

23rd March, 1922

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

SECOND SESSION

OF THE
LEGISLATIVE ASSEMBLY, 1922



SIMLA
SUPERINTENDENT, GOVERNMENT CENTRAL PRESS
1922

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LEGISLATIVE ASSEMBLY,

Thursday, 23rd March, 1922.

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

QUESTIONS AND ANSWERS.

SUNDRY ASSETS AND RECEIPTS AMOUNTING TO 15 CRORES.

297. ***Mr. J. N. Mukherjee**: What are the particulars of Sundry Assets and Receipts amounting to 15 crores of rupees mentioned in paragraph 32 of the Budget speech of the Honourable the Finance Member made on the 1st instant, but not specified by him?

Mr. A. V. V. Aiyar: The particulars are given in the paragraph of the Finance Member's Budget speech preceding that quoted by the Honourable Member. Items (d) to (h) out of those explaining how the liabilities were met make up the total figure of 15 crores.

STERLING RESERVE IN 1922-23.

298. ***Mr. J. N. Mukherjee**: What was the amount of the sterling reserve at the end of February, 1922, and what will be its probable amount on 1st April, 1922?

(2) What particular function will such gold reserve be expected to perform during the Financial year, 1922-23?

Mr. A. V. V. Aiyar: I am not sure whether the Honourable Member refers to the Gold Standard Reserve, or to the Paper Currency Reserve. The probable amounts of these reserves on 1st April, 1922 are, as explained in paragraph 36 of the Finance Member's Budget speech to which I would refer the Honourable Member for a full explanation of the functions they are expected to perform, £40 millions and £5¼ millions, respectively. The amounts on 28th February, 1922, were £40,438,345 and £5,849,359, respectively.

ACTION ON CHEMICAL SERVICES COMMITTEE'S REPORT.

299. ***Mr. J. N. Mukherjee**: Will the Government be pleased to state what action has been taken by them on the recommendations of the Chemical Services Committee in their report published in 1920?

Mr. A. C. Chatterjee: The Honourable Member is referred to the answer given on the 6th September, 1921, to a question on the same subject put by the Honourable Sardar Jogendra Singh in the Council of State. The next Conference of the Departments of Industries will be held in April next when it is hoped that the Ministers will be able to give their final views on the question whether an all-India Chemical Service should be constituted.

With regard to the establishment of a Central Research Institute for which land was acquired at Dehra Dun, the Government of India have reluctantly been compelled, owing to the financial position, to postpone further action for the present.

COST TO MILITARY DEPARTMENT OF MAINTAINING PEACE AND ORDER.

300. *Sir Montagu Webb: (1) Will Government be pleased to say approximately what expenditure has been incurred during the current year by the Military Department in rendering assistance to the civil authorities in the maintenance of peace and order?

(2) Is this expenditure included in the Budget under the head of 'Military Services'?

Sir Godfrey Fell: (1) The attention of the Honourable Member is invited to the reply given on the 11th February last to Starred Question No. 181.

(2) The answer is in the affirmative.

FRONTIER IRRIGATION DEPARTMENT AND THREAT TO DERA ISMAIL KHAN.

301. *Mr. S. C. Shahani: (1) Will the Government be pleased to state as to when the Irrigation Department of the North-West Frontier Province was taken out of the control of the Punjab Irrigation Department?

(2) Has the Frontier Irrigation Department proposed any major projects since then?

(3) What has been the Revenue and Expenditure of the Irrigation Department of the North-West Frontier Province during the years 1918, 1919 and 1920, and what the deficit, if any, under each year?

(4) Has the attention of the Government been drawn to a letter headed 'River Indus threatening Dera Ismail Khan. The apathy of the Government,' in the *Tribune*, dated 22nd September last?

(5) Is it a fact that the public of Dera Ismail Khan in their address of welcome to the Honourable the Chief Commissioner, North-West Frontier Province, during the visit in December last, pressed upon his attention the urgency of doing something by way of protecting the town by arresting the erosion of the right bank. If so, what action has the Government taken?

Colonel Sir Sydney Crookshank: (1) 1st April, 1915.

(2) No.

(3) A statement showing the financial results of irrigation works in the North-West Frontier Province for the three years 1918-19, 1919-20 and 1920-21, is placed on the table of the House.

(4) Yes.

(5) The attention of the Honourable Member is invited to the reply given to a question (serial No. 282) asked by Khan Bahadur Abdul Rahim at the meeting of the Legislative Assembly held on the 6th March, 1922.

Statement showing the financial results of irrigation works in the North-West Frontier Province for the triennium ending 1920-21.

| Year. | Capital outlay (direct and indirect) during the year. | Gross receipts (direct and indirect.) | Working expenses (direct and indirect.) | Net revenue. | Interest. | Profit or loss. |
|-----------------|---|---------------------------------------|---|--------------|-----------|-----------------|
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| 1918-19 | 14,898 | 13,71,175 | 8,85,637 | 4,85,538 | 9,25,512 | -4,39,974 |
| 1919-20 | 3,86,685 | 13,58,273 | 9,32,589 | 4,25,684 | 9,33,915 | -5,08,231 |
| 1920-21 | 3,73,290 | 12,79,533 | 10,45,576 | 2,33,977 | 9,25,348 | -6,91,371 |

CERTAIN CONVICTIONS IN THE NORTH-WEST FRONTIER PROVINCE AND THEIR JUSTIFICATION.

302. ***Mr. S. C. Shahani**: Is it a fact that one Raza Ali, Sub-Inspector, Police, North-West Frontier Province, who was convicted under section 377, Indian Penal Code, by Major Williams, Additional District Magistrate, Peshawar, on 26th July, 1921, and his conviction and sentence of 2 years' rigorous imprisonment upheld by Mr. Copeland, Sessions Judge, Peshawar, on 12th September, 1921, has been let off by the Honourable the Chief Commissioner; if so, for what reasons?

(2) Is it a fact that a raw youth named Chabildas of Dera Ismail Khan, aged about 17 years, convicted and sentenced to 7 years' rigorous imprisonment with 3 months' solitary confinement by Khan Sahib Abdulla Khan, Additional District Magistrate, Dera Ismail Khan, on 19th April, 1921, under similar section, *viz.*, 377, Indian Penal Code, has not been let off by the Honourable the Chief Commissioner, when appealed to.

(3) Is it a fact that Mr. Paira Khan and six others were convicted under section 40, Frontier Crimes Regulation, and sentenced to 2 years' simple imprisonment by the District Magistrate, Dera Ismail Khan, in November last? What were the reasons which led the Magistrate to change their imprisonment from simple to rigorous, and under what law?

(4) Will the Government be pleased to state whether Mr. Paira Khan and six others are being treated as political prisoners or ordinary ones?

Mr. Denys Bray: Inquiry is being made of the Local Administration, and information will be submitted to the Honourable Member, in due course.

CASE OF MR. ABDUL GHAFFAR OF CHARSAZZA.

303. ***Mr. S. C. Shahani**: Is it a fact that Mr. Abdul Ghaffar of Charsadda, a political prisoner at Peshawar Jail, was put in the solitary cell for the months of December and January last; if so, for what reasons?

The Honourable Sir William Vincent: Government have no information. I will inquire as to the facts and inform the Honourable Member.

PROMOTION OF MR. NUR ELAHI TO BE ASSISTANT DISTRICT INSPECTOR.

304. ***Mr. S. C. Shahani** : Is it a fact that Mr. Nur Elahi, camp clerk to the Director of Public Instruction, North-West Frontier Province, has been appointed Assistant District Inspector ; what are his qualifications, and for what reasons has he been made to supersede his seniors in the Department ?

Mr. H. Sharp : The answer is in the affirmative. Mr. Nur Elahi has passed the F. A. and Honours examination in Persian of the Punjab University. He was camp clerk and officiating second clerk to the Director of Public Instruction and has a very good record. On the special recommendation of the Circle Inspector he has been promoted to officiate as Assistant District Inspector of Schools, Peshawar, in a six months' vacancy Mr. Nur Elahi has gained nothing in total salary by this temporary transfer and no supersession has taken place.

PROMOTION OF CLERK TO THE INSPECTOR, NORTHERN CIRCLE, TO BE HEAD-MASTER, GOVERNMENT SCHOOL, HARIPUR.

305. ***Mr. S. C. Shahani** : Is it a fact that the clerk to the Inspector, Northern Circle, in the Frontier Educational Department has been appointed Headmaster, Government School, Haripur, District Hazara ? What are his qualifications, and for what reasons has he been made to supersede seniors ?

Mr. H. Sharp : The reply to the first part of the question is in the negative. The second portion does not therefore require an answer.

'SENIORITY IN PRACTICE' AS THE GUIDING PRINCIPLE FOR THE GRANTING OF LICENSES TO LEGAL PRACTITIONERS.

306. ***Mr. S. C. Shahani** : (1) What are the guiding principles according to which licenses to practise as a Legal Practitioner are granted in the North-West Frontier Province ?

(2) Is it a fact that Mr. Bunbury, the late Judicial Commissioner of the Frontier Province, made a remark to be acted upon after him that 'Seniority in practice' will be the only principle according to which licenses should be granted ?

(3) Has any regard been paid to the seniority in practice of the persons applying for the same ?

(4) Is it a fact that candidates not residents of the Frontier Province have been granted permission to practise as pleaders while residents of the Frontier Province have been refused permission ?

(5) Is it a fact that Lala Kishen Chand Talwar, Lala Tulsi Das, Lala Ganesha Khan and Lala Gobind Sahai, Pleaders, residents of the Frontier Province, have not been granted permission though they are seniors to several of those who were granted permission in the year 1920-21 or previously ?

Mr. Denys Bray : (i) The Honourable Member is referred to the answer given by the Honourable Mr. H. D. Craik in the Council of State to the question (No. 165) asked by the Honourable Rai Bahadur Lala Ram Saran Das on the 26th September, 1921.

(ii), (iii), (iv) and (v). Inquiry is being made of the Local Administration and information will be submitted to the Honourable Member in due course.

REFERENCES TO PROCEEDINGS IN ANOTHER PLACE.

Mr. President: I hope that Members of Government in framing their answers will bear in mind the fact that references to the proceedings in another place should, as far as possible, be avoided.

UNSTARRED QUESTIONS AND ANSWERS.

APPLICABILITY OF THE PUBLIC WORKS DEPARTMENT CODE.

328. **Maulvi Abul Kasem:** Will the Government be pleased to state if the rules of the Public Works Department Code published under authority of the Government of India are wholly applicable to the department in all territories under the Government of India?

Colonel Sir Sydney Crookshank: The rules in the Public Works Department Code apply only to the Minor administrations and other authorities directly subordinate to the Central Government in so far as they do not conflict with other rules framed since its issue. They may also apply to territories under Local Governments to the extent that Local Governments may lay down.

THE BENGAL PROVINCIAL ENGINEERING SERVICE.

329. **Maulvi Abul Kasem:** Is it a fact that a new service called the Bengal Provincial Engineering Service has been created in Bengal, in which at present 39 members from the Upper Subordinate service had been recruited? Will the Government be pleased to state (a) what was the principle followed in the selection of recruits and (b) why the initial pay of an officer appointed to the service was not generally fixed at the maximum which he would draw had all his service as an Upper Subordinate been in the Provincial Engineering service, as had been done in other provinces?

Colonel Sir Sydney Crookshank: The Bengal Engineering Service has been formed on the lines indicated in Government of India, Public Works Department Resolution No. 192-E.A., dated 1st April, 1920, a copy of which is being supplied to the Honourable Member. As the service is a provincial one, the Government of India have no knowledge of, or control over, the selection of recruits or the initial pay granted to them.

Resolution by the Government of India, Public Works Department, No. 192-E. A., dated Simla, the 1st April, 1920.

In paragraph 5 of Annexure XVIII to their report the Public Services Commission suggested that it might be desirable to consider the question of transforming the upper subordinate establishment of the Public Works Department into a service organized on the model of the existing provincial civil services and of the similarly organized services proposed by them for the Education and Forest Departments. They also recommended that steps should be taken to raise the qualifications of the proposed new service. These

recommendations received the strong support of the Public Works Department Reorganization Committee, who suggested that an inferior engineering service should be constituted to provide the bulk of the sub-divisional Officers. After consulting local Governments and Administrations proposals were formulated to which the sanction of His Majesty's Secretary of State has now been received. The change will be introduced with effect from 1st February 1920. The following are the main features of the scheme.

I. There will be constituted a Provincial service of engineers to comprise the bulk of the officers of the Public Works Department required for the charge of sub-divisions. The Public Works Department will in future be organized in the following three services : -

- (i) The Indian Service of Engineers,
- (ii) The 'Provincial' Engineering service.
- (iii) The 'Subordinate' Engineering service.

Recruits for the new Provincial service will be mainly drawn from the Engineering classes of the Indian Engineering Colleges, while appointments will be guaranteed to a certain number of students who fail to obtain appointments in the Indian Service of Engineers. During the first five years after the formation of the Provincial service local Governments will be authorised to promote to them selected members of their upper subordinate establishment, but in making their selection local Governments are requested to bear in mind that the Provincial service is to be a new service of engineers and not a reorganised service of subordinates. Selected temporary engineers may also be appointed to the new service, while any officers of the superior service, who may have failed to show their fitness for divisional rank, but who are held to be efficient sub-divisional officers, may be offered appointments in this service. If they refuse such appointments their services should be dispensed with.

II. In order to provide for those members of the permanent upper subordinate establishment, who are not qualified and cannot be selected for appointment to the new Provincial service, and for those students who are in the upper subordinate classes at the Engineering Institutions on the date of formation of the new service, the upper subordinate establishment will be maintained for the present, but no further recruitment of upper subordinates will be made after the students in the colleges on the 1st February 1920, have been absorbed to the numbers guaranteed. The upper subordinate establishment will thus gradually be reduced until it ceases to exist. Classes for upper subordinates at the Engineering Institutions will be discontinued when the students now in these classes have completed their course of instruction.

III. The maximum pay of the Provincial service in all provinces except Burma will be Rs. 750 per mensem. In the case of Madras, Bombay and Bengal the initial and intermediate rates of pay will be as may be prescribed by those Governments. In the case of the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, Assam, Rajputana and Central India, the pay of the service will be fixed on a continuous time-scale of Rs. 250—20 750, with an efficiency bar at Rs. 550. The pay of the Burma Engineering service has, owing to the high cost of living in that province, been fixed at Rs. 300—20—800 with an efficiency bar at Rs. 600.

IV. The Provincial service in each province will be designated the 'Madras Engineering Service,' 'Central Provinces Engineering Service,' and so forth. The members of these services will be described as Assistant Engineers.

V. The members of the Provincial service will be eligible for advancement to the Indian Service of Engineers, and 20 per cent. of the number of superior posts open to the India-recruited branch of the Engineer establishment will be allotted in each province to the Provincial Engineering service. Officers thus promoted will be brought into the superior service on the rate of pay next above that which they were drawing in the Provincial service and will count for seniority accordingly. No restrictions are laid down regarding the age at which an officer in the Provincial service may be promoted to the Indian Service of Engineers. This matter will be left to the discretion of Provincial Governments, who will, however, probably find that the interests of the public service are best consulted by selection of officers at an early period in their service. Members of the new subordinate service will not be eligible for promotion to the Provincial service; but they will be entitled to an allowance of Rs. 75 when placed in charge of a sub-division.

VI. Local Governments and Administrations will be addressed separately in regard to the strength of the Provincial service in each province, the initial salary to be drawn by officers selected for this service and other cognate matters. But in order that the appointment of

deserving members of the permanent upper subordinate establishment to the new service may not be delayed, local Governments are authorised to make such appointments forthwith on the following conditions :—

- (a) The number of officers appointed to the Provincial service should not exceed 25 per cent. of the number of regular sub-divisions in the province.
- (b) The maximum initial pay of an officer appointed to the Provincial Engineering service should not exceed that which he would draw had all his service as an upper subordinate been in the Provincial Engineering service.
- (c) The minimum initial pay of an officer appointed to the Provincial Engineering service should not be less than what he is drawing as an upper subordinate at the time of his selection. If owing to the operation of condition (b), an officer appointed to the Provincial service is entitled to a rate of pay less than he is drawing at the time of his selection, the difference should be paid to him as a personal allowance.
- (d) Seniority on appointment to the Provincial service should be governed by the selected officers' pay, and officers granted the same pay should retain their present relative seniority.
- (e) All appointments to the Provincial service made prior to the 1st September 1920 will have effect as from the 1st February 1920.
- (f) All appointments made in virtue of the present special permission should be regarded as subject to revision and reconsideration, should this prove necessary, when all conditions governing the new service can be brought fully into operation.

VII. Commissaries, Deputy Commissaries, Assistant Commissaries, Warrant and Non-commissioned officers of the Public Works Department, and, with the concurrence of the Director General of Military Works of the Military Works Services, may be appointed to the Provincial Engineering service on the same terms and conditions as civilians, subject in the case of Warrant and Non-commissioned officers to the further condition that they take their discharge from the Army.

Ordered that this Resolution be forwarded to the Local Governments, Administrations and officers noted below, for information, and that it be published in the *Gazette of India* for general information.

The Government of Madras, Public Works Department.

The Government of Bombay, Public Works Department.

The Government of Bengal, Public Works Department.

The Government of the United Provinces of Agra and Oudh, Public Works Department.

The Government of the Punjab, Public Works Department.

The Government of Burma, Public Works Department.

The Government of Bihar and Orissa, Public Works Department.

The Honourable the Chief Commissioner of the Central Provinces.

The Honourable the Chief Commissioner of Assam.

The Honourable the Chief Commissioner and Agent to the Governor General, North-West Frontier Province.

The Honourable the Resident at Hyderabad.

The Honourable the Agent to the Governor-General for Central India.

The Honourable the Agent to the Governor-General for Rajputana.

The Honourable the Agent to the Governor-General and Chief Commissioner, Baluchistan.

The Chief Commissioner of Coorg.

The Chief Commissioner of Delhi.

Ordered also that this Resolution be communicated to the Finance, Education and Army Departments of the Government of India.

STATUS OF MEMBERS OF THE NEW PROVINCIAL ENGINEERING SERVICE.

330. Maulvi Abul Kasem: Will the Government be pleased to state the real status of the members of the New Provincial Engineering Service, whether they are to be considered as Engineers entitled to Presidency house rent allowances and first class travelling allowances as granted to previous Provincial Engineering service? If the answer be in the negative, will the Government be pleased to state the reasons why it is so? What is the bearing of paragraph 47 of Public Works Department Code (1900 Edition) on this case of new nomenclature?

Colonel Sir Sydney Crookshank: The attention of the Honourable Member is invited to Public Works Department Resolution No. 192-E.A., dated the 1st April, 1920, regarding the creation of the New Provincial Engineering Service. The allowances in question are, under the Fundamental Rules, treated as 'compensatory allowances' and Local Governments have been granted full powers under Rule 44 to frame rules prescribing their amounts and the conditions under which they may be drawn. Paragraph 47 of the Public Works Department Code (1900 edition) has no bearing on the Provincial Engineering Services.

STATEMENT OF BUSINESS.

The Honourable Sir William Vincent (Home Member: Sir, may I make a statement of the business likely to come before the Assembly in the immediate future?

It is proposed to hold a meeting on Saturday, the 25th, and the business set down in yesterday's agenda will be taken up on that day. Thereafter, there will be a meeting of the Assembly on Monday, the 27th, and the following official business will probably be taken up:

- (1) It is hoped that the Ranchi Mental Hospital Bill, as passed by the Council of State, will be taken into consideration, and, if possible, passed.
- (2) The Criminal Tribes (Amendment) Bill which it is proposed to introduce on Saturday may also be taken into consideration, and passed if the Assembly agrees.
- (3) The Cantonments House Accommodation Bill may be introduced, if ready.
- (4) The Honourable Mr. Innes proposes to move a Resolution regarding the adoption of proposals made by the Railway Finance Committee.

RESOLUTION RE ELECTION BY INDIAN LEGISLATURE OF REPRESENTATIVES OF INDIA TO IMPERIAL AND INTERNATIONAL CONFERENCES.

Dr. H. S. Gour. (Nagpur Division : Non-Muhammadan): Sir, I beg to move the following Resolution :

'This Assembly recommends to the Governor General in Council to be so pleased as to make it a rule in future to substitute election by the Indian Legislature for nomination by Government of all the representatives of India to Imperial and other International Conferences.'

Sir, I am aware of a similar motion discussed and decided in another place, and, if I venture to support my Resolution here to-day, it is because I feel fortified by a long series of declarations and decisions of His Majesty's Government which places the Government of this country on a footing of equality with the other Self-Governing Dominions of the British Commonwealth. Sir, this raises a most important constitutional question, and I shall crave the indulgence of the House in reading to Honourable Members the deliberate decisions of the Imperial Conference, of Parliament, and the enunciation of the principle by His Majesty's Prime Minister. As the Honourable Members are aware, these Imperial Conferences began somewhat in an informal way under the stress of war in 1914. They were informal Conferences held for the purpose of mutual consultation on the best means of carrying on the war. Later on, discovering the utility of these Conferences, an Imperial War Conference took place in 1917. Prior to that, the Secretary of State used to sit at these Conferences more or less informally, and, while he was not a member of it, he was entitled to speak and to advise the members of the Overseas Dominions and the representatives of England. But later on, when the services of this country became well recognised and it was found that India had made a substantial sacrifice of men and money for Imperial purposes, the assembled delegates in the Imperial War Conference of 1917 declared that India should be assigned a definite and honourable place in the Imperial Conference. In the Report of that Conference, Honourable Members will find that Sir Joseph Ward raised this question and said that it is necessary that India's place in the future Imperial Conferences should be clearly defined, and, with the concurrence of all the members, the following Resolution was afterwards tabled and unanimously passed. I read to the Honourable Members the terms of that Resolution :

'That the Imperial War Conference desires to place on record its view that the Resolution of the Imperial Conference of the 29th April, 1917, should be modified to permit of India being fully represented at all future Imperial Conferences and that the necessary steps should be taken to secure the assent of the various Governments in order that the next Imperial Conference may be summoned and constituted accordingly.'

This Resolution was unanimously passed. Well, Sir, after a prolonged discussion the same Resolution moved by the Canadian Prime Minister was unanimously ratified, and His Majesty the King, in reply to the loyal Address of the Imperial War Conference, referred to India in the following terms :

'It has afforded me the utmost satisfaction that representatives of India have been on your Conference with equal rights to take part in its deliberations at this meeting round a common board, and the consequent personal intercourse will result in the increasing growth of a spirit of larger sympathy and of mutual understanding between India and the overseas Dominions. Your present gathering is a giant's stride on the road of progress and imperial development, and I feel sure that this advance will be steadily continued.'

Then, later on, His Imperial Majesty said :

'I trust that when the next Conference meets, it may be attended by representatives from all the Dominions and India.'

Then, Sir, next year this altered position of India in the British Commonwealth was a subject of discussion in Parliament, and, in the language of Mr. Chamberlain, the new position which India had won for herself in the British Commonwealth was clearly declared in the House of Commons. Let me quote to you the *ipssissima verba* of Mr. Chamberlain :

In the discussions on the 6th August, 1918 Mr. Chamberlain recited the history of the various conferences which had taken place from the date of the

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war at which the Secretary of State used to sit, not as a member, but as an invited visitor.

Then, later on, he was assigned a definite place, and then he wound up and said :

'This is now the position of India in the British Commonwealth. More than that, in the light of the discussions which took place last year and this year in the Imperial War Conference, a new recognition has been given to the equality of status of India and to a right of reciprocal treatment as between the Dominions and India or Great Britain and India of their respective citizens. In these matters within the last few years India has leapt suddenly into a place of equality with the other great portions of His Majesty's Dominions.'

These are memorable words. India has leapt into a place of equality with the other Self-Governing Dominions in the British Commonwealth. That these are not casual, complimentary remarks will be evident from the report of the Conference, where I shall cite to you what was said by Mr. Lloyd George and what was accepted by the assembled delegates at the Imperial Conference. Let me quote to you the words of His Majesty's Prime Minister :

'India's achievements were also very great. Her soldiers lie with ours in all the theatres of war, and no Britisher can ever forget the gallantry and promptitude with which she sprung forward to the King-Emperor's service when war was declared. That is no small tribute both to India and the Empire of which India is a part. The cause of the war were unknown to India ; its theatre in Europe was remote. Yet India stood by her allegiance heart and soul from the first call to arms and some of her soldiers are still serving far from their homes and families in the common cause. India's loyalty in that great crisis is eloquent to me of the Empire's success in bridging the civilisations of East and West, in reconciling wide differences of history, of tradition and of race, and in bringing the spirit and the genius of the great Asiatic people, into willing co-operation with our own.'

Now mark these words.

'Important changes have been effected in India this year and India is making rapid strides towards the control of her own affairs. She has also proved her right to a new status in our Councils. That status she gained during the War and she has maintained it during the peace, and I welcome the representatives of India to our great Council of the Empire to-day. We shall, I feel sure, gain much by the fact that her sentiments and her interests will be interpreted to us here by her own representatives.'

These are the words uttered by no platform orator, by no casual interviewer, but by the head of the British Government addressing the Imperial War Conference as to the altered status of India in relation to the British Commonwealth. Well, Sir, after these solemn pronouncements, after these deliberate decisions, after the glowing tribute paid in the House of Commons and elsewhere by the Prime Minister of England, I deplore to have read Lord Curzon's description of the Government of India as a subordinate branch of the British administration six thousand miles away. I am sure that His Lordship must have forgotten this new position which Parliament had conferred upon this country, which the Prime Minister had declared was the position equal to that of the other Self-Governing Dominions in the British Commonwealth. That is the position and that is the stand I ask this House to ratify and take. Well, Sir, a discussion on a similar Resolution took place in another place only the other day. I was, I must confess, surprised to find an Honourable Member presumably voicing the decision of the Government of India giving currency to the view that the Government of India, was an irresponsible body only responsible to the Secretary of State and not to the Central Legislature, and the reasonable request made for the election of delegates to the Imperial Conference was resisted on the ground that the request was unprecedented.

Now, Sir, I have told the Honourable House how utterly erroneous is the constitutional position which the Government of India have taken as regards their own position in the British Commonwealth. Are they not aware that a new constitution, a new position, has been acquired and won by the soldiers of this land and that in the Imperial Conferences India has been assigned and allotted a place of equal status and dignity. The Canadian Prime Minister, speaking of the position of India, said that in the evolution of the idea of Imperial federation, we cannot recognise a status inferior to that of a Self-Governing Dominion and that is the position which must be allotted to India if she is to continue to send her own representatives to future Imperial Conferences. That position was discussed and debated by the Cabinet and ultimately conceded in the language which I have quoted to Honourable Members of this House. I submit, in the face of the constitutional position allotted to India, it is idle for the Government, to contend that they are an irresponsible Government, subordinate to the Secretary of State, and not responsible to the people and the people's representatives in the Indian Legislature.

Now, Sir, what is the purport of my Resolution? Honourable Members will see that, commencing with the informal War Conference, we had the Imperial War Conference of 1917; then we had the League of Nations, then we had the Peace Conference, then we had the Washington Labour Conference, then we had the Brussels Financial Conference from which I quoted the other day, we had then the Washington Armament Conference which led to what is known as the Pacific Compact, and we are shortly to have, in June it is reported, the Genoa Conference intended for the reconstruction of Europe and other nations affected by the War. In all the previous Conferences, India has been represented by men who were nominated by the Government of India, and let me take this opportunity of testifying to the ability and independence, patriotism and devotion of the delegates of the Government of India who took part in these Imperial Conferences. (Hear, hear.) My Resolution is not intended in the slightest degree to cast any doubt, because there can be no doubt, about the efficiency and effectiveness of the services,—and great national services,—which these distinguished men have rendered to the people of India. But let me quote to you the words of one of our most illustrious members of that Conference, the Right Honourable Srinivasa Sastri. What did he say and how did he feel the feebleness of his position as he sat a solitary figure, representing a benign but nevertheless despotic Government, not as an elected representative of the Indian Legislature. This is what Mr. Sastri said to the Imperial Conference last year. After the Prime Minister had welcomed the Conference, Mr. Sastri said :

'Of these contributions, Prime Minister, you made a handsome acknowledgment yesterday, and please accept our gratitude for the honourable mention of them in your speech. We, His Highness the Maharao of Cutch and I, consider it a privilege to sit at this table where history is made and, if I may strike a somewhat personal note, not being employed in the service of the Government, never having taken a share in the administration of public affairs, I consider it my particular good fortune to sit alongside with statesmen who have for generations moulded the destinies and fashioned the fortunes of their kind. But the Maharao of Cutch and I cannot fail to remember that the position we occupy here is not comparable by any means to the position occupied by our colleagues from the Dominions. They are called here by virtue of their being Prime Ministers. We come by nomination from our Government. We realise that that marks a great difference in our status. We hope, although not in the privileges to which we have been admitted at these meetings—we hope that, next year or the year after, our successors who will take our place here will come by a better right. The person who represents in the place of His Highness more than

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one-third of the British territory in India will probably be chosen by the Chamber of Princes by election, and the man who takes my place may likewise be elected by the Central Legislature of the land.

These are the words, pathetic words, of the Right Honourable Srinivasa Sastri, addressed to the Prime Minister and the assembled delegates at the Imperial Conference, pointing out his shortcomings and his inferior status as not representing the people of India in the only way in which a representative of the people of India could have been sent to the Imperial Conference. Now, if this was merely a question of status, if this was merely a question of national sentiment, I think I have made an unanswerable case. But this is a case in which, as I will show to the House, unless the representatives of the Imperial Conferences are elected by the Central Legislature, there would be insuperable difficulties with which the Government of India and the representatives in this House will be confronted in years to come. Honourable Members will remember that the duties and powers of these Imperial Conferences are not defined by any statutory enactment and are necessarily elastic and plenary. They may enter into treaties, public or private, they may make *entente*, they may lay down a military policy, they may lay down a certain course of action which the people of India should follow in case of national or international emergency. We have had instances of the Central Legislature being called upon to ratify and legislate upon the decisions given by the League of Nations on what is known as the White Slave Traffic. We had also to legislate on the decisions of the Washington Labour Convention. Now, it is not only in matters of legislation that we have to ratify the action of our representatives overseas. We have also to provide for their cost of deputation, and do you think that it is right that the Government should nominate the representatives and ask the Members of this House to foot the bill? Only the other day, we passed by way of supplementary estimates, a sum of money for the deputation of the Right Honourable Srinivasa Sastri. Consequently, our liability to ratify and reaffirm, if necessary, by legislation, the decisions given at the Imperial Conferences is unquestioned and unquestionable. Suppose, for the sake of argument, that our representatives enter into a binding compact regarding certain relations of India with, let us assume, Persia or Mesopotamia. Hereafter, if the Government of India is called upon to give effect to such an understanding between India and the rest of the British Commonwealth, who will find the money?—You. Who will ratify their acts?—You, and yet you have no voice in the election of the representatives who sit on these Imperial Conferences. Is it fair, I ask, that you should pay the piper and the Government should call the tune? Is it right, I ask, that one body should have all the power and another should shoulder all the responsibility? Is this the partnership that the Reforms Scheme has promised to the people of India? We saw one phase of that partnership only the other day and the Government of India will disclose another gloomy phase of that partnership this morning by opposing my most reasonable motion. I hope not. I, therefore, feel confident that this House will unanimously and I say enthusiastically support the Resolution which I have read and which I crave the indulgence of the House to accept and accept as I have said with the greatest confidence and in the full belief that India is now constitutionally not a subordinate of the British Administration six thousand miles away but an equal partner in the British

Commonwealth. Fortified by that feeling, I ask the Honourable Members of this House to rise equal to the occasion and receive my Resolution with acclamation. Sir, I move it.

The Honourable Sir William Vincent (Home Member): Sir, my one excuse for rising so early in this debate is that I am very anxious to get through the List of Business to-day as soon as possible. I notice that the last item on the agenda relates to a matter of importance on which, I think, the House would like to come to a decision at as early a date as possible. If the matter is not discussed to-day, I think it may be impossible to discuss it this Session.

Turning to the Resolution before us I shall not attempt to follow the Honourable Mover in his flights of oratory. Indeed, it would be quite beyond me to take up that line but I will endeavour to put before the House a plain statement of the facts and to show what the constitutional position is in this matter. About half the Honourable Mover's speech was occupied in debating on the fact that India was now entitled to representation on various International Conferences. That is a fact of which the Government of India are well aware. The House, however, will be interested to hear that the first proposal for the representation of India on International Conferences of this kind emanated from an Honourable Member who is a Member of the Government now, Sir Muhammad Shafi. When he was a non-official, he brought forward this question in the time of Lord Hardinge and was really the first person to promote the interests of India in this respect. I submit, however, that it is a waste of time to discuss here to-day the question of the representation of India on these Conferences. The position is admitted. It has been accepted by everybody and I can assure the House that the Government of India will always be insistent that the rights of India in this matter are fully recognised and respected. But the constitutional point raised by the Resolution is really of a different character, and this was touched upon only in the last part of the Honourable Member's speech. The question has been discussed times without number, in the old Council, in the Council of State and, I think under a different guise, in this Assembly. The first thing is to go back to the Government of India Act under which this Assembly is constituted and by which the Government of India are necessarily governed. If you look at section 33 (I know the book, I am afraid, a good deal better than my Bible), this is what it says:

'Subject to the provisions of this Act and rules made thereunder, the superintendence, direction and control of the civil and military government of India is vested in the Governor General in Council who is required to pay due obedience to all such orders as he may receive from the Secretary of State.'

Section 2 of the Act again lays down the responsibilities and powers of the Secretary of State. Now, turning again to sections 65 *et seq* of the Act, there the powers of the Legislature are quite clearly laid down. From these provisions and various other sections of the Act, it is abundantly clear that the responsibility for the Government of India is vested in the Governor General in Council, subject to the control of the Secretary of State and subject always to the legitimate influence of the Legislative Assembly. That is, I believe, the true constitutional position. Now, if it is admitted that this responsibility to His Majesty's Government and to Parliament is vested in the Governor General in Council, then the power to discharge that responsibility must be vested in the same authority. You cannot divide the one

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from the other. Whatever the position may be in the future, this is undoubtedly the position under the present constitution and under the law as it stands. There is no lawyer in this Assembly who can deny that the ultimate responsibility for the Government of India now vests in Parliament and under it with the Secretary of State and directly in the Government of India. This has been affirmed a dozen times in various declarations of responsible statesmen and indeed it would be difficult to deduce any other principle from the last speech made on India by the Prime Minister in the House of Commons. It has been suggested that, because of this, the powers of the Legislature are really illusory and Dr. Gour asked what are these Reforms that have been given us if this power is not included; we had also a more emphatic accusation against the Reforms Act the other day from Mr. Ginwala. Is it not a little unreasonable to say that the Reforms have given the Legislature no powers in the light of the events of the last few days, when the Assembly cut from the civil expenditure of the Government of India a sum approaching a crore of rupees and refused taxation to the extent of 9½ crores? Can anyone say after that that the powers of this Legislative Assembly are illusory or futile? Has not, in many other ways, the influence of this Assembly been brought to bear on the Government, and rightly? Does not the Government on every occasion when it can, consistently with its duty, prove amenable to that influence? To-day, however, a proposition is put forward which I believe to be absolutely unmaintainable. I will go further, and I will say that I believe in no country in the world where full responsible government is enjoyed are members of a delegation of this kind elected by the Legislature. I ask the Honourable Mover if he can tell me of any country in which delegates are so elected.

Dr. H. S. Gour: The Prime Ministers are elected by the representatives of the people, I suppose.

The Honourable Sir William Vincent: The Assembly has the answer. There is no such country. That is the fact, and Dr. Gour knows it. The Honourable Mover knows it and he cannot answer my question. I believe, Sir, that, even if there were full responsible government in this country, such an encroachment on the powers of the Executive Government would be indefensible. What is the position in Parliament, in England, where the House of Commons and the House of Lords together have practically supreme power? Do they elect delegates to these Conferences? No. The farthest, really, Parliament can go in exercising its control over the executive is by legislation.—fixing the limits within which the Executive Government may have suggestions to administer, by criticism, deliberation, mainly in connection with financial legislation and by regular interpellations, to secure that the Executive Government exercises its discretion in general conformity with the views of Parliament. Parliament has no direct control over any single Department of the State. I want to refer here to the great dictum of Cobden on this point. He said, speaking in the House of Commons:

'The House can interfere, with great advantage, in prescribing the principles on which the Executive Government shall be carried on. But beyond that, it is impossible for the Legislature to interfere, with advantage, in the details of the administration of the country.'

And the reasons for this are really perfectly sound, because, as I pointed out in another connection recently, meticulous interference by the Legislature

with the executive administration always leads to evil results. This has been proved in America, it has been proved in France. My arguments the other day were belittled by the Honourable Mover, but I venture to assert that they cannot be lightly brushed aside.

Now, may I ask the House to consider what the duties of these delegates are, because that is an important matter? The duty of these delegates is to carry out the instructions of the Executive Government of the country which they represent; they are in no sense plenipotentiaries; they act under definite instructions; and these instructions are received from the Executive Government. Recently in the League of Nations M. Viviani, the French representative, made this perfectly clear when he said that a representative could not have any opinion different from that of his Government, for one must either agree to represent one's Government or refuse to do so. Now what is the Government in this country at present? Is not the Government vested in the Governor General in Council, as I have attempted to show under the Statute, which binds every Member of this Assembly as much as it does me or is the complete authority vested in the Assembly? What would be the position of a delegate sent from India, elected by the Legislature. Who wanted, we will say, to make proposals entirely different from those which the Government of India accepted and which the Government of India thought he ought to put forward? Would not a delegate in such conditions be in a position to bind the Government against its own wish to a great extent? What would be the position of a Government responsible for the administration, and yet without any kind of power over the delegate, who might put forward views entirely different from those supported by the Government? The proposal really is not, believe me, a workable proposition. No man can serve two masters. It is probable that on many occasions the views of the Government and of the Legislature would be the same; they have been on many occasions in the past in regard to these international Conferences but it would be unwise to assume this would always be the case. The tribute which Dr. Gour has paid to the work done by Mr. Sastri and others bears me out also in saying the Government have in the past chosen men who enjoy the confidence of the country. I do not know whether Mr. Joshi went to Washington as a representative of the Government or as the representative of Labour.

Mr. N. M. Joshi (Nominated : Labour Interests) : I represented Labour at the Conference.

The Honourable Sir William Vincent : Well, generally I say that if one goes over the list of names of men who have been chosen by Government to represent India, such men as Lord Sinha and Mr. Sastri, they are the two names which come readily to mind or Sir Ali Imam, it will be admitted that they are men who command the greatest confidence and hold views which command very great weight. But I want to come back again to the question of responsibility for the action of delegates—on whom does that finally rest? Why, on the Government. Now, in such circumstances, is it reasonable that Government should be asked to allow another authority, which is not supreme, to elect representatives to put forward a policy which may not commend itself to the Government at a later stage? I notice also that in the original motion of the Honourable Member, he omitted to take any account of another Chamber, the Council of State. After all, the Council of State is just as much a part of the Legislature as this Chamber. And, indeed, on many of these questions which arise, the Provincial Governments

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are entitled to an equal voice with this Chamber,— on questions regarding labour or affecting, say, some particular industry. I should have thought that on many questions the opinion of the Bombay Council would be as valuable as the opinion of this Chamber and there are other bodies which the Government of India has constantly to consult. Again, may I turn to another point in which the Honourable Mover, though a lawyer, has slipped up. He recommends that 'all the representatives of India should be elected'. I think I am correct?

Dr. H. S. Gour : I said 'representatives'.

Mr. N. M. Joshi : He said 'all the representatives'.

The Honourable Sir William Vincent : Yes, all. Well, what about the Princes? After all, are they entitled to no consideration from the Government of India and from His Majesty's Government? Do not their territories represent a large portion of the area of India? Have they not a very great interest, concern in the Conference?

Dr. H. S. Gour : Mr. Sastri has replied to that argument.

The Honourable Sir William Vincent : The Honourable Member will also have an opportunity of replying. Will he allow me to continue? The Honourable Member has developed a habit of sitting there and making running comments on every speech in a manner which makes it very difficult for some of us to continue. (Hear, hear.)

Now there is another matter. Any representative of Government going to these Conferences must receive definite instructions. Who is going to give those instructions, the Government or the Legislature? How are you going to ensure the issue of definite clear and satisfactory instructions to a delegate by a Legislature? It is really not a practical proposition. Moreover, what happens in practice is that supplementary instructions have constantly to be issued, as those who have served on these delegations well know. In fact, however, the action of these delegates is and must be ultimately subject to the influence of the Legislature in many cases. Honourable Members know indeed that it is necessary in most cases to bring the decision reached before the Legislature, who have then an opportunity of saying whether they will or will not ratify what the delegates have done. For that purpose we have in this country brought before the Assembly numerous decisions for ratification or for repudiation. Indeed most of the decisions reached are subject to confirmation by the Legislature at a later period. I think that was particularly true of the Washington decisions. Is not that the better practice and the practice that obtains in other countries, His Majesty's Government or the American Government, for instance, when they send delegates to attend one of these Conferences? They are in exactly the same position. They appoint delegates who represent the Government. They are not elected by the Legislatures or anything of that kind. When, however, these delegates return from the Conferences and report what they have done, the matter is put before the Legislature for confirmation. What I submit to this Assembly is that, apart from any appeals to sentiment, which carry us beyond what is reasonable, the acceptance of this proposal by Government would make the position of the Government of India and of the Secretary of State impossible *vis-a-vis* Parliament. Again, may I remind the Assembly that there are certain subjects which this Assembly is precluded

from discussing. Foreign affairs is one. Is it the intention of the Statute that foreign affairs should be discussed and decided by a delegate of the Assembly while that Assembly is itself precluded from discussing foreign affairs? I quite realise that to many in this Assembly the present position may be galling or inconvenient; they may feel that it is not fair or right. But that is another matter. What we have to do and what this Assembly has to do here is to carry out the provisions of the Statute, and I believe and hope that this Assembly will never ask the Government of India to give effect to a Resolution which is really inconsistent with the constitution under which the Assembly is constituted and under which we hold office. Sir, while I have tried to make the constitutional position clear, I do not want the Assembly to think for a moment that the Government of India are impervious to the feeling which has led the Honourable Member to bring forward this motion, namely, to secure the adequate representation of India at these Conferences. For obvious reasons it is necessary for us to appoint men who will command the support of this Assembly. To secure this object we must always appoint representatives of character, of position and intelligence, who will command the confidence of the country. I believe that we have done so in the past. I do not want to lay too much stress on this point, however, because in my opinion the constitutional question is really of much greater importance, but I want every Member in the Assembly to remember that, so far as I know, there is no civilized Government in the world that follows the procedure which is now advocated by Dr. Gour. I know of none at any rate, but I am open to correction. Will the Honourable Member now answer and say whether I am right?

Dr. H. S. Gour: Is there any civilized Government in the world which has the anomalous constitution of the Government of India?

The Honourable Sir William Vincent: Again my friend is in this unfortunate position that he knows there is no answer to the question that I have put to him. He is also asking this Assembly to-day what, at some later day when there is responsible Government in the country, he will bitterly regret, and of which he will then see the un wisdom and futility.

Mr. B. S. Kamat (Bombay Central Division: Non-Muhammadan Rural): Sir, my friend, the Mover of this Resolution, the learned Member for Nagpur and the leader of the Nagpur Bar, while he was labouring his points, avoided one particular question, namely, the constitutional aspect of this Resolution, I mean the point which has been touched by Sir William Vincent. All the time he was reeling out quotation after quotation and spinning out passage after passage from the Blue Books with which he was surrounded, I thought he would eventually come to this particular aspect of the question. I was, however, disappointed. There was one thing that struck me in listening to the quotations. In every quotation there occurred the phrase 'India's representative.' Well now, the question is, what is the meaning of 'India's representative'? Is he to be the representative of the people of India or of the Government of India? That is the crux of the whole question. What the country wants really is that, as in the other Dominions, the representative should be the country's representative in the real sense of the term. But, as Sir William Vincent has very correctly pointed out, as long as the Government of India Act exists, the representative of India can only be in fact the representative of the Government of India. He can attend these Conferences as their '—delegate' I would not call him a representative —

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only to carry out the instructions of the Government of India. The constitutional position, as stated in Sir William Vincent's exposition, is perfectly correct. At present the Government of India are responsible under the Statute to the Secretary of State and not to this Assembly. But I hope a day will come, and very soon, when, like the other Dominions, we can also send a man really responsible to us, our own representative, to these Conferences—a representative whom we can also call the Premier of India. When my friend, Mr. Sastri, or Dr. Sapru for the matter of that, can go to these Conferences as the Premier of India, fully responsible to the House, that will be an ideal state of affairs. But the question is, while the Statute stands as it does and while the Government of India are responsible to the Secretary of State and not to this Assembly, can we find a *via media* by which we can appoint a representative who is really India's representative enjoying the people's confidence but who will be sent under the Statute by the Government of India. That is the position, owing to the tragedy of this Government of India Act, under which we are given no responsibility whatever. Till we get responsibility, the best we can do is to suggest names of men enjoying the confidence of the Members of this Assembly and fit to represent the country, leaving Government to make the final choice. It is this that my amendment is intended to do; to find a *via media* during this interregnum and the transitional time while the Government of India Act stands as it does at present. My amendment runs as follows :—

'For the words from 'to be so pleased' to the end of the Resolution substitute the following :

'that in sending representatives on behalf of India to attend in future any Imperial or International Conferences, Government may be pleased to select the representatives only from amongst a panel of six Indian elected Members of the Indian Legislature, the panel to be elected at a joint sitting of the two Chambers specially held for the purpose.'

As long as the Government of India Act stands there, I am sure the position of Sir William Vincent is correct and we cannot claim to send a representative fully responsible to us. But we can combine, as I say, if this amendment is adopted, the principle of selection by Government and the confidence of the people, by the process of election at the hands of this Assembly, and I, therefore, suggest in my amendment that in future, whenever the Government of India have to send any representative or representatives to these Imperial or International Conferences, the process of selection should be this. This Assembly should elect a panel of 6 people for the ultimate choice of the Government of India. I make it clear in my amendment that this panel of 6 Members is to be elected by both the Houses of the Indian Legislature. That is perhaps a feature of my amendment which is absent from the main Resolution of my Honourable friend, Dr. Gour. I want that an opportunity should be given to both the Chambers of the Indian Legislature to choose any representatives. In what proportion the division of the 6 Members should be, I at the present moment do not specify. But if you bear in mind that the maximum number of Members of the Council of State is 60 and the maximum number of Members of the Assembly is 140, or as the proportion is more than 1 to 2, I think it stands to reason that in electing a panel of 6 Members, the Council of State should have only the right to choose 2 and the Assembly to have the right to choose 4, making together a panel of six. Now, what are the merits of this procedure? In the first place we get a sort of right to specify

the individuals in whom we may have confidence. It is perfectly true—I think the whole country can corroborate the fact—that, so far, in sending our representatives to the different Conferences, the Government of India have chosen people who had enjoyed the fullest confidence of the country. For instance Mr. Sastri or Lord Sinha or the different Princes who represented India at the various Conferences, by their character, intelligence, capacity and power of speech, represented in every way the best intellect of India and everything that a public worker ought to have. But, Sir, I do not want to leave this process to pure accident on the part of the Government of India. Representatives may be chosen in an admirable manner for some years to come, but there is no guarantee that every representative in the future years shall come up to the same standard as representatives have done in the past. If we are allowed therefore the first preliminary choice, *viz.*, choice of a panel, I think the first merit of my amendment would be that we can select a few persons in whom we have confidence. Then, again, there is a second advantage. We are developing in this House Parties, which I hope will develop into a very healthy institution; all these different Parties, if they work well, will have the chance of bringing on the panel men of various shades of opinion. The Democratic Party may, for instance, select out of the four persons one or two who might come up to their standard and their way of thinking. The other Party, *viz.*, the National Party, might also have the choice out of these four to select one or two; if there is a third Party coming into existence or if Members do not choose to belong to either this or that Party, if some Members of the House choose to remain purely independent, they may also get a chance to be represented on this panel. After this panel is elected at a joint sitting of both the Houses of course the final choice will be in the hands of the Government of India, at all events for some years to come, until the Government of India Act is so re-modelled in course of time as to make the Government of India fully responsible to the people, that is to say, until we have our full responsible Government. In giving the choice to the Government of India ultimately, my idea is that they should have an option of sending men belonging to the different Parties in the country. It is bound to come. I mean this view is bound to come in the politics of India that, after all, the Parties here will be truly representative of the parties outside, and, if the Government of India exercise their choice very carefully out of this panel, well, surely, that choice is likely to meet with the approval of the country at large in a far better manner than it does at present, although, I say, on the merits the present representatives have been fully up to the mark. But, if they are selected out of panel of 6 persons chosen by the Indian Legislature, I believe the choice ultimately made by the Government of India is likely to meet with better satisfaction and better approval at the hands of the country outside. That is perhaps the merit of the system of panel. The Honourable Sir William Vincent mentioned that after all the influence of this Assembly counts with the Government of India; perfectly so; but at present when they send representatives, although they calculate this influence and gauge this influence, they only guess, my procedure will give to Sir William Vincent a clear indication of the influence and choice of this Assembly which he is prepared even under the statutory powers of the Government of India at the present moment to respect. If he wants the influence of this Assembly, surely the system of panel will give him an indication of the real persons in whom we have confidence, in whom the country at large has confidence. I therefore think, Sir, on these grounds that the system of a panel of six people to be chosen

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by the two Houses of the Legislature at a joint sitting will give to the Government of India, a procedure, a method, which will be acceptable to them, which will be acceptable to the different Parties of the House and which, I trust, will also be acceptable to the country at large. It will obviate for some years at least a suspicion that after all the representatives are not the representatives of the people of the country, and yet it will solve the difficulty which Sir William Vincent has pointed out under the Statute, *viz.*, that they, the Government of India, could be responsible only to the Secretary of State and not to the country at large. Ultimately, I do hope the time may come when the representative of India, as Mr. Sastri has said in his speech, will be the Premier of India, that is to say, a man chosen by the House and a man who comes by the ordinary process of election.

Mr. A. C. Chatterjee (Industries Secretary) : Sir, I had hoped that the Honourable Dr. Gour in moving his Resolution would take care to exclude the International Labour Conferences from the purview of his proposal. But far from ignoring it, in his speech he alluded to it and included, so far as I could understand, the International Labour Conference within the terms of his proposal. I am considerably surprised, Sir, at this attitude of the learned Mover of the Resolution, because if he had only taken the trouble to study the treaty of Versailles, he would have found that the procedure indicated by him would be quite impossible in the case of Conferences annually organized by the International Labour Organization. According to Article 389 of that treaty, the delegates from the various countries which are Members of the League of Nations have to be appointed in a special manner laid down in the treaty. Four representatives are sent from each country, two of whom represent the Government, one represents the employers and one represents the labourers of that country. The representatives of the employers and the labourers have to be elected or rather nominated according to a special procedure. So also in the case of Government representatives; they are always supposed to represent the Government and not to represent the Legislature in any way. That is clearly indicated in Article 405 of the treaty where it is laid down that whatever may be the recommendations or draft conventions adopted at the Conference, they have to be placed within a certain time before the authority or authorities within whose competence the matter lies for the enactment of legislation or for action. It will, therefore, be quite impossible for the Government of India to accept the proposal put forward by the Honourable Dr. Gour, or even the modified proposal put forward by the Honourable Mr. Kamat, without obtaining in the first instance a revision of the Treaty of Versailles. The Honourable the Home Member has already explained that the delegates who go out from India are not really plenipotentiaries in the true sense of that word. They have to receive instructions from the Government and from my own personal experience, Sir, having attended two International Conferences of this nature, I can confidently tell the House that it will be absolutely impossible for the delegate to receive instructions from the Legislature during the course of his duties at any of these Conferences. Also, Sir, I wish to remind the House and I have no doubt that my Honourable friend, Mr. Joshi, will bear me out, that the practice not only of the Dominions but also of other countries, countries such as France or Italy or Germany or Sweden or the countries of South America was entirely on a par with the practice that has hitherto obtained in the case of India. The representatives who were the delegates to the

International Labour Conferences at Washington and Geneva from Canada or from South Africa represented the Government and were prominent officers of the Civil Service. So also the representatives in the case of France; so also the Government representatives in the case of Italy and, so far as I know, of practically every country which sent representatives to these Labour Conferences. As a matter of fact, this is the only practicable procedure, because the delegates who represent the Governments are expected to be conversant with the actual practice and procedure in regard to labour matters in those countries. Therefore, Sir, as the procedure is carefully laid down by Treaty and we cannot go beyond the Treaty without asking for a revision of the Treaty and also as the procedure is in keeping with the procedure in the self-governing Dominions and also in all the countries of the world, I think, Sir, that whatever may be the fate of this Resolution with regard to political Conferences or with regard to Imperial Conferences, it cannot possibly be applied to the Conferences organised by the International Labour Organisation.

Mr. N. M. Samarth (Bombay: Nominated Non-Official): Sir, I agree that, if the procedure has been laid down by any Treaty for representatives to be sent in any particular manner, then that Treaty cannot be abrogated by any Resolution that this Assembly may pass; and, so far as that objection is concerned, I concede it. I also concede in the main the constitutional position taken up by the Honourable the Home Member. I do think that it is not permissible, as the constitution now stands, for the Assembly or, for the matter of that, for the Council of State, to insist upon its elected representatives to be sent to these Conferences. At the same time, I contend that there is nothing, so far as I have been able to see, in the Government of India Act to prevent the Government from accepting the amendment of which either Mr. Kamat has given notice or of which I have given notice. I concede that the nomination must be with Government. I concede also, as has been conceded by Dr. Gour, that the nominations hitherto made by the Government of India have been not only unexceptionable but remarkably happy. At the same time, I do not think that the Government of India themselves will take up the position that their nominations will always remain above reproach. There cannot be any certainty about it, and the proposal, therefore, to have a panel of elected Members at the choice of Government is not absolutely unprecedented, as I am going to show to the Assembly in a minute. I happened to go as a member of the deputation elected by the Indian National Congress in 1914 to the Marquess of Crewe, who was then the Secretary of State for India. The question then was as to how the Indian Members were to be chosen for the Secretary of State's Council. We, Sir, who formed the deputation asked, in the first instance, for the Members to be elected by the different Legislative Councils in India; we found, however, that that was constitutionally not permissible. We then made another proposal, namely, that a panel may be elected by the elected Members of the Legislative Councils and the Secretary of State shall choose the number required out of that panel. In accordance with our proposal, the Council of India Bill was drafted and that clause was inserted in the Bill. Unfortunately, that Bill was introduced in the House of Lords and not in the House of Commons and there it met with opposition and it was thrown out at the second reading. But, Sir, the grounds which the Marquess of Crewe urged for a panel to be elected would hold good in the case of this proposal. At the second reading he said:

'As regards the panel, I do not see that any noble Lord who has spoken did me the honour to notice the reason which I gave for suggesting this procedure, namely, that it

[Mr. N. M. Samarth.]

was feared by a number of persons in India that at some future time an Indian or Indians might be appointed not really representative of Indian opinion in any sense, not merely of what is known as the opinion of the educated classes, but not representative of any kind of Indian opinion. I think the only speaker who alluded to that fear which I stated as being held by a number of persons in India was the noble Earl himself (*I think Earl Curzon of Kedleston, if I am not mistaken*) 'and he confined himself to saying that as a matter of fact the fear was groundless and that the Indians who are appointed would be of the same high calibre who now sit on my Council. I dare say they may; but it must be admitted that those who take a contrary view and believe that quite unrepresentative Indians would be appointed are within their rights in assuming,—just as noble Lords opposite have been assuming about the way I shall use my powers,—that this power will be unwisely and from their point of view unfairly used, and they will not be satisfied by a mere assertion that no such unfair use is intended.'

I make use of those observations for the purposes of my amendment. I need not repeat—I have said so and if I am wrong I may be corrected at once—that there is nothing in the Government of India Act to prevent the Government of India from exercising this power of nomination from among a panel of six men to be chosen according to my proposal, four from this Assembly and two from the Council of State. It may be that these six men may not all be acceptable to Government; Government may have to send one or two; but surely it may be taken that the men elected will be the best men that the two bodies can give for the selection of Government. I do not subscribe to the view of Mr. Kamat that this panel is to be justified on the ground of Parties. I do think that if a Member is available of outstanding merit belonging to the Democratic Party, although I belong to the National Party, I would plump for him and vote for him and I dare say that is also the feeling which animates the Democratic Party in regard to the National Party. I do not put forward this proposal on the narrow, sectional and parochial grounds urged by Mr. Kamat.

Mr. P. L. Misra (Central Provinces Hindu Divisions: Non-Muhammadian): We do not mind Members of the National Party.

Mr. N. M. Samarth: Exactly, I stand for national purposes, and my Party stands for national interests (Hear, hear), and whatever the other Party may be, it has nothing in common with me if it is not to be guided in this matter by the animating influence of one body and one common nationality. Well, Sir, I do not, therefore, propose it on that basis, nor do I ask the House to accept Mr. Kamat's proposal. What does his amendment come to? He wants the Council of State Members, who are in a minority, to be in this large body of non-official Members of this Assembly for the purpose of joint voting and practically swamp them so that out of the number of six men who are to be elected, probably 5 may be all Members of this House, and only one a Member from of the Council of State. I do not wish to be unfair in that way. I wish the Council of State to exercise their own choice and elect their two best men. I wish the Assembly also to exercise the right of making its best choice of four men. Let these six men be before Government and let them make their choice from among these six Members and send a representative or two. As I said, this was the proposal which was actually embodied in the Bill, so far as the Council of India Bill was concerned, and there is nothing to prevent the Government of India from accepting it, and I trust that they will do so. I, therefore, Sir, propose my amendment which reads as follows:

'For the words 'substitute election by the Assembly for nomination by Government

of all' substitute the word 'select' and at the end of the Resolution, after the word 'Conferences' add the following :

'Out of a panel of six Members elected by the Council of State and the Legislative Assembly, two by the former and four by the latter, from among their respective non-official Members.'

Mr. President: Do I understand that that amendment represents Mr. Kamat's view? I understood Mr. Kamat to say that he really intended the same thing.

Mr. B. S. Kamat: I can accept that, Sir.

Mr. President: Does the Honourable Member then withdraw his amendment in favour of Mr. Samarth's?

Mr. B. S. Kamat: If he will only add the words 'Indian non-official Members'.

Mr. N. M. Samarth: Do you mean to say that European Non-official Members should have no voice in the election? Then, Sir, I don't agree. I stand by mine.

Rao Bahadur C. S. Subrahmanayam (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, the extreme position which my Honourable friend, Dr. Gour, has taken up of sending out representatives elected by this Assembly is one which seems to me to be untenable not only on constitutional grounds but also on other grounds. Election no doubt is a very good thing in certain circumstances, that is, it is used in standing against misguided autocracy or bureaucracy, but I do not think that election is always the best thing or that we can always get the best men by means of it for certain services. Election would bring in men of some phase of character or of some particular phase of ability, but the men who want to go into the Councils of the world to represent this country amongst the most distinguished men which the other countries are sending there are not likely to be chosen by the process of election. The men who go there are not merely men with declamation, or men who have simply the courage or the daring, but men who have wide culture, sound patriotism and all those intellectual graces which would shine and which would be valued by the representatives of the countries of the world. Therefore, from all we know of election, it might bring out particular phases of character, but not a combination of all those characteristics which are necessary for a person who goes there to represent this country. A mere declaimer will not be of any use, a mere silent grumbler will not be of any use, an extremist will not be of any use, and, therefore, you have to bring out a sound reasonable mixture of all the qualities. Therefore, there is no use in saying that one or two representatives which this country may have to send can be elected by means of pure election. (Hear, hear.) The amendment moved by my Honourable friend, Mr. Kamat, seems to me to be a very wise one, for, while it does not take its position on the fetish of election, it gives Government a wide field of choice which would not only enable Government to choose the best men possible but would also create a certain amount of confidence in the country. Now the recent appointments have met with undoubted acceptance. No doubt, it may be said with regard to these appointments that the members are representatives of the Government and not elected by us. That distinction without a difference was often made on platforms

[Rao Bahadur C. S. Subrahmanayam.]

and in the press. Well, Mr. Kamat's amendment will put an end to any such attempts to make those distinctions without a difference, and after all, when there is a panel of half a dozen—I do not tie myself down to any particular number—when there is a panel of half a dozen or even more, if the Government likes, it is not likely that the Government would go wrong or that they would not be able to appoint one or two individuals acceptable to them fulfilling all the necessary qualifications. So I think, Sir, if the actual wording of the amendments does not meet with their acceptance, Government might accept the spirit of these amendments and on future occasions the Assembly and the Council of State might be called upon to nominate by election persons in whom they have confidence and the Government might make the final appointment. That, I think, would meet the wishes of all reasonable among us, and that would also solve all the constitutional bars that may exist.

Mr. N. M. Samarth : Sir, may I make my position clear? I could not quite catch what Mr. Kamat meant. He proposed to add the word 'Indian', I understand, between the word 'six' and 'members.' He says, if I understand him rightly, 'Out of a panel of six Indian Members elected by the Council of State.' If you permit me, Sir, then I make that amendment, to add the word 'Indian.'

Mr. President : The suggestion that the Honourable Member makes is that in Mr. Samarth's amendment the word 'Indian' be inserted between the words 'six' and 'members', and that, as a result of that, Mr. Kamat withdraws his amendment.

Mr. B. S. Kamat : What I meant was that the delegates sent to the International Conferences should be Indians. Their election on the panel could be by all the Members of the Assembly.

Mr. President : Will the Honourable Member withdraw his amendment?

Mr. B. S. Kamat : I withdraw in favour of Mr. Samarth's amendment.

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

Mr. President : The question is :

'That in the amendment of Mr. Samarth, between the word 'six' and the word 'Members' the word 'Indian' be inserted'.

The Honourable Sir William Vincent : Sir, I quite admit that Mr. Samarth's proposal is a more reasonable one than that put forward by Dr. Gour, and he has with some skill avoided some of the objections which I put forward, to the motion made by the original proposer. All the same, I feel quite clearly that, having regard to the responsibilities of Government to the Secretary of State and to His Majesty's Government in this matter, we cannot possibly accept anything which infringes on the absolute right of the Secretary of State and the Governor General in Council to nominate without restriction such persons as they think best suited for these International Conferences. Mr. Chatterjee has pointed out to you that in regard to one Conference, the Labour Conference, the proposals could not be adopted, and, if the House will consider the position of the Secretary of State in this matter and his responsibility to Parliament and our position *vis-a-vis* him, they will see, I am sure, that it is quite impossible for the Government to accept this proposal.

Rao Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Even a panel ?

The Honourable Sir William Vincent : Even a Panel, because, when you come to think of it, it is much the same thing : Why take the case of the Democratic Party which, as I am told, is constantly increasing in number and may in time secure the support of 60 or 70 Members. They might put up a panel of half a dozen men of their own line of thinking and definitely opposed to Government on many questions. Supposing we had to send a representative to an International Conference dealing with the Treaty of Sevres. I can conceive of my Honourable friend, Mr. Kabeer-ud-Din Ahmed and others of his views being put up as a panel. Further we have not merely to look to the present. We have also to look to the future, we have to look to what may happen after the next election.

Rao Bahadur T. Rangachariar : All of you can be elected.

The Honourable Sir William Vincent : I am talking of the next election to the Legislative Assembly. If the Honourable Member is re-elected, I should be only too pleased, but I should not advise all the Members of this Assembly to be too confident of this.

Rao Bahadur T. Rangachariar : I mean all the Members of the Government will be elected.

The Honourable Sir William Vincent : Does the Honourable Member expect that to occur in three years ? I hope I am not in the country.

But there are other practical objections to this proposal. The first thing is that the panel is confined to Members of this Legislature. Is that a reasonable restriction to put upon the nominees that may be selected to represent this country ? Are there not many questions on which gentlemen who are not in this Assembly would be far better representatives of India than Members of the Assembly ? Are there not many very great men in the Provinces who have thought that they can render greater service to the country by remaining in the Provinces ? All such persons will be entirely excluded from selection by this proposal of Mr. Samarth.

Rao Bahadur T. Rangachariar : This is drawing a red herring across the trail.

The Honourable Sir William Vincent : It is not drawing a red herring across the trail. I am dealing with the amendment as put forward by the Mover. He has chosen to word it in a particular way and I am entitled to argue on the form in which it is drawn up.

Then, again, let us come to another question. I have no doubt Mr. Samarth does not intend to exclude Indian Princes from being delegates.

Mr. N. M. Samarth : I mean only British India.

The Honourable Sir William Vincent : This is not what is stated in the amendment.

Dr. H. S. Gour : May I Sir

Mr. President : Order, order. The Honourable Member is too fond of interrupting.

Dr. H. S. Gour : There is an amendment

Mr. President: The Honourable Member has a right of reply at the end.

The Honourable Sir William Vincent: I submit that the best men would necessarily not be available out of this Legislature. There might be many matters, matters particularly concerning, let us say, Muhammadan feeling, in which it would be essential to go outside this Assembly to get men of the highest light and character. But my objection to a panel goes much further than that. I do not think a panel will secure the representation of minorities even if the most able men were procurable, and I further say that there is really no use of camouflage in this matter. Either let the delegates be appointed by election or by nomination by Government. There is no compromise possible in a matter of this kind. I remember on a previous occasion, when Mr. Kharparde introduced a somewhat similar Resolution in the old Legislative Council and Sir Surendra Nath Banerjea (then Mr. Surendra Nath Banerjea) put in an amendment very like this one put forward by Mr. Samarth, I put forward exactly the same arguments. If the choice of Government is restricted to a panel of six people, the discretion of the Government is really fettered. And the delegate selected is in part responsible to the Assembly. He is chosen by the Assembly and, therefore, he will feel he is responsible whether he is a single nominee or one of the panel, to the Assembly and not to the Governor General in Council or the Secretary of State. We think and we believe that according to the Government of India Act, the Government of India cannot divest itself, and cannot divest the Secretary of State of his clear power and responsibility in this matter. All we ask to be permitted to do is to choose the best man we can for any particular work. It has been admitted that we have in the past exercised this right in a proper manner. The character of the representatives that we have sent have been eulogised by every one here. There are now three Indian Members in the Executive Council, and with a Government very largely under the influence of this Assembly, having to seek its support for confirmation of the decisions of the Conferences, is there any reason for one moment to suppose that the Government of India would in future fail to nominate persons who will really command the confidence of the country at large?

May I add one word more? It is only to say this. I am not anxious to curtail the discussion on this question, but there is a very important Resolution coming on later. If we are to get on to it to-day, it can only be if Honourable Members will curtail their speeches. I am afraid I myself have been too long in my remarks.

Mr. N. M. Samarth: The debate could easily be curtailed if Government accept this amendment.

Dr. Nand Lal (West Punjab : Non-Muhammadan): Sir, as you know, this country is really grateful to the Government of India for having got the right of representation. In addition to that, I am quite prepared to recognise that all previous nominations were remarkably good and excellent, and the point put forward by my learned friend, Dr. Gour, seems to me to be somewhat untenable.

The reading of section 2 with section 33 of the Government of India Act of 1919 really makes the argument of Sir William Vincent very strong, no doubt. Therefore I was forced to suggest an amendment that the Governor General in Council may be pleased to take such steps as are necessary to see

that the representatives may be elected by the Legislative Assembly and not nominated. It may not be done at once, but the Governor General in Council as soon as it may be, may take the necessary steps to secure her true and full representation which she contemplates she was given. Sir William Vincent adverted to this point and said that this is a question of sentiment only. I may very respectfully tell him that the art of good Government tells us that every good Government ought to be influenced by the sentiment of the people; and the sentiment of the people, I may be permitted to repeat, is of the greatest possible assistance to every Government. However, after having studied this question, I feel forced to concede that the Resolution, which has been so ably put forward by my learned friend, Dr. Gour, does not appeal to me, nor the amendment which I was going to put forward. Therefore, I feel forced to yield in favour of the amendment, which has been so ably advocated by Mr. Samarth.

Now, I may ask Sir William Vincent what answers he has given. The answers, which he has endeavoured to advance, I may submit, has got no force at all. One of them is this, that anybody may be nominated. I may tell him at once that this is a direct insult to the people of this country and to this Assembly. (Hear, hear.) When this Assembly has been elected by the people of this country, then within the contemplation of the people of this country this Assembly is the best and therefore a Member of this Assembly may be elected. It was very good of Mr. Samarth that he has put down in unmistakable terms that the election may be effected from both the Houses. I agree with him. But, so far as Sir William Vincent's arguments are concerned, that there are people outside this House who are head and shoulders above the Assembly,—they could be replied that it may or may not be,; but it is not the question here. The question here is one of constitution. So far as the constitutional law is concerned, so far as the constitutional rights are concerned, we are the best. (Hear, hear); if your constitution is correct, and if your reforms are correct. When Sir William Vincent comes forward with this biting remark, I must tell him that he is criticising the constitution, the very reforms which have been given to this country. He is on the horns of a dilemma. I am very sorry that he forgot to see that while he is trying to use his weapon, that weapon will go against him, (*An Honourable Member*: 'That is why he has run away'.) I think that Mr. Samarth's amendment speaks for itself. It gets over the present legal difficulty. It gets over the various arguments which have been advanced. But I cannot doubt the force of one of the arguments of my learned friend, Dr. Gour, which argument was based on citations and quotations. If we read the quotations and expressions made by various persons from the Prime Minister down to some Members of Parliament, we can safely arrive at this conclusion that the expression 'her representative' means 'a representative who has been chosen and elected by the country,' namely, 'by the people of the country'. However, being a constitutional question, it cannot be decided simply by the expression of the opinions of the various speakers in the different parts of the country. Finally, it has to be discussed and adjudicated upon with reference to the provisions of the Government of India Act and to my mind that is an impediment in our way, and, therefore, I yielded so that the Honourable the Law Member may not be given the unnecessary trouble to come forward with his learned exposition of Law on the subject under debate. The suggestion of a panel is one which ought to be accepted by the whole House. There can be no objection to it. A certain number of

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Members of the Legislature will be selected and then the Government of India can exercise their discretion. Do the Government of India seriously mean to say that we have not got the sense of selecting rightly? We will endeavour to see that the ablest men are selected and that selection will be put forward in the shape of a suggestion to the Government and the Government will simply yield to this extent that they will nominate any out of them, namely, out of so selected Members. What difficulty is there in the way of the Government, and why should they deny the force of this wholesome suggestion? If the Government denies that too, the people of this country will have great justification to say that the Government desire and choose to send, as their own nominee anybody whom they like, and consequently there will be criticism. As a matter of fact, the Government will be saved from this criticism if they adopt the proposal that has been made by us and after all, it is not a happy thing to be criticised. On these grounds I very respectfully submit that I am in favour of the amendment which has been suggested by Mr. Samarth. I, therefore, withdraw my own amendment and I hope that the amendment which has been moved by Mr. Samarth will receive the approbation of the House.

Mr. J. Chaudhuri (Chittagong and Rajshahi Division : Non-Muhammadan Rural) : I move that the question be now put.

The motion was adopted.

Mr. President : Under the proviso to Standing Order No. 34, Dr. Gour has got the right of reply.

Dr. H. S. Gour : I shall very briefly reply to the debate that has just taken place. The Honourable Sir William Vincent took up a constitutional position under the Government of India Act. I think I have sufficiently met that position by citing from the official proceedings of the Imperial Conference. Sir Robert Borden, the Canadian Premier, in dealing with this very question about the status of Indians at page 42, said :

'It (meaning the Conference) does at the same time place on record the view of this Conference that any readjustment of relations must, in the first place, preserve all the existing powers of self-government and complete control of domestic affairs, that it must be based on a complete recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and must fully recognise their right to a voice in foreign policy and in foreign relations. The willing acceptance of that principle by the mother country is an immense stride in advance.'

Consequently, I submit that by an international compact, it has been established and unanimously accepted that India is to have a co-ordinate position in the British Commonwealth. How can that position, I submit, be reconciled with the position which the Government of India take, that of complete irresponsibility and their subordination to the Secretary of State. That is a position, which I submit, in view of the events which have taken place and the declarations made by Parliament, is not now tenable. Then, Sir William Vincent said that nowhere else, in the Colonies or in the Dominions, is the representative to the Imperial Conference elected. A very glance at the list of members of the Imperial Conference will convince the House that all the members of the Imperial Conference whose names are set out on page 8 are either Prime Ministers or other Ministers of the Dominions concerned. Now, we know as a matter of fact how a Minister gets into power. He is the representative of an electorate. He is a distinguished man and he is throughout responsible during his ministry to those whom he represents. By a vote

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in the House he can be immediately recalled. He may have to vacate his seat and therefore he is responsible to the Legislature. The position, therefore, is that all the delegates at the Imperial Conferences are persons who are responsible to the people's representatives. That, I submit, is an undeniable proposition. Now, that being the position, are our representatives responsible to the Legislature? That is the whole question. Then, Sir, Sir William Vincent said that we have always nominated men who have commanded the confidence and respect of the public. That is, as I have said, unquestionable. But the very members whom you have nominated themselves feel the weakness of their position in the Imperial Conference. Have I not read to the Honourable Members of this House the Right Honourable Mr. Srinivasa Sastri's views? He says: 'I feel that I cannot do justice to my nomination, to my position in the Imperial Conference and I prefer that those who come hereafter shall be the elected representatives of the Indian Legislature.' What reply have the Government got to give to that? I submit the nominated delegates exactly know their own place in the Imperial Conferences where they themselves declare that they would rather have been the elected representatives of the Indian Legislature. There we have, I submit, the views of the very people whom the Government of India have nominated, who declare that their efficiency would have been greater if they had come with the imprimature of the Central Legislature.

Then, it has been said that the representatives from India go with certain instructions from the Government of India and that these instructions have to be supplemented from time to time. What is there to prevent the Government of India from giving instructions to an elected representative and what is there to prevent the Government of India from supplementing these instructions? I submit there is absolutely nothing to prevent the Government of India from doing so. Then, we were told that the position we took up in this House is unprecedented and the Honourable the Home Member said: 'Where else in the wide world have you got a country whose representatives are the elected representatives of the Legislature', to which I interjected a remark in time for the Honourable the Home Member to reply to: Wherever in the wide world have you got a constitutional parallel to the constitution of India and is it not *ex hypothesi* in a transitory stage? It is a constitution unparalleled and unique and it is because of its anomalous character that we have no precedents in the wide world. At the same time, the analogy of the other Dominions and our desire to approximate our position as far as possible to that of the Self-governing Colonies is our justification for asking the Government to accept the principle of election in the way we suggest. Then, it was asked by the Honourable the Home Member: 'Is all the wisdom and all the statesmanship confined to the members of the two Houses?' It may be that the Government of India may decide to nominate a person, who is not a representative member of the Council of State or the Assembly, as the most desirable person. Why should we shut him out? My answer to that is a short drafting change to Mr. Samarth's amendment which, I hope, Mr. Samarth will accept. I shall presently disclose it. Lastly, it has been said: 'You want your representatives to be elected by the two Houses. What about one-third of India which is not British India? Well, Sir, the Honourable the Home Member could not be unaware of the fact that this Assembly and the Council of State are representative Houses for British India and, whenever we speak, we do so on behalf of British India and not of Feudatory India. It is

[Dr. H. S. Gour.]

perfectly open to the Government of India to supplement the representatives of British India by nominating such persons as they think fit to represent non-British India. The Right Honourable Mr. Srinivasa Sastri suggests that even the representatives of the Indian States should be elected by the Chamber of Princes. You will there observe that he was speaking for the combined delegation of India when he was in favour of the election of all British delegates by the Central Legislature and all the Feudatory delegates by the Indian States. Then, Sir William Vincent lastly said: 'What about the provinces? We have the Bombay Council. We have the Bengal Council.' I have not the slightest doubt that that was an adroit and skilful argument intended to divide us against ourselves. What, I ask you, Sir, in the name of reason, have the provincial Legislatures got to do with international matters which are the primary concern of the Central Government? As Mr. Samarth points out, they are the primary concern of the Government of India. We are told: 'If you want an election, bring within your capacious net the local representatives of the Local Governments and then one at least of the arguments that you use in favour of election will have become strengthened.'

Well, Sir, I hope that you will observe that this is a red herring and I hope you will dismiss from your minds this suggestion that the Central Legislature has to take into partnership, in the matter of sending its own representatives, an outside body created and existing for a specific purpose and which cannot send up representatives to do the work which is primarily, and even according to the Honourable Sir William Vincent, the concern of the Government of India. If you were to make such a suggestion, I am certain, Sir, that the Honourable Sir William Vincent would have exultingly replied to it by saying: 'Is not this going too wide, is not this going too far? You may next ask us to take a representative of all the municipalities and district councils, of all the urban and rural bodies.' I do not wish to labour this point. I hope I have sufficiently answered every one of the arguments of the Honourable the Home Member. Lastly, Sir, I wish to adopt the line of least resistance. Far be it from me to say that my Resolution is perfect either in thought or words. I am quite prepared to accept either Mr. Samarth's or Mr. Kamat's or any other amendment, but the basic principle of my Resolution is that the principle of election should be recognized by the Government of India; and, so long as this is vouchsafed, all else is a matter of comparatively little importance to me.

If Mr. Samarth agrees with one slight verbal change, I will support his amendment:

'This Assembly recommends to the Governor General in Council to be so pleased as to make it the rule in future to select the representatives of British India out of a panel of six Indians, two elected by the Council of State and four by the Legislative Assembly from amongst their respective non-official Members.'

Rao Bahadur T. Rangachariar: On a point of order, Sir. Is it open to the Honourable Member, after a motion has been carried that the question be put, to move an amendment?

The Honourable Sir William Vincent: We are in a very difficult position, Sir. I cannot follow.

Dr. H. S. Gour: I take it, Sir, that the combined effect of all the amendments and of my own Resolution would make it read thus:

'This Assembly recommends'

The Honourable Sir William Vincent : Is this allowed, Sir ?

Mr. President : I do not quite understand what amendment the Honourable Member proposes to insert.

Dr. H. S. Gour : It is not a new amendment, Sir. I am simply accepting Mr. Samarth's amendment ; and after making verbal alterations and bringing it into conformity with his desire and my own, it will read thus :

' This Assembly recommends to the Governor General in Council to be so pleased as to make it the rule in future to select the representatives of British India out of a panel of six Indians'—

not necessarily Members of either House that is to meet the objection of Sir William Vincent.

Mr. President : The Honourable Member is bringing forward new matter in the form of amendments which I cannot allow. I understood that Mr. Samarth said that he did not press the question of ' Indian members '.

Mr. N. M. Samarth : I accepted the inclusion of ' Indian,' Sir, and on that assurance, Mr. Kamat withdrew.

Mr. President : That amendment is still before the House.

The Honourable Sir William Vincent : May I, in reply to Dr. Gour, point out that the first question which I put is whether he proposes to insert the word ' Indian ' between the words ' six ' and ' members '.

Mr. President : That question is before the House as well as the original amendment and the Resolution, but if it is nothing more than a verbal alteration.

Dr. H. S. Gour : It is simply to improve the language. It is all verbal.

Mr. President : What is the amendment that the Honourable Member proposes to make ?

Dr. H. S. Gour : For ' six Indian Members ' substitute ' six Indians '.

The Honourable Sir William Vincent : That is the very point I have been arguing. Members of this Legislature are not the only suitable persons. Dr. Gour says this is only a verbal change ; I will prove that it is more and a most important change of substance.

Mr. President : The Honourable Member cannot move an amendment of that character in replying at the end of the debate.

Dr. H. S. Gour : Very well, Sir. I then accept Mr. Samarth's amendment *in toto*, and I move that that amendment be passed in substitution of my Resolution. (Laughter.) I just wish to add one word. The Honourable the Home Member said that we have to give to these delegates instructions from time to time. My attention has been drawn to a reply to a question put by the Honourable Mr. Neogy as to whether the Government of India had given any instructions to Mr. Sastri, and the reply at page 1828 on the 24th January, 1922, was to the following effect :

' Mr. Sastri was not given any precise instruction as to the attitude he should adopt on any question which might arise at the Conference.'

The Honourable Sir William Vincent : Continue the answer.

Dr. H. S. Gour : Then :

' it was intended that he should consult the Secretary of State for India (Laughter) before coming to any important decision and the Secretary of State would have consulted the Government of India in such a case if he had thought this necessary.'

[Dr. H. S. Gour.]

Subsequently, Sir, on the 6th February, 1922 :

The Government of India have, however, no information on these points. I invite the attention of the Honourable Member to the fact that under the first proviso to rule 8, sub-rule 1 of the Legislative rules, no question may be asked in this Assembly which affects the relations of His Majesty's Government with any Foreign State. Any instructions issued to Mr. Sastri or views put forward by him must, I think, be regarded as coming within that prohibition. The Government have, however, no information on these points.

So they did not even know the views of the Honourable Mr. Sastri, and, presumably neither the Secretary of State informed the Government of India of any instructions given by him, nor were any precise instructions given to Mr. Sastri by the Government of India. This is the reply to the arguments that the Government of India made that they have to give instructions to their delegates and supplement them from time to time. However, that is a question which does not present any insuperable difficulty to the acceptance of my Resolution. I therefore submit, Sir, that my Resolution, as amended by Mr. Samarth, be accepted by the House.

Mr. N. M. Joshi : On a point of order, I should like to know whether Dr. Gour or Mr. Samarth has accepted Mr. Chatterjee's suggestion.

The Honourable Sir William Vincent : This question of instructing.

Rao Bahadur T. Rangachariar : I rise to another point of order with regret. Under Standing Order 34, after a motion is carried that the question be put, you have discretion, Sir, to allow the Mover to reply, I do not know if the Government have a right of reply.

Mr. President : Will the Honourable Member kindly read the new proviso to Standing Order 34 ?

The Honourable Sir William Vincent : Sir, I want to deal with this question of instructions first, because it has been suggested that I had made an inaccurate statement to this Assembly in regard to the instructions issued to delegates.

Now Mr. Chatterjee, having been a member of one of these delegations, can say whether he received instructions or not. When these international Conferences are proposed, I can assure the Assembly, and there must be many Members of the different Departments here who can bear me out, the most careful memoranda are prepared and forwarded to the India Office for examination there, the final instructions being issued by the India Office. Does any one suppose that we send delegates to Washington, or any of these big Conferences, without giving them any kind of instructions and leaving them to act as they thought fit? Why that is a suggestion which will not bear examination.

Then Dr. Gour accused me of attempting to divide the provinces against one another, because I had the temerity to suggest that wisdom was not the sole prerogative of this Assembly and that more capable men for particular purposes might be found outside it. Immediately afterwards, however, he wanted to strike out the word 'Member' in this Resolution, suggesting that he was making only a 'verbal change'. He saw that this was essential and he attempted by making this 'verbal' change to avoid a difficulty which he himself had clearly realized. I will give you an instance of what I had in mind. Let us suppose there was to be an international Educational Conference and the Government of India wanted to choose a man of exceptional ability and outstanding merit, say, Sir Ashutosh Mukherji. Under the Resolution they could not do so. He is neither a Member of this Assembly nor of any of the Provincial Councils. Is it reasonable to

say that you should place it beyond the power of the Government to select a man of that character? That is the reason, Sir, why Dr. Gour, seeing the weakness of his own case, having made an accusation against me of seeking to divide the provinces against one another, wanted to make this so-called verbal change. My contention shortly is that the Government should be free to select the best man inside or outside any legislative body for work on these international Conferences.

Then Dr. Gour went on to say that the international pact had over-ridden all legislation as to the right of the Legislature to choose its representative. I am amazed to hear a professional lawyer putting forward a statement of that kind, a suggestion that an international pact come to by statesmen at one of these Conferences should over-ride a solemn Statute of His Majesty's Parliament, the Government of India Act. Sir, we are certainly not governed by these *obiter dicta* of Dominion statesmen, but by the Statute itself and by nothing else. He went on to say: 'What I stand for is the principle of election. I believe,' he said, 'that Mr. Samarth's proposal gives me that, and so I withdraw in favour of it.' Sir, I suspect however that his real reason for withdrawing was the fact that he found no support for his original proposal in this Assembly. That is the truth of the matter. But the principle of election is the one thing to which the Government cannot consent, and I ask this House to vote with me on this point. There is an authority appointed by Statute to direct and control the administration of India. That power is vested in the Governor General in Council and in the Secretary of State. There is no getting over the Statute. And if this Assembly asks us to accept this amendment it is in effect asking us to accept Dr. Gour's principle of election; it is asking us to divest ourselves of the authority which has been deliberately conferred on us by Parliament. The arguments that have been put forward by Dr. Gour may be very valid arguments for a change in the Government of India Act; but I venture to say again that if and when the Government of India is in the course of time changed, even then this Assembly and the then Government of India will never allow the Legislature to take upon itself the privilege of electing delegates for Conferences of this character. Sir, the responsibility of the delegate or representative at such a Conference must be to one authority and undivided. He can owe duty to one body and to one body only, and that is the body that appointed him. It is idle to say that Government could either appoint delegates from a panel or accept election by this House. In either case I submit the responsibility will be divided. The responsibility for any action taken by the delegates would rest upon the Government of India, but the tendency would be to divide the responsibility, and for the delegates to regard himself as partly responsible to the Legislature and partly to that Government which has nominally, and only nominally, appointed them. Sir, I have now dealt with all the arguments that can be produced in favour of a proposition of this character. There is one argument to the power of the House which is irresistible. I remember reading of a Party Leader in the House of Commons referring to it. He said: 'We have a bad case, an indefensible case. We must rely on our majority argument.' That is the only argument upon which Dr. Gour can in any way succeed to-day.

Mr. President: The question is:

'That in the third amendment the word 'Indian' be inserted after the word 'six'.

The motion was adopted.

Mr. President: The original question was :

'That this Assembly recommends to the Governor General in Council to be so pleased as to make it the rule in future to substitute election by the Indian Legislature for nomination by Government of all the representatives of India to Imperial and other International Conferences ;'

since which an amendment has been moved :

For the words 'substitute election by the Assembly for nomination by Government of all' substitute the word 'select' and at the end of the Resolution, after the word 'Conferences' add the following :

'Out of a panel of six Indian Members elected by the Council of State and the Legislative Assembly, two by the former and four by the latter, from among their respective non-official Members.'

The question is that that amendment be made.

The Assembly then divided as follows :

AYES—36.

Abdulla, Mr. Saiyed Muhammad.
 Agarwala, Lala G. L.
 Agnihotri, Mr. K. B. L.
 Ahmed, Mr. K.
 Ayyangar, Mr. M. G. M.
 Bagde, Mr. K. G.
 Bajpai, Mr. S. P.
 Barua, Mr. D. C.
 Bhargava, Pandit J. L.
 Bishambhar Nath, Mr.
 Chaudhuri, Mr. J.
 Das, Babu B. S.
 Ginwala, Mr. P. P.
 Gour, Dr. H. S.
 Gulab Singh, Sardar.
 Iswar Saran, Munshi.
 Jamnadas Dwarkadas, Mr.
 Kamat, Mr. B. S.

Lathe, Mr. A. B.
 Mahadeo Prasad, Munshi.
 Man Singh, Bhai.
 Misra, Mr. B. N.
 Misra, Mr. P. L.
 Mukherjee, Mr. J. N.
 Mukherjee, Mr. T. P.
 Nag, Mr. G. C.
 Nand Lal, Dr.
 Neogy, Mr. K. C.
 Rangachariar, Mr. T.
 Samarth, Mr. N. M.
 Sarvadhikary, Sir Deva Prasad.
 Shahani, Mr. S. C.
 Sinha, Babu Adit Prasad.
 Sinha, Babu Ambika Prasad.
 Sohan Lal, Bakshi.
 Subrahmanayam, Mr. C. S.

NOES—49.

Abdul Majid, Shaikh.
 Abdul Quadir, Maulvi.
 Abdul Rahim Khan, Mr.
 Abdul Rahman, Munshi.
 Ahmed Baksh Khan, Mr.
 Aiyar, Mr. A. V. V.
 Akram Hussain, Prince A. M. M.
 Asjad-ul-lah, Maulvi Miyan.
 Barodawala, Mr. S. K.
 Bijlikhan, Sardar G.
 Bradley-Birt, Mr. F. B.
 Bray, Mr. Denys.
 Bryant, Mr. J. F.
 Chatterjee, Mr. A. C.
 Clarke, Mr. G. R.
 Cotelingam, Mr. J. P.
 Crookshank, Sir Sydney.
 Dalal, Sardar B. A.
 Dentith, Mr. A. W.
 Faridoonji, Mr. R.
 Fell, Sir Godfrey.
 Gajjan Singh, Sardar Bahadur.
 Ghulam Sarwar Khan, Chaudhuri.
 Habibullah, Mr. Muhammad.
 Hailey, the Honourable Sir Malcolm.

Hullah, Mr. J.
 Hussanally, Mr. W. M.
 Ikramullah Khan, Raja M. M.
 Jejeebhoy, Sir Jamsetjee.
 Joahi, Mr. N. M.
 Kabraji, Mr. J. K. N.
 Keith, Mr. W. J.
 Lindsay, Mr. Darcy.
 Mitter, Mr. K. N.
 Muhammad Hussain, Mr. T.
 Nabi Hadi, Mr. S. M.
 Percival, Mr. P. E.
 Pyari Lal, Mr.
 Reddi, Mr. M. K.
 Sarfaraz Hussain Khan, Mr.
 Schamnad, Mr. Mahmood.
 Sharp, Mr. H.
 Spence, Mr. R. A.
 Thackersey, Sir Vithaldas D.
 Tulshan, Mr. Sheopershad.
 Vincent, the Honourable Sir William.
 Way, Mr. T. A. H.
 Yamin Khan, Mr. M.
 Zahiruddin Ahmed, Mr. .

The motion was negatived.

Mr. President : The question is :

'That this Assembly recommends to the Governor General in Council to be so pleased as to make it the rule in future to substitute election by the Indian Legislature for nomination by Government of all the representatives of India to Imperial and other International Conferences.'

The motion was negatived.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock.
Mr. President was in the Chair.

RESOLUTION *RE* MEASURES FOR INCREASING COTTON CULTIVATION IN INDIA.

Rai T. P. Mukherjee Bahadur (Burdwan Division: Non-Muhamadan Rural): Sir, the Resolution which I beg to move before this House, runs as follows :

'This Assembly recommends to the Governor General in Council to take steps to appoint a Committee to make a full inquiry and to report about the cause why the cotton cultivation in India, specially in Dacca, Mymensingh, Tipperah, Jalpaiguri and Chittagong is gradually disappearing and to take steps to increase the cotton cultivation in India'.

Sir, the subject which I have taken up to-day, is one of the most important subjects, which should attract the attention of everybody; cotton is one of the principal crops in India and the cultivation of which has become one of the most important questions in time of this economic difficulties. The most important problem which is now before us for solution, is how to increase the area of cotton cultivation and this question has also frequently engaged the attention of the Government of India and the Government of India just with a view for increasing the extension of growth of long stapled cotton in India, had recently started an Indian Cotton Committee. Sir, the object of the Government, is no doubt very laudable, but as to the practical utility of this Committee I will speak later on. Sir, at a time when there was no import, the cotton grown in India used to support India, but unfortunately cotton grown in India now is not found sufficient to support its own country. There is no statistics available of those anterior days, to show, what was the actual quantity of area which was then under cotton in India so that we might compare the area of the past with the present.

I have carefully compared the quantity of area of lands under cotton of each province from the year 1892, and I do not find much improvement in area, in spite of the activities of large number of Agricultural associations started in each province by our kind Government at an enormous cost. What surprises me most to note is that the quantity of area under cotton in Bengal is gradually decreasing and it is clear from the statistics noted below that it will soon dwindle into nothing. I therefore quote below the statistics

[Rai T. P. Mukherjee Bahadur.]

from the year 1892 showing the area of land under cotton each successive year in Bengal for the information of the Members of this House :

| Year. | Acres. |
|-----------|----------|
| 1892-93 | 2,31,800 |
| 1893-94 | 2,16,000 |
| 1894-95 | 2,03,700 |
| 1895-96 | 1,97,900 |
| 1896-97 | 1,57,100 |
| 1897-98 | 1,74,000 |
| 1898-99 | 92,312 |
| 1899-1900 | 1,60,600 |
| 1900-01 | 1,53,700 |
| 1901-02 | 1,18,500 |
| 1902-03 | 1,00,300 |
| 1903-04 | 96,000 |
| 1904-05 | 78,000 |
| 1905-06 | 71,000 |
| 1906-07 | 75,000 |
| 1907-08 | 70,000 |
| 1908-09 | 64,000 |
| 1909-10 | 67,000 |
| 1910-11 | 68,000 |

These figures I have taken from the 'Estimates of area and yield,' prepared by India Government. The above successive figures of each year would show, how the area under cotton cultivation is gradually decreasing. In 1892-93, the quantity of acres was 2,31,800, but in 1920, the quantity of acres is 69,000 only. I have carefully gone through the report of the Indian Cotton Committee, and in way of a sample of the work done by the Committee at an enormous cost, I will only draw your attention to a portion of the report about Bengal which was at one time the great emporium of trade in cotton, the Committee has finished it in a few lines without stating what it is now and what it was before. I am extremely sorry to notice, that even no reason is assigned by the Committee for this abnormal gradual decrease. It is clear that the Committee has taken no pains to ascertain the reasons for it. It is pity that such an important question should have escaped their attention and did not find place in the big report. This is a clear proof, how efficiently the Committee work, and almost all the Committees, like this generally are found to be moribund, and the public money is wasted for mere show. In time of this financial difficulty the Government should abolish these departments, and the money spent on these heads, should be better utilised. Practically no good work is done by them, excepting on paper. I should add here also the quantity of average net area actually cropped for the 5 years ending 1916-17 of other Provinces noted below for the information of this House :

| | Acres. |
|---------------------------------|------------|
| 1. Punjab | 21,872,000 |
| 2. North-West Frontier Province | 2,308,000 |
| 3. United Provinces | 35,683,000 |
| 4. Central Provinces | 24,985,000 |
| 5. Sind | 4,138,000 |
| 6. Bombay | 26,161,000 |
| 7. Madras | 34,449,000 |
| 8. Bengal, Bihar and Orissa | 1,21,000 |

These figures are taken from the report of the Indian Cotton Committee but unfortunately there is nothing in the report to show by which we can judge whether it is improving or declining.

Bengal was at one time the great emporium of trade in cotton, it had commercial intercourse with Turkey, Syria, Arabia, Ethiopia, Persia, Italy and Spain, it is on record that cloth was exported from India not only to England but to other parts of Europe also. In 1577, Shaik Bhik of Maldah, sent three ships of Maldah cloth to Russia by the Persian Gulf, it was not until the thirteenth century that the cotton plant was introduced into Southern Europe where its wool was at first used to make paper: Its manufacture into cloth in imitation of the fabrics of Egypt and India was first attempted by the Italian States in the thirteenth century; from which it was carried into the low countries and thence passed over to England in the seventeenth century. In 1641, Manchester cottons were still made of wool, but in vain did Manchester attempt to compete on fair free trade principles with the printed calicoes of India but what surprises me most that in a brief history of experimental cotton cultivation in the plains of Bengal, which has been written by Mr. G. Evans, C.I.E., Director of Agriculture, Bengal, shows that many attempts have been made to grow cotton in Bengal province, but without success. Mr. Evans says further that small quantity of cotton of inferior kinds is grown only in Bengal, and to crown all Mr. Milligan, the Agricultural Adviser to the Government of India, has definitely pronounced his views in the Government Review of Agricultural Operations in India that the prospects of growing cotton in Bengal are neither encouraging nor are likely to be so in future. We not only dissent from but marvel at the incorrect statements of those two officials.

Bengal cannot thrive in the production of cotton! As I have noticed above, Bengal not only produced the finest cotton in India but probably in the whole world and to-day she is declared to be impotent. Did not Dacca alone export in 1858 cotton fabrics (excluding the figures for home consumption) to the value of 10 to 11 lakhs and in 1864, 7 to 8 lakhs? Did she ever import the raw stuff from any other province? No, not a fibre!

The following letter from official record, which I cannot help quoting here, will dispel the doubts and prove the worthlessness of the pronouncement of the said two high official experts:

Letter No. 57, dated 5th September, 1828.

From—The Secretary to the Court of Directors,
To—The Secretary to the India Board.

'The delicate fabrics of Dacca were at times manufactured entirely from the cotton of that district, which is the finest of all cotton in India and is probably the finest in the world.

Bengal was at one time the great emporium of trade in cotton. It had commercial intercourse with Turkey, Syria, Arabia, Ethiopia, Persia, Italy and Spain.

How greatly did the Bengal cotton and cotton fabrics affect the English society and market, will be evident from the following extract culled from T. Ellison's cotton trade of Great Britain.

'Fabrics as fine as any that can be turned out at the present day by most perfect machinery in Lancashire, were produced by the nimble fingers of Hindu spinners and the primitive looms of Hindu weavers before the invasion of Britain by the Romans—in fact at a period when the inhabitants of the British Isles were attired in the skins of wild animals the leading people of India then were luxuriating in garments of a texture so fine as to have earned the poetic description of 'Woven Wind' and what is still more astonishing is the circumstance that the cotton with which this wonderful perfection was attained, was the much despised Surats and Bengal'.

[Rai T. P. Mukherjee Bahadur.]

Sir, now the most important question which strikes the mind of every thinking man, how these world-famed manufactures of India were ruined, and by whom? When Mr. Milligan, the great Agricultural Adviser to the Government of India, has definitely pronounced his views that :

'the prospects of growing cotton in Bengal are neither encouraging nor are likely to be so in future'.

Sir, in answering the question who killed India's textile trade, I can only quote what an eminent English historian, Horace Hayman Wilson, wrote on this subject :

'It is also a melancholy instance of the wrong done to India by the country on which she has become dependent. It was stated in evidence in 1813 that the cotton and silk goods of India up to period, could be sold for a profit in the British market at a price from 50 to 60 per cent. lower than those fabricated in England. It consequently became necessary to protect the latter by duties of 70 to 80 per cent. on their value or by positive prohibition. Had this not been the case, had not such prohibitory duties and decrees existed, the mills of Paisley and Manchester would have been stopped in their outset and scarcely could have again been set in motion even by the power of steam. They were created by the sacrifice of the Indian manufacture. Had India been independent, she would have retaliated, would have imposed prohibitory duties upon British goods and would thus have saved her productive industry from annihilation. This act of self-defence was not permitted her, she was at the mercy of the stranger. British goods were forced upon her without paying any duty and the foreign manufacturer employed the arm of political injustice to keep down and ultimately strangle a competitor with whom he could not have contended on equal terms'.

It should be further noted here for your information that when Manchester could not compete on fair free trade principles with the printed calicoes of India and gradually when Indian manufactures became so generally worn in England to the detriment of the woollen and flaxen manufactures of the country, as to excite popular feeling against them, the Government yielded to the clamour and passed what Sir George Birdwood characterised as 'The scandalous law of 1700' by which it was enacted :

'That from and after the 29th day of September, 1701, all wrought silks, Bengal and stuffs mixed with silk or herb of the manufacture of China, Persia, or the East Indies and all calicoes printed, dyed, printed or stained there, which are and shall be imported into this Kingdom, shall not be worn or otherwise used in Great Britain and all goods imported after that day shall be warehoused or exported again'

and in 1721, yet another law was passed prohibiting the wear of all printed calicoes whatever.

The Honourable Mr. B. N. Sarma (R. and A. Member) : Sir, I rise to a point of order. We are not now discussing the general question of prohibition or protection. We are now discussing as to whether Bengal can produce cotton, I take it.

Rai T. P. Mukherjee Bahadur : I want to show how the cotton industry in India was killed. Free trade was substituted for protection only when India's industry had been successfully killed and that is why Mr. Wilson remarks that :

'the foreign manufacturer employed the arm of political injustice to keep down and ultimately strangle a competitor with whom he could not have contended on equal terms.'

Now, Sir, you have got the answer, who has killed India's textile industry, from the mouth of an eminent Englishman, and I need not repeat.

Sir, under the circumstances stated above, it is highly desirable to inquire into the cause of such a rapid decline of India's Textile industry, which, as I have shown, had a world-wide fame. And also to take such steps as to increase the cotton cultivation in India and to revive the lost trade which we had before.

Now, Sir, in this connection I find that Dr. Nand Lal has submitted an amendment that the Punjab may be included. I am quite willing to accept his amendment and it will be included in my Resolution; and furthermore I have asked for a new Committee, but I was informed subsequently that there exists a Central Cotton Committee in Bombay. If the Government or Members so require, instead of forming a new Committee, the existing Central Cotton Committee of Bombay may be requested to make an inquiry and to report, and of course I do not propose a new Committee. If it is so desired, you will accept that amendment too.

With these few words, I beg to move my Resolution.

Mr. President: The Resolution moved is :

'That this Assembly recommends to the Governor General in Council to take steps to appoint a Committee to make a full inquiry and to report about the cause why the cotton cultivation in India, especially in Dacca, Mymensingh, Tipperah, Jalpaiguri, Chittagong, and in some districts of the Punjab, is gradually disappearing and to take steps to increase the cultivation in India.'

Mr. J. Hullah (Revenue Secretary) : Sir, other business is on the paper which I believe the House regards as being of greater interest and importance than the present Resolution, and I shall therefore be as brief as I can.

The Honourable Mover's Resolution refers to all India and to Bengal, but most of his remarks have been confined to Bengal. So far as all India is concerned, I may be permitted to express a little surprise that a request should be made for a Committee of inquiry when, only four years ago, the whole matter of the cotton industry was very thoroughly investigated throughout India by a Committee specially appointed for the purpose, and their report was received with approbation, and the thoroughness of their work was recognized not only in the Indian press, but in commercial circles and in England and America as well.

Again, I may express some surprise that the Resolution, so far as India is concerned, should refer to the gradual disappearance of cotton from India. What are the facts? In 1895, the area under cotton in India was 14½ million acres; by 1915 it had grown to 20 million acres. It is now 22 million acres. In 25 years the cultivation of cotton in India has increased by 50 per cent., and in that calculation we have taken care to see that the figures refer to the same areas throughout, and that later figures are not swelled by the inclusion of returns from areas which were not formerly available.

Then the Honourable Member has quoted certain statistics, which he says he has taken from the Cotton Committee's Report, to show how very large the area is in other provinces as compared with Bengal. It is a fact that the areas in other provinces are very much larger than in Bengal, but when the Honourable Member quotes figures which he takes from the Cotton Committee's Report, he should also have told us that those figures do not represent areas under cotton but areas under all crops: for instance, in the Punjab, the 24 million acres represent cotton, wheat, barley, jawar, bajri, and every other crop.

[Mr. J. Hullah.]

As for Bengal having once had 2 lakhs of acres, 2 lakhs of acres is not a very large area for a province to show. Bombay, Madras, the Central Provinces, Berar, have many districts, single districts that can show a larger area under cotton than that. Six districts in Berar and Bombay show an area over 2 lakhs. In Berar, no district has less than six lakhs. One district has nine lakhs, and these two lakhs of acres formerly grown in Bengal were grown, I gather, in the year 1892. In those days, Bengal included what is now the Province of Bihar and Orissa, and a good deal more cotton is grown in Bihar and Orissa than in Bengal. It is a fact that there is hardly any cotton cultivation in Bengal: it is confined to the Chittagong Hill Tracts, where a very inferior class of cotton is grown for home consumption. Now there was a time when Bengal grew a certain amount of cotton. We do not know how much, and from that cotton the famous Dacca muslins were manufactured; but there is little hope of the extension of cotton in Bengal in the future. In old days, when communications were poor, cotton was grown practically everywhere. Cloth was needed; clothes had to be made; and consequently most of the towns and villages depended more or less on local supplies, and you will see the custom surviving in the present day, that in those provinces where little cotton is grown it is to be found in the most backward, remote and wild tracts, those that are away from centres of communication, and have to rely upon their local resources.

The extension of cotton cultivation in Bengal, I am afraid, is not likely to revive an industry which has been unable to contend with modern manufactures. The fact is that though, as I have shown, there was at some time some cultivation of cotton in Bengal, it paid to cultivate it, only because it could not be obtained from anywhere else. The difficulties lie in the climate. Cotton in Bengal is subject to very serious insect and fungoid diseases, owing to the extreme moisture of the climate. The climate in old days no doubt was the same, but the facilities of importing other cotton were not the same, so it paid to grow. It will not ordinarily pay now to grow cotton in Bengal, but the Director of Agriculture, who has recently come to Bengal from another Province, has brought in new ideas. He sees that cotton as a monsoon crop in Bengal has no future and he is now concentrating his attention on cold-weather cotton. He has obtained, he tells us, with considerable difficulty, seed of what he believes is the old Dacca cotton, and that he is trying to cultivate.

Well, Sir, there is no case, I think, for the appointment of an all-India Committee. That has been done already.

There is no case for the Government of India to appoint a Committee specially for Bengal. This is a purely local matter and might well be left to the Local Government. I know some Honourable Members object to what they regard as our habit of not interfering in matters of purely provincial importance or in transferred subjects. But that is no new habit. We should never, even before the Reforms Scheme, have accepted a Resolution that asked the Government to appoint a Committee to inquire into a purely local matter. The Cotton Committee's Report itself was received before the Reforms Scheme came into force. It deals with the circumstances and conditions and prospects of cotton in each province in separate chapters. These chapters we referred to the Local Governments for necessary action and did not take action on them ourselves, and that was before the Reforms

Scheme. The case for our taking up a purely local matter is weaker than ever before. I do not think that we can accept the Honourable Member's Resolution or even his suggestion that the Central Committee in Bombay should appoint a Sub-Committee to inquire into the conditions of cotton cultivation in Bengal.

(*An Honourable Member*: 'I move that the question be now put.')

Mr. President: The question is :

'That this Assembly recommends to the Governor General in Council to take steps to appoint a Committee to make a full inquiry and to report about the cause why the cotton cultivation in India, especially in Dacca, Mymensingh, Tipperah, Jalpaiguri, Chittagong and in some districts of the Punjab, is gradually disappearing and to take steps to increase the cultivation in India.'

The Assembly then divided as follows :

AYES—24.

Abdul Majid, Shaikh.
Abdulla, Mr. Saiyed Muhammad.
Agarwala, Lala G. L.
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Asjad-ul-lah, Maulvi Miyan.
Bagde, Mr. K. G.
Barua, Mr. D. C.
Chaudhuri, Mr. J.
Gajjan Singh, Sardar Bahadur.
Gour, Dr. H. S.
Hussanally, Mr. W. M.

Man Singh, Bhai.
Misra, Mr. P. L.
Muhammad Hussain, Mr. T.
Mukherjee, Mr. T. P.
Nag, Mr. G. C.
Nand Lal, Dr.
Neogy, Mr. K. C.
Sarvadhikary, Sir Deva Prasad.
Shahani, Mr. S. C.
Singh, Babu B. P.
Sohan Lal, Bakshi.
Tushan, Mr. Sheepershad.

NOES—39.

Abdul Quadir, Maulvi.
Ahmed Baksh Khan, Mr.
Akram Hussain, Prince A. M. M.
Ayyangar, Mr. M. G. M.
Bijlikhan, Sardar G.
Bishambar Nath, Mr.
Bradley-Birt, Mr. F. B.
Bray, Mr. Denys.
Bryant, Mr. J. F.
Clarke, Mr. G. E.
Cotelingam, Mr. J. P.
Crookshank, Sir Sydney.
Dentith, Mr. A. W.
Faridoonji, Mr. R.
Fell, Sir Godfrey.
Ginwala, Mr. P. P.
Habibullah, Mr. Muhammad.
Hullah, Mr. J.
Jamnadas Dwarkadas, Mr.
Jejesbhoy, Sir Jamsetjee.

Keith, Mr. W. J.
Lindsay, Mr. Darcy.
Mitter, Mr. K. N.
Mukherjee, Mr. J. N.
Percival, Mr. P. E.
Reddi, Mr. M. K.
Renouf, Mr. W. C.
Samarth, Mr. N. M.
Sarfaraz Hussain Khan, Mr.
Schamnad, Mr. Mahmood.
Sharp, Mr. H.
Sinha, Babu Adit Prasad.
Sinha, Babu Ambika Prasad.
Spence, Mr. R. A.
Thackersey, Sir Vithaldas D.
Vincent, the Honourable Sir William.
Way, Mr. T. A. H.
Yamin Khan, Mr. M.
Zahiruddin Ahmed, Mr.

The motion was negatived.

RESOLUTION RE: ABOLITION OF POSTS OF DIVISIONAL COMMISSIONERS.

Mr. Pyari Lal Misra (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I beg to move the following Resolution :

'That this Assembly recommends to the Governor General in Council that the posts of Divisional Commissioners in the various provinces of India be abolished.'

[Mr. Pyari Lal Misra.]

Sir, I shall be very short and will not weary the House by any lengthy speech. Suffice it to say, that this institution of Commissioners was started in the year 1829 in the Presidency of Bengal. Later on, the Revenue Commissioner was appointed in the Bombay Presidency and afterwards other Commissioners in other provinces were appointed. The duties that fell on the Commissioners in those times were multifarious. They had to discharge not only revenue but civil and criminal duties. Besides they had many other miscellaneous departments to look after, such as Police, Excise, Forest and others. After some time there was division of work and their work was very much lightened, so much so that to-day the Commissioners are only the Revenue authorities. That is to say, they have to hear appeals in revenue cases and have also to look after Municipal, District Council and other miscellaneous branches.

Some of the powers of the Commissioners have been delegated to the Deputy Commissioners and those of the Deputy Commissioners to the Sub-Divisional Officers. Therefore, my submission is that the work of the Commissioners has been considerably lessened and I do not see why the Commissioners should now remain an expensive item in the administration of Local Governments. You will remember, Sir, that there are 42 Commissioners in the whole of India including Sind and Burma. I will be very brief: I am not going into details. The cost of each Commissioner, if we take an average, comes up to something like Rs. 1 lakh per year; that is to say, each Commissioner gets Rs. 3,000 a month and about Rs. 3,000 more is spent on the establishment, touring, contingencies and other miscellaneous charges. I have taken round figures. That gives us Rs. 42 lakhs a year for the whole of India including Burma. Now, Sir, is it advisable to spend such a large amount over these officers who, in the words of one of the witnesses before the Decentralisation Committee, were described as Kings whose subjects are unconscious of their existence and who wield little influence but no control! Another high officer from Madras, Sir Alexander Cardew, thought that these Commissioners were mere post offices, a fifth wheel in the coach. We know from experience what the Commissioner's duties are. I am particularly referring to the Central Provinces, and I suppose these duties are more or less common to the other provinces also. The Commissioner, as I have already mentioned, is an appellate court on the revenue side and has to perform other miscellaneous duties. He visits once or twice a year the headquarters of districts in his charge sending his superintendent or camp clerk in advance who practically inspects the office, draws up a note and puts it before the Commissioner, who in his turn picks up certain items and writes an inspection note. Sometimes when there is famine, he consults the Deputy Commissioner and other local officers on the spot. He has, as I have already said, to look after sanitation and other miscellaneous duties; but they are not so heavy and therefore his work is a light one. I do not know why we should spend such a large amount especially in these days of all-round deficits. We have besides another anomaly, that is to say, in some provinces, besides Commissioners, there are Boards of Revenue and in the Punjab they have two Financial Commissioners. I do not understand why they should have such heavy machinery, *viz.*, a Board of Revenue as well as Commissioners. Now, under reforms in the Local Governments we have Executive Councillors and Ministers. My submission, therefore, is that this duty should now be entrusted to Executive Councillors in the Local Governments and if necessary a few provincial civil service men who are

capable of performing these duties may also be attached to the offices of these Executive Councillors. That will, I am sure, ensure the success of the work that the Commissioners are doing to-day. I would further recommend that the Commissioners' powers may be delegated to experienced Deputy Commissioners, and the latter's to the Extra Assistant Commissioners. They very well understand the feelings of the people as they are the men on the spot, instead of an occasional or periodical visit of a Commissioner.

Sir, I have already submitted that this is a very heavy drain on the country and in the provinces there is no money for the development of industries, education, medicine, sanitation and so many other things; and therefore it will really be a great economy and a great boon conferred upon the provinces if this institution of Commissioners which costs such a heavy amount every year, be abolished.

With these few words, I move this Resolution.

The Honourable Sir William Vincent (Home Member) : Sir, I have no doubt the Resolution is prompted by a desire for economy in financial conditions which do make it incumbent on us to make retrenchments where we can. It can not be denied that the reforms scheme in itself has cost the provinces a great deal in money and it has imposed a large financial burden on many of the provincial Governments. But at the same time I think that this question of the abolition of Divisional Commissioners must be examined on its merits and quite apart from anything else. We have to see really whether in the interests of the administration the retention of these officers is necessary or not. Sir, there is a common idea which was also expressed by the Mover that Commissioners act as a kind of post office and that they do little real work of value. I believe that that view is singularly ill-informed and it is really based on a superficial examination of the subject. I can speak myself from a somewhat detached point of view, because the office of Commissioner's is one of the few appointments which I have never occupied. But there are a great many important duties which are performed by Commissioners of Divisions and I am told—my information so far is—that the reforms have not made such a difference as people think in this respect; and that is of course particularly the case as regards the reserved subjects. In those provinces where the Commissioners have a great deal to do with transferred subjects, I admit the case is stronger for a reduction or abolition of these officers but I think that the real question will be whether the number of these officers should not be reduced, though I hesitate to express any definite opinion on that with the scanty information I have before me.

But at present Commissioners do perform very many statutory and extra-statutory duties of importance. In the first case, there are appeals, revenue appeals, which occupy, I believe, a great part of the Commissioner's time. Now Mr. Misra suggested that all these powers should be delegated to other local authorities including even Tahsildars. I do not think the Assembly would contemplate with equanimity the transfer of appellate jurisdiction to officers of that grade. On the other hand, if you transfer them to officers at the headquarters of Government, say Financial Commissioners or Members of the Board of Revenue, you may have to increase the strength there of those authorities, and you are going in for a system of centralised appeals which will or may cause—I do not want to dogmatise which may cause—very great inconvenience to those concerned. For instance, if a man comes from

[Sir William Vincent.]

one of the sub-divisions of Burdwan or Birbhum to Burdwan City and gets his appeal decided there, he saves a great deal of time and money which he would have spent if he had gone down to Calcutta. Now the whole question was examined, as Mr. Misra said, by the Decentralisation Commission, and I think he cited the evidence of one witness before that Commission, Sir Alexander Cardew.—Is that right?

Mr. Pyari Lal Misra : Yes.

The Honourable Sir William Vincent : He of course was not entirely impartial. As he came from Madras where there are no Commissioners and he can have had little experience of the matter. But the Report of the Commission, which is a very valuable document, sets out a very different view. It says :

'We hold the Commissioners should be retained as a most valuable link in the chain of Administration between individual districts and the Headquarters of the administrative provinces. To put the districts directly under the latter in revenue matters would inevitably lead to further centralisation in the Secretariat.'

Again, the Commission said :

'It is exaggeration to say, as it is sometimes done, that the Commissioner is merely a channel between the District Officer and the Government.'

Now, as a matter of fact, the Commissioner so far as I am aware of his functions in Bengal and Bihar, does serve a very useful purpose on many occasions. Apart from this question of appellate jurisdiction, there are, we know in some districts, inexperienced district officers, or, I may say, officers who have not very great judgment, both Indians or Europeans; there is no racial question in it at all. In such cases, the advantage of having an experienced officer of the standing of a Commissioner near by is very great both to the Government and to those who otherwise might be put to inconvenience by the vagaries of the local officers, and he is on such occasions of real use. He ought to be, and of course he is, I think generally an officer of great experience and wide judgment and knowledge of human affairs. He can advise Government on local questions. He is the local agency to whom complaints of various kinds might be referred and who can inquire on the spot. If the question is entirely left to the Secretariat to get an inquiry made, and if there is no local agency available to do it, there is a danger that the same justice may not be done, or at any rate there may be delay in securing it.

Then, again, if you come to the general Secretariat control in the large provinces, say in the province of Bengal where there are very many districts, if there are no divisions or subordinate central authorities except the district officer,—there is a great danger of the work being overcentralised and getting into arrears and confusion. You will have,—I do not know how many districts, 40 or 50 districts—all corresponding direct with the Local Government and no one whom they can depute to make inquiries on any subject on the spot. Now the work of the district officers is daily growing more and more in difficulty and complexity, and if there is any time when they do need every assistance and encouragement from senior officers, it is the present. Further, I am not sure myself how far this proposal to abolish the posts of Divisional Commissioners would result in economy. It might mean a considerable addition to staff at headquarters, but I think myself that there would

be, if they were abolished, some saving in money. I do not know how much, but I doubt if it would be anything like what my Honourable friend suggested. I am quite prepared, however, to go as far as to say there is a case now owing to the institution of the Reforms and the change in many branches of the administration, for a further examination and exploration of this question and the Government of India is prepared to consult Local Governments on the question of either abolishing or reducing the number of these appointments. I believe there is one Local Government which has already committed to such an inquiry. I hope that this will meet what the Honourable Member requires. It is impossible for me to go further. It is obvious that it is a matter with which the Local Governments are intimately connected and on which they have a right to be consulted before the Government of India commits itself. What suits one province may not suit another, as we know that the local conditions vary very greatly in different parts. In some of the provinces, for instance, the revenue functions of a Commissioner are much lighter, in some they are much heavier. The Government could not also commit itself to a decision of the kind which the Honourable Member asks without consulting the Secretary of State, and before we go to the Secretary of State, it is, I am sure, every one will agree, essential to have the views of the Local Governments.

I must, Sir, finally make it clear that the points that we should have in view would be whether it is desirable to have a change in the interests of efficiency or economy, or whether the change would really impair the efficiency to such an extent that the Government ought not to embark upon it. Now I have tried to cut down my remarks on this very important subject very short, but I hope I have said all that is required at present.

Mr. W. M. Hussanally (Sind : Muhammadan Rural) : Sir, I rise to propose an amendment to my Honourable friend, Mr. Misra's Resolution which runs as follows :

'Delete all the words after ' Council ' in line 1 and substitute the following :

' that he will be pleased to appoint a Committee to consider the question and report whether the Boards of Revenue, wherever they exist, and Divisional Commissionerships in the provinces can be abolished without impairing the efficiency of the administration with a view to economy '.

In support of my amendment, I beg to say that a comprehensive and sweeping proposition which my friend has brought forward will not, I trust, be carried by the House. I give due credit to my friend for his experience and for his anxiety for economy in the administration of the country, especially at this juncture when the Insolvency Court is staring the Government in the face. But I doubt if my friend can have either experience or acquaintance of all the provinces and local conditions existing all over India. It would, therefore, be not possible for this Assembly to sanction a proposal off-hand in the manner sought, without very great danger of wrecking the efficiency of the administration which ought, I submit, to be our first and foremost consideration in a matter like this. I must admit that I am ignorant of the circumstances of any other province than my own, *viz.*, Sind, which I have the honour to represent. Speaking for Sind, I must say that there will not be a greater suicidal step than to abolish the office of the Commissioner in that province. Conditions in Sind are peculiar and far different to those in other parts of the country. While it may be practicable to abolish Commissionerships in other parts of the Bombay Presidency, I make no hesitation in

[Mr. W. M. Hussanally.]

averring most definitely and emphatically that to abolish our Commissioner is beyond practical politics. Ever since the conquest of Sind in 1843, that province has been practically a sub-province with its own systems of land tenure quite different to that of the rest of the presidency. At the start the province had a Governor of its own, but later on principally to keep down the cost of the administration it was attached to Bombay with a Chief Commissioner whose powers were continued in the present Commissioner in Sind in whose hands were vested all the reins of the various departments. Various powers of the Local Government have been delegated from time to time to the Commissioner in Sind under a special enactment, without which it would be almost impossible to carry on the administration in the best interests of the country. And I hope I shall be pardoned if I say that I am speaking from personal experience of official life for a period of over 33 years and claim that no one in this House can claim any such long official experience of my province. Frequently it has happened in the history of Bombay that not a single gentleman in the Executive Council of His Excellency the Governor has ever put his foot on the soil of Sind, and this was the case only recently, and in such circumstances I hope that this House will not deem it necessary to abolish the Commissioner all at once. We want at the head of the administration in Sind an officer of ripe experience and a long service at his back, well acquainted with local conditions, to advise His Excellency the Governor on vital questions affecting the well being of the people of the province.

The traditions of the Muhammadan State of Sind—and be it remembered that Sind is almost exclusively a Muhammadan province—have been continued under British rule with identical land tenures as before the conquest carried out through special circulars issued by the Commissioner from time to time during the last 70 years.

The growing importance of the town and port of Karachi again which is the third largest Port of India, with an excellent future before it, and awaiting large schemes for development, necessitates the presence at that place of an officer of ripe experience and administrative ability and rank approximating that of a Chief Commissioner or a Deputy Governor as was outlined in Lord Hardinge's despatch of 1911. In his hands must be co-ordinated the reins of administration.

In fact there has been for some time past a movement in the province for such an administration under a Deputy Governor with his own ministers and advisers, but the demand has lain dormant on account of first abnormal times due to the late war and latterly owing to the economic conditions created by the war. I have not the least doubt that such a demand will materialise as soon as the financial condition of the country assumes its normal aspect. It has been long felt in Sind that possessing as we have always done a sincere well wisher of the province in our Commissioner, we have received a step-motherly treatment from Bombay in the matter of our material development being far away from Bombay which has other interests nearer its heart than our province and if the Commissioner in Sind is removed, we must bid good-bye to our advancement.

During the war it would have been impossible to carry on the administration of my province unless the executive powers ordinarily exercised by the Governor in Council were delegated to the Commissioner. Again, for political reasons, which are well known, it is important that the prestige and power of

the representative of the Government in Sind should be well maintained by a senior officer of the Executive Government at the spot. Then there is the wider question of the position of Sind as a frontier province adjoining the important Muhammadan countries of Baluchistan, Afghanistan, Persia and Southern Punjab, which would make it extremely unwise and impolitic to abolish the office of the Commissioner in Sind and centralise the administration in Bombay.

There are two reasons ordinarily given against the retention of the Commissioner in Sind. They are, firstly, that means of communication between Bombay and Sind have largely improved than in the early days of the conquest, and secondly that these are not the days of the autocratic rule of a single individual, and therefore we must be directly ruled from Bombay. My answer is that though we have been during the last few years brought nearer Bombay, we are still far away from that place and there is nothing in common between us and Bombayites to be ruled by them as a step-mother rules over her step-children. And in regard to the second point, if we want a council to be associated in the Government of our province, it is a case for improvement of the existing conditions and not to do away with existing arrangements. No one will be more pleased than myself if we can get a Deputy Governor or a Chief Commissioner with a council for our province. All this, however, proves that the whole question requires investigation by a competent Committee which I have recommended, and not to do away with all Commissioners with a single stroke of the pen as my friend wants, and I daresay we shall be in a better position to decide the question after the matter has been inquired into.

My friend has not touched the question of the Boards of Revenue. In my opinion these require to be abolished first of all if at all. But even here I would not recommend a decision without a thorough inquiry and I have therefore included these Boards also into the scope of the inquiry by the Committee which I recommend.

Mr. Jamnadas Dwarkadas (Bombay City : Non-Muhammadan Urban) : I move, Sir, that the question be now put.

Mr. S. C. Shahani (Sind Jagirdars and Zamindars : Landholders) : This is an important question on which further expression of opinion is desirable.

Khan Sahib Maulvi Abdul Quadir (Central Provinces : Nominated Non-Official) : Sir, I rise to oppose the Resolution of my Honourable friend, Mr. Pyari Lal Misra. I think it will be very inexpedient to adopt such a sweeping Resolution as that proposed by my Honourable friend. It cannot be said of every Commissioner that his post is unnecessary and that he has no work. There are some Divisions, for instance the Berar Division, where the work of the Commissioner is so much that for the last two years it was not possible for the Commissioner of the Division to cope with the work without the assistance of a Personal Assistant. In spite of such a state of affairs prevailing in that Division, the Provincial Legislative Council have by a majority, of course, made no provision for the pay of the Personal Assistant in the next year's Budget, and the Commissioner has to go without the Personal Assistant, and my friend, the Honourable Mr. Pyari Lal Misra, from the Central Provinces has come forward with the suggestion that the Commissioner's post should be abolished, although he knows full well that some of the Divisions in the Central Provinces are so far away from the headquarters that it would be very difficult for the people to get so speedily and

[Khan Sahib Maulvi Abdul Quadir.]

so little costly a justice as they are getting at present, if the work of the Divisional Commissioner were to be done by officers stopping at the headquarters. In my humble opinion, before this House accepts any such Resolution as has been moved by the Honourable Mr. Pyari Lal Misra, it is necessary that a Committee be appointed to consider the question and report whether such a step could be taken without impairing the efficiency of the administration with a view to economy. I, therefore, support the amendment moved by the Honourable Mr. W. M. Hussanally and oppose the Resolution of the Mover.

Mr. S. C. Shahani: Sir, I rise to support the amendment that has been proposed by my Honourable friend, Mr. Wali Mahomed Hussanally. I have experience of my own province, and if I can rely on it, I feel bound to come forward and say that I have found the post of the Commissioner in my province to be a useful one. I should be indeed sorry if my province went without this appointment. I do not think that the Collectors in Sind will be able to carry on the administration of Sind as well without a Commissioner. I do not know how things stand elsewhere, but they stand as I represent them in my own province. One big official who can carry weight with all people is in my opinion essential. Sind, as has been rightly said, is a large province, and I should think it would become extremely difficult for a Minister in Bombay to put himself into some real contact with the people of, say, Thar and Parkar in the province of Sind. The idea of each Collector acting for himself does not commend itself to me. Economy no doubt is a question to be tackled. We are probably having much too much of supervision everywhere. In the interests of economy I would make bold to suggest that the senior Deputy Collectors should be put in charge of the different collectorates. That would be economical, and I do not think that a province such as mine would be in any manner injuriously affected by the disappearance of Collectors. However, that is a question that must be carefully considered. What I propose now to urge is the imperative need of perfecting the machinery of Government. If hereafter we are going to have an autonomous Government, our machinery of Government should be effective. To do away with the Commissioner I think would distinctly be to weaken the machinery. This is how things appear to me at this moment, and on that account I would strongly support the amendment that has been put forward by my Honourable friend, Mr. Wali Mahomed Hussanally. It will not be right on my part to make out that Commissioners have always been exercising rightly the duties which devolve upon them. In Sind, in appeals the Commissioner oftentimes says 'I agree' with the decisions of the lower officials, which is by way of ridicule turned in Sindhi into 'An agri,' 'I a rag or a useless frayed piece of cloth,' implying that the Commissioner does not interfere where he should. But this indisposition to interfere should be capable of correction otherwise I do not think that on account of this indisposition the post of Commissioner should be abolished. Divisional Commissioners and their abolition is a serious question, and requires a very careful consideration. I, therefore, suggest that a Committee should be appointed for the examination of this question and reference to the Local Governments should also be made for opinion.

Khan Bahadur Sarfaraz Hussain Khan (Tirhut Division : Muhammadan) : I fear I cannot support the Resolution which has just been moved. The subject-matter of the Resolution relates purely to administration, and it

seems to me that the Resolution has been moved in the interests of economy. But I do not quite see how a real economy can be effected by the course suggested in the Resolution.

If you abolish the posts of Divisional Commissioners, the appeals against the judgment of Collectors that are now preferred in the courts of Divisional Commissioners will have to be preferred in the Boards of Revenue, in which case you will have to strengthen the Boards of Revenue, by increasing the existing number of their members.

For instance, I take the case of my province of Bihar and Orissa. In the province of Bihar and Orissa we have one member of the Board of Revenue, and five Divisional Commissioners in the five Divisions of the province, each Divisional Commissioner having under him 3 to 5 districts. Each district is under the charge of a District Magistrate who is also the Collector. Now, with the abolition of the posts of Divisional Commissioners, the Revenue appeals of the 21 districts of our province will have to go directly to the Board of Revenue which has only one member, who will surely not be able to cope with the work.

Then, again, people will be put to great inconvenience when, instead of going to the courts of the Divisional Commissioners which are located in divisional centres, they will have to travel all the way to the provincial capital for the purpose of preferring appeals in the Board of Revenue which is located in the provincial capital.

The Divisional Commissioners supervise the work of the District Magistrates, and by the abolition of the posts of Divisional Commissioners the District Magistrates will be placed under the direct supervision of the Local Government.

The work of the District Magistrate is very responsible, he having to deal with the general public direct. As matters stand at present, officers placed in charge of districts are not always senior men. Any slight indiscretion on their part, specially in religious and political matters, is bound to lead to serious consequences; and they therefore need the constant advice of an officer of mature experience whom they have to consult at times of emergencies. I say from my own personal experience that at times Divisional Commissioners, who are as a rule men of mature experience, have saved critical situations during the Mohurrum and the Bakrid, not to speak of the non-co-operation agitation.

On the above grounds and for the above reasons I do not see my way to support the Resolution. In conclusion I may say this much that the question of the abolition of the posts of Divisional Commissioners can very well be discussed and dealt with along with that of the separation of executive and judicial functions, or on its merits.

Mr. Pyari Lal Misra: I do not wish that this discussion should be prolonged. I have heard the Honourable Sir William Vincent and he has assured us that he is going to refer the matter to the Local Governments for opinion. I therefore think that no useful purpose would be served by continuing the discussion, but I should like to say one word in reply to some of my opponents, and that is this. They should go to Madras and see how the administration is being conducted there in the absence of Commissioners. With these few words, I withdraw the Resolution.

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

RESOLUTION *RE* MEASURES FOR PROVIDING CHEAP AND SPEEDY JUSTICE IN INDIA.

Lala Girdharilal Agarwala (Agra Division : Non-Muhammadian Rural) : The Resolution which I have the honour to move runs as follows :

' This Assembly recommends to the Governor General in Council that he be pleased to appoint a Committee for the purpose of taking steps to provide means of dealing out cheap and speedy justice to the inhabitants of British India, with a view to allay the great discontent prevailing among them owing to great delay and heavy expenses incurred by them in obtaining justice especially in civil cases.'

I do not wish to detain the House for a long time as I understand that the next Resolution which comes after mine is engaging the attention of several Honourable Members. I will briefly state my point. It is the primary duty of every Government to deal out pure, impartial and prompt justice. In our province the justice that is meted out especially in civil cases is not speedy and inexpensive as it ought to be. Litigants have to spend a good deal of money before they can obtain justice. For example, in a suit which is valued at Rs 100 in the province of Agra under the Allahabad High Court the plaintiff has to pay, first of all, a court fee of 7½ per cent., then the pleader's fee of five per cent. and then about 2½ per cent. for other charges, in all amounting to about 15 per cent. This amount does not represent the real expense incurred by the plaintiff on his case: he has to spend much more than this. If he is unsuccessful, he files an appeal and has to spend nearly as much again. Then he files a second appeal and then again he has to spend nearly as much for the third time, so that in three courts he has to spend nearly 45 per cent. of the value of a suit for Rs. 100. As my friend, Munshi Iswar Saran, has pointed out, according to a recent ruling Letters Patent appeals are free from court fees. My submission is that in petty cases there should be village courts which might be able to receive plaints, issue summons, hear cases and execute decrees. The whole work should be entrusted to that court. In my province at present village munsifs. have been appointed, but they have got no power to receive plaints or to issue summons or to execute decrees. The difficulty that is felt is that first of all a man who lives, say, at a distance of ten miles from the munsif's court has to go to the munsif's court, engage a pleader, pay his fees and also court fees and every thing else and then the case is transferred to the village munsif who is perhaps ten miles away in the opposite direction. He has to go to that place and spend a good deal in conveyance and so forth. When he goes there sometimes the village munsif is not there, but has left the station or sometimes is fast asleep. In many cases the hearing is adjourned. I find from the United Provinces Administration reports that out of 80 village munsifs only 25 are supposed to be working in a certain district, the others are supposed to be dormant, so that the amount of delay and expense that is caused in the courts of these village munsifs is worse than the expense and delay caused in other courts. It appears that these officers are probably appointed without giving any undertaking that they are prepared to work for the office which they accept. Now with regard to cases which are instituted in regular courts, I submit that besides the expense of court-fee and other charges they have to undergo a regular botheration for a good long time. Summonses are generally not served on the first occasion or even on the second occasion. They have to go on applying for summonses time after time. Then it happens that witnesses are not found and the summonses are returned unserved. Of course in criminal cases the matter is quite different. If a summons is

sent out, it is returned duly served within 48 hours. In civil cases, it returns unserved even after two months. The persons entrusted with the service of the summons sometimes never go to the houses of the witnesses and report that they were not found. They do not think it their duty to serve the summonses properly and that proper efforts should be made for the service of the summonses. Then, Sir, even after a decree has been obtained we find that in many cases decrees are not realised and it has been truly said that the troubles of a decree-holder begin when he obtains the decree. I have got figures, but I would not weary the House with these details. They show that a large number of decrees remain unsatisfied or partly satisfied, and some decrees are realised after much difficulty and after several executions. It is common knowledge that a person who has to execute a decree has to spend much more than what actually appears on the paper. Therefore, I submit that when a court passes a decree it should be the duty of the court to execute it and not the duty of the successful decree-holder to hang about the office and other places to get his decree executed. Of course, I quite realise that it is not possible for a court alone to secure the disputed property or money for the decree-holder. It is for the decree-holder to assist the court and give particulars of the disputed property and address of the judgment debtor, but if he could give sufficient and accurate address of the judgment debtor and the disputed property, he should not be bothered any more and the procedure should be so altered as to put the responsibility for the execution of the decree upon the court and not upon the party. The decree-holder should only be responsible for giving such assistance to the court as may be necessary for the purpose of putting the decree into execution. The decree should be held a sacred document and not a waste paper which in many cases it is considered to be. If I give to this Honourable House a few figures showing the duration of suits in different cases it would appear that the proceedings in civil cases are very lengthy. For example, I submit that in 1919 in the Court of the District Judge of Bombay the average duration of contested suits was 655 days, that is nearly 2 years. Now take the cases of Bihar and Orissa. The average duration of contested and uncontested civil suits in the year 1918 was as follows: 444 days for contested suits and 295 days for uncontested suits. In 1919, it was 424 days for contested suits and 316 days for uncontested suits. I have got also the figures of average duration of contested suits and appeals throughout the whole of India and Honourable Members will find that in Bengal the average duration of contested appeals is 315 days and of suits 145 days. In Madras, 299 days for appeals and 276 days for suits. In my own province, United Provinces, it is much less. It is only 87 days for suits and 185 days for appeals. In Bihar, 328 days for appeals and 217 days for suits. In the Punjab, it is much less. It is only 109 days for appeals and 91 days for suits. In the province of Delhi, it is only 72 days for appeals and 102 days for suits. In Burma, 128 days for appeals and only 60 days for suits. In the Central Provinces and Berar, it is 149 days for appeals and 131 days for suits. In Assam, the figure is higher. 390 days for appeals, and only 88 days for suits.

Mr. Muhammad Yamin Khan (Meerut Division: Muhammadan Rural): On a point of order, Sir. The Honourable Mover said that he would not take very long.

Lala Girdharilal Agarwala: I do not want to go into figures further, but I ask if it is not tantalising to a person who is obliged to go to a court

[Lala Girdharilal Agarwala.]

to secure justice to wait for so many days for decision of the suit or the appeal. In the High Courts and other superior courts, justice is imparted through the agency of translations. I submit that this system of translation and printing causes a great deal of delay and at the same time a good deal of expense. Their Lordships of the Privy Council complained of the delay in disposal of appeals in India. The rules were amended by some of the High Courts.

In some of the High Courts the result has been that the rules have been so framed that litigation has become more expensive than before.

4 P.M. I simply want a Committee to be appointed to go into this question, and I simply want to make a few observations, that High Courts and other courts should be able to decide cases, not through the agency of translations but with the help of original records, and that nobody should sit as a judge in any Court who is not familiar with the language, the customs and manners of the people concerned. Furthermore, there is one more reason. I find from my experience, and others have got similar experience, that the clerks of the subordinate Courts do not write a legible hand, and while one thing is written, another is read. (Hear, hear.) So the officials should be made to write a legible hand, and the Court should be able to decide cases with the help of the original record, and the necessity of translations should be dispensed with. There is one more point which causes delay, namely, that the Subordinate Judges and Munsifs are not given sufficient control over their staffs. There is undue interference by the District Judges with the result that they cannot do their duty properly. Now the most important of all these points is the execution of decrees. I submit that the procedure for execution of decrees should be so modified as to place the responsibility of executing decrees upon the courts and not upon the parties, and, furthermore, that no charges should be made for executing decrees time after time. At present a man has to pay a process fee, then he has to pay for Amin's fees, then for an order of attachment. Whatever has to be paid should be taken once for all, so that an application should not be dismissed upon these minor defects.

For all these grounds I submit that the course of litigation is so bad that it has become a real grievance in the country.

With these few words, I move my Resolution.

The Honourable Sir William Vincent (Home Member) : Sir, item No. 17 of the List of Provincial Subjects attached to the Devolution Rules includes :

'The administration of justice, including constitution, powers, maintenance and organization of courts of civil and criminal jurisdiction within the province; subject to legislation by the Indian legislature as regards High Courts, Chief Courts, and Courts of Judicial Commissioners, and any courts of criminal jurisdiction.'

And, it really was only owing to oversight in the Home Department that the fact that this Resolution was out of order was not brought to the notice of His Excellency the Viceroy; I am now therefore going to ask the assistance of the House in remedying that mistake and to get rid of a Resolution on what is purely a Provincial subject at the earliest possible opportunity. It was purely through oversight or that this course was not taken before. Moreover, the Honourable Member from his own citations is clearly aware of the fact that everything is being done in the provinces to expedite the administration of justice. Now courts have also been constituted from which

I think suitors stand in danger of getting cheap and nasty justice or at any rate cheap and hasty justice, I am referring to some of these new village courts. In Bengal, in Bihar, in the United Provinces, in Madras too, special legislation has recently been enacted for the promotion of these village courts to deal with petty civil and criminal cases. My Honourable friend, Sir Muhammad Shafi, tells me that this is the case in the Punjab also, a province always ready to take up reforms of this kind. This shows, I think, that every Local Government in India is fully alive to the necessity of doing what is possible to secure cheap and speedy justice; and I submit to this Assembly that it would be little short of impertinence on our part to obtrude our assistance in a matter entrusted to Local Governments and which they are doing their best to improve. What will Local Governments say? Is this Legislature to appoint a Committee to interfere with the exercise by Local Governments of powers vested in them only last year, or to interfere with the exercise of the rule-making power now vested in the High Court? Is there any reason for such a course—would it not be much better to say at once: 'We will not interfere with the Local Governments, we will leave them to do their duty and stick to ours'. That is the position I want to put before this Assembly at the earliest possible opportunity.

As regards delays in civil suits and proceedings, I may add that it is the Legislature that is more responsible for it than any one else, for under the law there is no finality for any orders and, if we propose to make any kind of decision final at once, there is a proposal that there must be a right of appeal and revision on the top of that; that is what really leads to delay in the administration of justice. We have taken up the matter of delays in Privy Council appeals recently and are doing what is possible to avoid them and may ask the Legislature to assist us further if necessary;

May I now turn to another point, the suggestion that where the decree-holder takes no trouble to execute his own decrees, that the Court is to undertake that duty. Sir, I cannot say that the Mover should venture to put up a proposition of that kind for the vote of an Assembly which contains a large number of lawyers. How is the Court to know whether a decree has been paid or adjusted out of Court or where the judgment debtor resides, what property he has.

Lala Girdharilal Agarwala: I did not say that; I said we should give the necessary particulars to the Court.

The Honourable Sir William Vincent: Give the necessary particulars? Why, Sir, there are a hundred questions that arise in execution proceedings that can only be answered by the decree-holder. In any case, I want to base my opposition to this Resolution upon much broader grounds. I suggest to the Assembly that this is purely a provincial matter and ought never to be discussed in this Assembly at all and that they should reject it at once. I therefore move that the question be now put.

(Several Honourable Members: I move that the question be now put.)

Babu Adit Prasad Sinha (Tirhut Division: Non-Muhammadan): Sir, I rise to support the Resolution which has been so ably moved by my Honourable friend. I had given notice of moving a similar Resolution last year, but unfortunately it has not been balloted for up till now.

[Babu Adit Prasad Sinha.]

To me it seems, and I daresay I am supported in my view by a large majority of Indian public opinion, that reforms on the lines embodied in the Resolution are a crying need of the times. I desire in this connection to bring to the prominent notice of the Government the evils of litigation that are fast eating up our vitals and corroding our very life. We all know that well-to-do families have been ruined by the craze for litigation. It is a fact of common occurrence that even when the subject matter in dispute between litigants is worth only a few rupees, the parties get in a manner maddened when they enter the arena of the Courts and spend hundreds and thousands of rupees, and in the end it is found that even the successful party has lost all he had and is involved in heavy debts. Those who have any idea of the village life of this country know with what trouble and expense the poor cultivators cultivate their fields. They have to work half clad and half fed all the year round in the hottest summer and coldest winter, reaping but scanty crops from their exhausted fields. It breaks one's heart to see that money earned with all this toil and trouble goes to fill the coffers of pettifoggers and hangers on of the offices of Law and the Police. Similarly, the Zemindars and middlemen who make their income by wringing out money from the starving cultivators without sacrificing moment's thought on how to improve the agriculture and the industries of the country, most lavishly expend their money on litigation. As has been truly remarked by Sir James Bourdillon, the then Lieutenant Governor of Bengal 'Senseless litigation is one of the vices of Behar as it is of the other parts of India, and has ruined many families.' Other concomitant evils might also be mentioned as due to litigation. Want of harmony among brothers and relatives, jealousies and rivalries leading to riots and bloodshed, neglect of agriculture and eventual poverty may all be traced to the master evil of litigation. Lacs of rupees are annually spent by people in the province of Behar alone in unnecessary litigation. What a terrible drain on the resources of the country, poor as it is! What an amount of public good could have been accomplished if even a fraction of this money were spent on works of public utility, which are so much needed in our country. The last though not the least, baneful result of litigation may be seen in the moral degeneration of its victims. A large proportion of the cases that come to Court being founded more or less on untruths, the parties have not only to take false oaths before the altar of justice, the most divine of human institutions, but they have to also concoct false evidence and bring false witnesses to support their claims. They thus poison the whole moral atmosphere of the locality to which they may have the misfortune to belong. The sanctity of the Courts of Justice has already faded away to such an extent that people are often heard saying in private: 'Why should I speak falsely here? I am not being examined in a Court'. Demoralisation and degradation could hardly go further. This evil was not known in ancient India. Magasthenes, the Greek Ambassador, thus describes the state of things he found in our country: 'Above all no Indian was ever known to tell a lie. They scarcely ever had recourse to a law suit and lived peaceably'. A similar description is given by the Chinese traveller, Hiuen Tshang. Mill quotes with approval a passage from Abbe Dubois: 'Hindu Manners and Customs', where it is stated that 'with no advocates, solicitors, or other bloodsuckers now become necessary adjuncts of a Court of Justice in Europe, the Hindus determined the greater part of their suits of law by the arbitration of friends, or of the heads of the caste, or in cases of the very

highest importance, by reference to the Chiefs of the whole castes of the district, assembled to discuss the matter in controversy'. Even during the Muhammadan regime, there were very few suits of law, and the mention of Vakils in Muhammadan books is in connection with Muhammadan marriages only.

All sober and impartial observers of the present situation would, perhaps, agree with me when I say, that a correct diagnosis of the troubles inevitably points to the fact, that by far the greater portion of the unrest is due to economic causes. A severe economic strain which has affected all classes of the people more or less has made itself felt with rigorous severity by the teeming millions of agricultural India. Sorely distressed as they are to obtain for themselves by hard toil and trouble the barest necessities of life, the octopus of litigation grips them so hard in its tentacles that their whole life is made miserable. In their helpless plight they fall easy victims to the hard usury of the village Shylocks and their ruin is complete. The widespread indebtedness of the rural population can, in most cases, be traced to the heavy charges they have to pay in litigation. Sir, it is no exaggeration when I say that the evils of litigation are a serious handicap in the path of the moral and material development of India. Any measure of reform in this line will be hailed as a boon by those most affected by the existing evils. It will come as a great relief to the agricultural population, and thus go a long way to soothe the discontent that is unfortunately exercising an unsettling influence on their minds at present.

It is a sad truth, that the poor villager, in seeking justice at the regular Courts of Law, finds to his utter dismay and deep disappointment that he can seldom hope to get real justice done, notwithstanding his incurring an amount of expenditure quite beyond his slender means. The inordinate length to which a law suit is usually protracted in our Courts of Justice is too well known to need reiteration, and this it is that opens the door wide to a number of other evils. The suit drags its weary length along for years, and every step in the meantime is a question of money, so that, the power of the purse is a mighty factor in helping people to get justice. I remember to have been told by an Indian Civilian who was then a District and Sessions Judge, that it would cost a man about a thousand rupees to get a decree finally executed for fifty rupees, if his opponent is a clever fighter, and for this he thought that the intricacies of the procedure now in vogue were mainly to account for. It is indeed to be deplored that a law suit has come to be generally taken as an effective weapon in the hands of wealthy and influential people against their less fortunate brethren.

Taking advantage of the simplicity and ignorance of the villagers, the touts ply on a brisk trade, and are therefore naturally looked down upon with approbrium. It is, moreover, distressing to think that the poor villager is almost driven under the present system to seek the aid of the touts as they can ill afford to leave aside the occupations that bring their subsistence to undertake frequent and expensive journeys to the seats of justice, often far removed from their village homes, on the various occasions that their presence is required in connection with a suit. And, what, after all is the upshot of all this? The villager finds to his consternation that he cannot get that real justice that has lured him to seek relief in the Courts of Law. Then it is that his mind is filled with disgust with the ways of the Courts of Law and he

[Babu Adit Prasad Sinha.]

comes to contract a suspicion for everything connected with it. And what adds to the disgust is to find that a just cause is not always sure to win in the face of the thousand and one niceties of law and procedure. This disgust and suspicion eventually work the mind of the simple villager up against the whole machinery and produce that discontent that is only too patent to-day.

The Resolution seeks to relieve our rural population of ruinous expense and save them from an amount of worry and vexation that interfere so seriously with their legitimate pursuits at home and in the fields. And this can be very well done by bringing about a revival of the village Panchayet System, for the existing machinery of law is so intricate and the procedure so cumbersome that one feels constrained to say that they are not congenial to the soil. I cannot do better than quote here the recommendations and observations made in paragraphs 708 and 710 of the Report of the Royal Commission on Decentralization, Vol. I:

'A Panchayet should have civil and criminal jurisdiction in petty cases arising within the village Village benches may no doubt occasionally make mistakes, but neither are the stipendiary Courts infallible; and false evidence and the power of the purse have less chance of prevailing in a tribunal which is directly under the influence of local public opinion and which can hardly ascertain the real facts. The procedure in the Panchayet Courts should be under very simple rules, and we agree with those witnesses who hold that the parties should appear in person and not through lawyers, and that appeal should not be allowed, though the regular courts might be given special revisional jurisdiction in cases where there appears to have been some miscarriage of justice. To do more than this, and to allow the decisions of the Panchayets to be governed by the technicalities of ordinary legal procedure, with full facilities for appeal, would we think be fatal to the success of the system we propose. What we desire is a village court of equity, and not a necessarily bad imitation of regular law courts.

History tells us that the Panchayet as an organised institution was to be found throughout the length and breadth of the land in ancient times, and even to day in the villages it is the tribunal which is responsible for the settlement of all social disputes. Properly constituted village boards would, it is hoped, come into their own with the fostering support of the Government and play an important part in the life of the rural population of India. With extended powers they may be entrusted to take up the work of education and sanitation in the villages, and may be made into effective instruments to bring about cordial relations between all sections of the community, care being taken to see that all interests are adequately represented. Thus, the Panchayet would place before the country a definite programme of self-Government and be a nucleus of a constructive scheme of real Swaraj.

Sir, I appeal to the Government in the name of justice and good government to come forward and help the cause. I also appeal to the professional lawyers of my country in the name of patriotism to make some sacrifice for the lasting benefit of their poor countrymen. I trust my appeal will not go in vain.

With these words, I commend the Resolution to the sympathetic consideration of the House.

Mr. Jamnadas Dwarkadas (Bombay City : Non-Muhammadan Urban) :

Sir, I move that the question be now put.

Mr. President : The question is :

'That the question be now put.'

(Voices : 'No', 'no'.)

Dr. Nand Lal (West Punjab : Non-Muhammadan) : There have been severe charges made in connection with this subject. We should like to give answers to them.

The Assembly then divided as follows :

AYES—51.

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| Abdul Majid, Shaikh. | Jamnadas Dwarkadas, Mr. |
| Abdul Quadir, Maulvi. | Kamat, Mr. B. S. |
| Abdul Rahim Khan, Mr. | Keith, Mr. W. J. |
| Agnihotri, Mr. K. B. L. | Lindsay, Mr. Darcy. |
| Ahmed Baksh Khan, Mr. | Misra, Mr. P. L. |
| Aiyar, Mr. A. V. V. | Mitter, Mr. K. N. |
| Akram Hussain, Prince A. M. M. | Muhammad Hussain, Mr. T. |
| Asjad-ul-lah, Maulvi Miyan. | Mukherjee, Mr. T. P. |
| Barodawala, Mr. S. K. | Percival, Mr. P. E. |
| Barua, Mr. D. C. | Reddi, Mr. M. K. |
| Bhargava, Pandit J. L. | Renouf, Mr. W. C. |
| Bishambhar Nath, Mr. | Samarth, Mr. N. M. |
| Bradley-Birt, Mr. F. B. | Sapru, the Honourable Dr. T. B. |
| Bryant, Mr. J. F. | Sarfaraz Hussain Khan, Mr. |
| Cotelingam, Mr. J. P. | Schamnad, Mr. Mahmood. |
| Dalal, Sardar B. A. | Shahani, Mr. S. C. |
| Dentith, Mr. A. W. | Sinha, Babu Ambika Prasad. |
| Faridoonji, Mr. R. | Sohan Lal, Bakshi. |
| Fell, Sir Godfrey. | Spence, Mr. R. A. |
| Ginwala, Mr. P. P. | Thackersey, Sir Vithaldas D. |
| Gour, Dr. H. S. | Vincent, the Honourable Sir William. |
| Habibullah, Mr. Muhammad. | Way, Mr. T. A. H. |
| Hullah, Mr. J. | Webb, Sir M. dePomeroy. |
| Hussanally, Mr. W. M. | Yamin Khan, Mr. M. |
| Ikramullah Khan, Raja M. M. | Zahiruddin Ahmed, Mr. |
| Iswar Saran, Munshi. | |

NOES—7.

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|------------------------|----------------------|
| Ayyangar, Mr. M. G. M. | Nand Lal, Dr. |
| Bagde, Mr. K. G. | Neogy, Mr. K. C. |
| Bray, Mr. Denys. | Rangachariar, Mr. T. |
| Nag, Mr. G. C. | |

The motion was adopted.

Mr. President : The question is :

'That this Assembly recommends to the Governor General in Council that he be pleased to appoint a Committee for the purpose of taking steps to provide means of dealing out cheap and speedy justice to the inhabitants of British India, with a view to allay the great discontent prevailing among them owing to great delay and heavy expense incurred by them in obtaining justice especially in civil cases.'

The motion was negatived.

RESOLUTION *RE* APPOINTMENT OF COUNCIL SECRETARIES.

Mr. B. A. Spence (Bombay : European) : Sir, I beg to move :

'That this Assembly recommends to the Governor General in Council that Members of the Legislative Assembly be appointed by the Governor General under section 43-A of the Government of India Act to be associated with the Departments of the Government of

[Mr. R. A. Spence.]

India, other than the Army and Foreign and Political Departments, in order that they may be trained up in the administration of Government and relieve the Government Members and Secretaries of a part at least of the work in the sessions of the Legislature.

The Honourable Sir William Vincent (Home Member) : Sir, May I suggest that the debate on this subject be postponed to some other day, if possible, because it is already late and it is an important Resolution. I myself think, therefore, that it would be better to discuss it some other day.

Mr. President : Tuesday is a day set down primarily for non-official Bills. Looking at the programme of Bills for that day, it seems probable that they will be disposed of at a comparatively early hour and that the motion just moved by Mr. Spence could then come on. Probably that would provide a better opportunity for a satisfactory debate. I would like to have the opinion of the House.

Rao Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : May I say a word, Sir, in this connection? I am afraid we are taking such an important motion to the very last day of the Session. Most of the people are leaving or have left.

Sir, it is a very important Resolution on which there is a strong difference of opinion, I may say at once; and it is hardly fair to those who hold views in the matter to have a Resolution like this on the last day when several Members will be absent—I am going to be here, but several of my friends are leaving and have arranged to leave, and I do not think it is right to force a Resolution like this.

The Honourable Sir William Vincent : I suggest that, as long as the Assembly is sitting it is the duty of every Honourable Member to attend and if he does not, he must take the consequence.

Rao Bahadur T. Rangachariar : But I suppose in that case we ought to have adjourned at 4 o'clock. My Honourable friend, Mr. Spence, gets a special concession and I put it to my Honourable friend that but for the concession which the Honourable Mr. Spence has got after 4 o'clock for the consideration of this Resolution, it would not have come up this Session. Let us remember that. I have mentioned what I have to say.

Mr. President : I have mentioned already that Tuesday is a day for non-official Bills. It is perfectly true that Mr. Spence has been allowed this concession but I think it would be a pity to detain the House now; we have had up till to-day a series of late sittings and I think, both in the interests of officials and non-officials, that it is desirable for us to adjourn now. The opportunity offered is not unreasonable. It has been known for many weeks in advance that this business was put down for Tuesday, and I think there is a great deal of force in the point put by the Honourable the Home Member. Those who have made their arrangements to go away before the 28th will perhaps have no opportunity and can have no complaints; but, at all events, I have to sit here, and I expect other Members to follow my example.

The Honourable Sir William Vincent : It is a matter of comparative indifference to the Government whether this Resolution comes up for discussion or not; I merely thought from what was said that it was a Resolution in which Honourable Members took a great deal of interest.

Rao Bahadur T. Rangachariar: No, no.

Dr. H. S. Gour (Nagpur Division: Non-Muhammadan): I think Mr. Rangachariar does not represent the views of any body but himself.

There is a very large body of Members of this House who take an interest in this question and who wish to support Mr. Spence.

(*An Honourable Member*: 'May I know if there is going to be a meeting on Saturday next?')

The Honourable Sir William Vincent: I announced that with the permission of the Chair, there would be a meeting on Saturday. That is an official day but, unless the business is finished very quickly, there will certainly be no time for this Resolution.

Mr. President: I would point out that, so far as Saturday is concerned, we have had to transfer already to that day the entire official programme from yesterday, owing to the fact that yesterday's time was occupied fully with the consideration of the Finance Bill.

Mr. Jamnadas Dwarkadas: I want to take strong objection to the excuse that my Honourable friend, Mr. Rangachariar, has given for not allowing the proposition to be discussed on Tuesday. The excuse that he puts forward is that some Members are not likely to be in Delhi, and therefore it will not be convenient to them that the Resolution should be taken on that particular day. I do not know whether my Honourable friend knows that some of us were away in different places doing public work and we had to travel for one day here to take part in an important discussion. If Members are not present, it is their own fault; but the discussion of important subjects cannot be postponed for a whole Session because a few Members do not know, if I may say so, that it is their duty to remain here till the end of the Session.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 25th March, 1922.