathy and love for the peoples of this country, and, secondly, by the sympathetic and conciliatory attitude of the Government towards the reformed Councils. The Resolution, to my mind, appears to be a move on the part of the Honourable Member to inject a little strychnine into the dying agonies of this movement, and he has been supported by one or two people who have held the oxygen cylinder jets near the nose of this movement, so to speak; and I think no useful purpose will be served by appointing any Commission for this purpose.

**Raja Shivnandan Prasad Singh:** Sir, I do not think any useful purpose would be served by appointing a Commission as suggested by Mr. Muhammad Yamin Khan. In the first place, non-co-operators have boycotted the Councils and any Resolution which the proposed Committee might pass would not have any market value. Their labours would be wasted. Further, this is not the stage for Committees to sit in judgment over the doings of non-co-operators or to investigate the causes which have led to the movement. There exists already enough literature on the subject. This is the time for action. In this connection, I would urge on the Assembly the

declaration of some policy, as enunciated by the Government of Bihar and Orissa, the province to which I have the honour to belong and the only province ruled by an Indian Governor. The non-co-operation movement, since its very inception, has been condemned in the Madras Presidency, and I find Lord Willingdon, another shrewd Governor, congratulating the students very warmly on keeping their heads cool at this particular time. This is as it should be. Sometime ago I heard an account of a large meeting held in Madras on the 8th January last in which the President said: 'The means for attaining Swaraj is a bottle of non-co-operation elixir. The patients are assured that it would strengthen their soul force and serve to avert all passions and violence in spirit. Indeed non-co-operation claims to be the panacea for all the ills of the political world.' The author, said the President, had reserved the right of trade mark, he alone having the right to vary the ingredients and prepare the elixir and advertising his patent medicine so as it would heal up severe wounds, cure nervous debility and to declare, that it would enable men to attain Swaraj in one year and get the Punjab and Khilafat wrongs redressed. I must, however, give credit to Mr. Gandhi, for whom I have personally great respect, for having declared that non-co-operation should be of a non-violent type. But cases are not wanting, Sir, to show that his followers have been found to transgress the commandments of their *Guru*. Within stances of their violence we are all familiar, and one would be justified in imputing to them the objects of Mark Antony when he looked at the infuriated mob and said, 'Mischief thou art afoot, take thou what course thou wilt'. Mischief is afoot and I need not dwell on the various stages which this drama of non-co-operation has been exhibiting in the country. As aptly observed by His Excellency the Viceroy, there are only two alternatives of 'order on the one hand and anarchy on the other.' In such an event, there can be only one course and that is to uphold the cause of order.

**Mr. Wali Muhammad Hussanally:** I move, Sir, that the question be now put.

**The Honourable the President:** The question is, that the question be now put.

The motion was adopted.

**The Honourable the President:** The question is, that the following Resolution be accepted . . . .

**Mr. Muhammad Yamin Khan:** I rise to a point of order, Sir. This decision will be subject to my reply.

**The Honourable the President:** The Honourable Member must protect his own right of reply. I have watched his seat carefully for the last half hour and I found no sign of his rising. The closure now excludes him. ✓

The question is, that the following Resolution be accepted :

'This Assembly recommends to the Governor General in Council to appoint a Commission consisting of three elected Members of the Assembly, two elected Members of the Council of State and two officials to thoroughly investigate the real or supposed grievances of the people leading to non-co-operation and to make recommendations.'

The motion was negatived.

**The Honourable the President:** Under Rule 46, the President is empowered to lay down a time limit for speeches on the general discussion of the Budget. I propose to lay down the time limit of 15 minutes.

The Assembly then adjourned till Monday, the 7th March 1921.