

Monday, 26th September, 1921

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OF THE

COUNCIL OF STATE, 1921



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COUNCIL OF STATE.

Monday, the 26th September, 1921.

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

QUESTIONS AND ANSWERS.

MEMORIALS FROM SERVICES FOR GRANT OF INCREASE OF PAY, ETC.

141. The HONOURABLE MR. E. S. LLOYD : Will the Government of India be pleased—
11 A.M.

- (a) to lay on the table the correspondence, telegraphic or otherwise, between the Government of India and the Secretary of State leading up to the issue of the Resolution of the Government of India in the Finance Department No. 1559-E.A., dated the 16th August 1921 ;
- (b) if the Secretary of State's sanction be required to the publication of this correspondence, are the Government of India prepared to obtain that sanction by cable ?

The HONOURABLE MR. E. M. COOK : Government are not prepared to lay the correspondence.

REMOVAL OF INCONVENIENCES OF PURDAHNA SHIN LADIES ON MAIL TRAINS.

142. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA : (a) Is the Government aware that a joint representation was made by three Members of this Council and three Members of the Legislative Assembly to the Agent, Eastern Bengal Railway, in April last, for the removal of certain inconveniences of the *pardahnashin* ladies, both Hindus and Muhammadans, travelling by the Darjeeling mail trains of the Eastern Bengal Railway, and the reply given to the said representation by the Agent of the Eastern Bengal Railway does not remove the inconveniences complained of ?

(b) What action, if any, do Government propose to take ?

The HONOURABLE MR. H. A. F. LINDSAY : (a) Government has seen the representation referred to and the reply given to it by the Agent, Eastern Bengal Railway.

(b) It is considered that the Agent's explanation as contained in his reply to the representation deals suitably and satisfactorily with the points raised, and Government regret they cannot see any justification for taking action in the matter.

RESERVED ACCOMMODATION ON THE DARJEELING MAIL.

143. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA : (a) Has the attention of Government been drawn to rule No. 94 (second

(second paragraph) of the Time Table for June, July and August 1921 of the Eastern Bengal Railway ?

(b) If so, what are the circumstances justifying the Railway Administration to charge for a distance of nearly 200 miles, while the actually travelled number of miles may be below 50 ?

The HONOURABLE MR. H. A. F. LINDSAY : The Darjeeling Mail on the Broad Gauge consists of a limited number of bogie corridor carriages. If an extra carriage has to be attached to the train it must be a bogie.

The object of the rule referred to is to discourage applications for reserved accommodation which would necessitate any addition to the regular composition of the train between Calcutta and Santahar except such as may be required to accommodate through passengers in whose interests the service is provided. The section between Calcutta and Santahar is well served by trains, and passengers requiring reserved accommodation to or from intermediate stations should experience no difficulty in travelling by trains other than the Darjeeling Mail.

LAVATORIES ON RAILWAY THIRD CLASS CARRIAGES.

144. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA : Would Government be pleased to state if the third class Railway carriages in all the Railways have been provided with lavatories ?

The HONOURABLE MR. H. A. F. LINDSAY : Over 70 per cent. of the total third class carriages on the standard and metre-gauge railways are provided with latrines. Latrines are provided in all new stock except that designed for suburban traffic in which they are not necessary.

INDIAN MEMBER FOR RAILWAY BOARD.

145. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA : Do Government propose to appoint an Indian as a Member of the Railway Board ?

The HONOURABLE MR. H. A. F. LINDSAY : The composition of the Railway Board is one of the matters for consideration by the Railway Committee whose Report the Government of India are awaiting.

EXTENSION OF BROAD-GAUGE LINE FROM SANTAHAR TO PARBATIPUR.

146. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA : Would Government be pleased to make a statement as to when the works in connection with the following extensions of the Eastern Bengal Railway will be taken in hand ?

(i) The extension of the broad-gauge line from Santahar to Siliguri.

(ii) Construction of the line between Nauchal Rajshakye and Isurdi.

The HONOURABLE MR. H. A. F. LINDSAY : (i) Work in connection with extension of the broad-gauge line from Santahar to Parbatipur is in hand. An estimate for the further extension to Siliguri is under preparation by the Railway Administration.

(ii) A revised project estimate of the cost of constructing the Ishurdi-Rampur-Boalia-Nauchal Railway is at present awaited from the Agent,

Eastern Bengal Railway. In the meantime it is not possible to say when construction work will be proceeded with, as that must depend on the prospects of the line and on the provision of the necessary funds.

SHEDS ON PLATFORMS AT EASTERN BENGAL RAILWAY STATIONS.

147. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA :

(a) Is the Government aware that inconvenience is being felt by the travelling public for want of sheds over the Island platforms and overbridges at many of the stations, notably on the Eastern Bengal Railway, and also for these platforms and overbridges being very badly lighted ?

(b) Do Government propose to issue necessary instructions, as early as possible, for redressing these grievances ?

The HONOURABLE MR. H. A. F. LINDSAY : (a) The want of sheds on platforms at certain stations of the Eastern Bengal Railway has been brought to the notice of Government, but not on overbridges, nor has any complaint been received from the public about the bad lighting of platforms and overbridges.

(b) If on inquiry the need for the improvements referred to by the Honourable Member is established, steps will be taken to have them carried out as funds permit.

DISTRICT CART ROAD FROM DARJEELING TO SILIGURI.

148. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA :

(a) Is it a fact that the District Cart Road from Darjeeling to Siliguri is used chiefly by the Darjeeling-Himalayan Railway ?

(b) Is it repaired by the Government under supervision of the Darjeeling-Himalayan Railway, which is allowed a percentage for the work of supervision ?

(c) If so, would the Government be pleased to state the reasons for this use of public money ?

(d) Do Government propose to ask the Darjeeling-Himalayan Railway Company to keep this road in repairs as a condition of their using the same ?

The HONOURABLE MR. H. A. F. LINDSAY : (a) and (b) The reply is in the affirmative.

(c) and (d) The use of the cart road in question has been granted, free of cost, to the Darjeeling-Himalayan Railway Company under the terms of their contract in which it is also laid down that the Secretary of State shall, at his own expense, uphold and maintain this road with all bridges, embankments and walls, etc., necessary for its protection, and that its upkeep and maintenance shall be undertaken, done and executed by the Company as contractors for and on behalf of the Secretary of State on terms and conditions fixed by the latter. These terms and conditions cannot be altered during the currency of the present contract which is due to expire on 4th May 1929.

It may, however, be added that half the net profits of any year in excess of 5 per cent. on the paid-up capital are, in accordance with the contract, applied in repayment to the Local Government of the amount expended on the maintenance of the cart road during the same year. The amount paid to the Government of Bengal by the Company has averaged over a lakh of rupees a year during the five years ended 1919-20.

INCOME-TAX COMMITTEE.

149. The HONOURABLE RAO BAHADUR S. RM. M. A. ANNAMALAI CHETTIYAR : Will the Government be pleased to lay on the table copies of—

- (a) the evidence, written and oral, submitted by the various witnesses in the several provinces examined by the Income-tax Committee ;
- (b) all the reports of the several local Committees ?

The HONOURABLE MR. E. M. COOK : A complete record of the evidence taken by the various Committees appointed by the Local Governments has not been received and was presumably not prepared.

The papers received from the Provincial Committees are somewhat bulky including as they do in some cases opinions of individuals on particular points. It is not proposed, therefore, to lay all these papers on the table, more particularly as all relevant portions of the provincial reports are included in the report of the All-India Committee. Copies of the summaries of the provincial reports prepared for the use of the All-India Committee are, however, being sent to the Honourable Member. If the Honourable Member wishes he will be shown all the other papers and copies will be prepared for him of any particular papers that he may desire.

PURCHASE OF RAILWAY MATERIALS FOR INDIA.

150. The HONOURABLE RAO BAHADUR S. RM. M. A. ANNAMALAI CHETTIYAR : Will the Government be pleased to state—

- (a) whether they have perused Reuter's telegram in the *Hindu* of the 14th of July 1921, regarding the purchase of Railway materials for India ;
- (b) the circumstances that led them to prefer the British market to foreign markets ?

The HONOURABLE MR. H. A. F. LINDSAY : The Government have seen the statement made in the *Hindu* of the 14th July 1921. They have no information as to the accuracy of the statement made by Reuters, but the Honourable Member's attention is drawn to the statements laid on the table in reply to Question* No. 30 by the Honourable Mr. Lalubhai Samaldas. The purchase of steel rails referred to in Reuter's telegram is not included in the statement laid on the table showing cases in which British tenders have been accepted although lower satisfactory tenders were received from foreign firms. The Government presume, therefore, that the purchase, if it is accurately reported, was not effected through the agency of the High Commissioner. The Government of India have no responsibility for purchases made by a Company Railway without the intervention of the High Commissioner.

REVISION OF RAILWAY RATES.

151. The HONOURABLE MR. A. H. FROM : Will the Government be pleased to state—

- (a) Whether the Railway Board were requested to deal with questions of the revision of Railway rates as quickly as possible and, if so, on what date were instructions to this effect given ?

* Vide page 35 of Volume II, No. 2 of Council of State Debates.

- (b) Was it intended that the revised rates should be ready in time for their introduction on or about the 1st October 1921 ?
- (c) On what date or dates were the necessary instructions issued to the Railway Companies ?
- (d) Is it the case that the Railway Companies were prepared to complete the revision of the rates in time for their introduction on or about the 1st October ?
- (e) On what date is it now proposed to introduce the revised rates ?
- (f) If the proposed date of their introduction is later than the 1st October, what is the reason for the delay ?

The HONOURABLE MR. H. A. F. LINDSAY: (a) Yes. The question of the revision of railway rates to replace the surcharge tax was taken up by the Railway Board on the 29th March 1921.

(b) The reply is in the affirmative.

(c) On the 26th April 1921, a meeting was held at Simla between the Agents of the principal Railways and the Railway Board when the basis of the enhanced rates and a revised classification of goods were decided upon.

(d) The reply is in the affirmative.

(e) With effect from the 1st April 1922.

(f) The revision (and incidentally the enhancement) of railway rates was undertaken with the view that enhanced rates would replace the surcharge imposed under the Finance Act, 1921, which remains in force until the 31st March 1922, unless repealed or amended by the Legislature before that date. After careful consideration of all the circumstances, the Government of India decided not to introduce a Bill to repeal or amend the Finance Act, 1921, for the removal of the surcharge tax before the end of the Financial year.

MEMORIAL BY THE WIDOW OF THE LATE DANIEL BEG.

152. The HONOURABLE DIWAN BAHADUR V. RAMA BHADRA NAIDU: (a) Will the Government be pleased to state whether a memorial submitted by the widow of late Daniel Beg, *ex*-Minister of Chitral, has been received by the Government of India ?

(b) What recommendations, if any, were made by the Government of Madras in respect thereof ?

(c) What action, if any, do Government propose to take ?

The HONOURABLE THE PRESIDENT (the Honourable Member of the Government being absent): I think that when a question is put on the paper some representative of the Government ought to be present to answer it.

*The HONOURABLE MR. DENYS BRAY: (a) Yes.

(b) The Government of Madras recommended the grant of an allowance of Rs. 40 a month to the memorialist for her maintenance.

(c) The Government of India have sanctioned a political pension of this amount terminable on her death or re-marriage, with effect from the 1st April 1921.

* This Answer was subsequently given.

FUNCTIONS OF IMPERIAL CADET CORPS.

153. The HONOURABLE DIWAN BAHADUR V. RAMA BHADRA NAIDU: What are the functions to be performed by the Imperial Cadet Corps created by Lord Curzon?

The HONOURABLE THE PRESIDENT (the Honourable Member of the Government being absent): The Honourable Sir John Wood is absent. I must draw the attention of the Government Bench to the fact that some representative of Government ought to be present to answer questions, which are on the paper.

*The HONOURABLE SIR JOHN WOOD: The Imperial Cadet Corps is no longer in existence. It was temporarily disbanded in 1915 and has never been re-started.

ADMISSION OF ZAMINDARS, ETC., INTO THE ARMY.

154. The HONOURABLE DIWAN BAHADUR V. RAMA BHADRA NAIDU: Do the Government propose to adopt a scheme for the admission of junior members of Zamindars and Polaiyagars of the Madras Presidency to serve in the Army?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The creation of the Indian Territorial Force affords a means of obtaining military training to the classes in question. Recruitment in the 1st (Territorial Force) Battalion, 73rd Carnatic Infantry, is now commencing.

WITHDRAWAL OF TROOPS AT MALAPURAM.

155. The HONOURABLE DIWAN BAHADUR V. RAMA BHADRA NAIDU: (a) What are the causes that led to the withdrawal of the troops stationed at Malapuram before the recent outbreak of the Moplah rising?

(b) Did not the District Magistrate or the Madras Government, considering the turbulent nature of the Moplahs, advise the Government of India not to withdraw the forces from there?

(c) Are the Government going to station a force permanently there hereafter?

(d) What precautions are the Government devising to avoid similar outbreaks if they occur in out-of-the-way places throughout India?

(e) What compensation are the Government going to give for the conversion of Hindus into Muhammadans, destruction of Hindu temples, murder and outrage of women and children by the Moplahs?

(f) Was Mr. C. Rajagopalachariar, after the proclamation of Martial Law, allowed to go into affected areas of Malabar and preach his propoganda work? If so, why?

(g) Were Mr. Prakasam, Barrister, Madras, and Mr. T. V. Venkatrama Iyer turned out without entering Malabar?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Owing to the reduction of the British Infantry in India from the pre-war strength, the garrison of the present Madras district was reduced by one battalion. This

* This Answer was subsequently given.

necessitated the adequate concentration of the remaining British Battalion whose headquarters are now at Wellington; and the withdrawal of the British garrison which used to be stationed at Malapuram. It has also been necessary to withdraw the British Detachment at Bellary for similar reasons.

(b) The Madras Government advised the retention of a British garrison at Malapuram; but they consented later to its evacuation for the reasons given above, on condition that adequate arrangements were made for the quick despatch of troops from Calicut to Malapuram.

(c) The question has not yet been considered and cannot be considered until the Madras Government have had time to submit their recommendations after the present disturbances have been quelled.

(d) The location of the troops detailed for internal security purposes is governed by two main considerations; firstly, with reference to the necessity for preserving tranquillity, and secondly, with reference to the existing accommodation. The Honourable Member will realise that it is impossible, with a limited number of troops, to station detachments in every locality where there is the possibility of an outbreak occurring.

(e), (f) and (g) Government have no precise information, as those are matters dealt with entirely by the Local Government, but they will obtain the information in due course and place it at the Honourable Member's disposal.

CONCESSIONS TO PRESS EMPLOYEES AT DELHI, SIMLA AND CALCUTTA.

156. THE HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: (i) Is it a fact that the Government have promised in some manner the following concessions to all hands and operatives in their various Press establishments at Delhi, Simla and Calcutta:—

- (a) that those piece-employees who have put in a continuous and approved service for 25 years, whether in the permanent or temporary list, would be allowed the full benefit of pensions;
- (b) that a considerable number of piece-employees would be transferred from the temporary to the permanent list; and
- (c) that new recruits will enjoy the benefits of a Provident Fund to be inaugurated on their behalf?

(ii) If answer to the above questions be in the affirmative, will the Government be pleased to state what steps have been taken to give effect to the above concessions?

THE HONOURABLE MR. H. A. F. LINDSAY: (i) (a) The existing rule that service on temporary piece-work establishments does not count for pension is still in force, but Government have undertaken to consider recommendations for pension on behalf of men who have rendered 25 years' continuous and approved service, whether such service is permanent or temporary.

(i) (b) The promise was made with regard to salaried hands only.

(i) (c) Yes.

(ii) Applications for pension from men with temporary service have been considered and pensions granted in certain cases. This practice will be continued. Rules for the creation of a Provident Fund for new recruits are at present under consideration.

QUESTION IN REGARD TO HOLIDAYS, ETC., OF PIECE-WORKERS.

157. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: Have the Government arrived at any final decision in regard to questions of holidays, leave, etc., of the piece-workers? If so, what is that decision?

The HONOURABLE MR. H. A. F. LINDSAY: It is intended to give piece-workers who have worked regularly for the previous 12 months, 16 days' leave with pay at class rates each year to cover absences on account of holidays, sickness or leave. This concession will come into force with effect from the 1st April 1922, subject to the provision of the necessary funds by the Legislative Assembly.

NUMBER OF EUROPEAN DEPUTY SUPERINTENDENTS IN THE GOVERNMENT PRESS, CALCUTTA.

158. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: What was the number of European Deputy Superintendents and Overseers in the Government Press in Calcutta, between the years 1875 and 1905, and what is their number at the present time?

The HONOURABLE MR. H. A. F. LINDSAY: From 1875 to 1883 there was one Deputy Superintendent only, from 1883 to 1905 there was one Deputy Superintendent and one Overseer. At present, there are two Deputy Superintendents and five Overseers.

VOLUME OF PRINTING WORK DONE EACH YEAR.

159. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: What is the volume of printing work, estimated in terms of cost, that has been done each year, during the last ten years, at the Government Press in Calcutta and at Messrs. Lal Chand and Sons, respectively?

The HONOURABLE MR. H. A. F. LINDSAY: A statement furnishing the information has been placed on the table.

Statement showing the amount in terms of cost of printing work done at the Government Central Press, Calcutta and Delhi and at Messrs. Lal Chand and Sons' Press during the years 1910-1920.*

Year.	Government Central Press.	Messrs. Lal Chand and Sons' Press.
	Rs.	Rs.
1910-11	7,67,624	1,08,068
1911-12	7,37,459	85,008
1912-13	7,43,236	89,807
1913-14	8,37,078	69,009
1914-15	8,70,752	72,625
1915-16	8,85,448	1,00,587
1916-17	8,80,865	96,888
1917-18	8,91,767	93,571
1918-19	9,89,886	86,806
1919-20	11,49,847	1,36,005

*Note.—Separate figures for Calcutta alone are not available at present.

REVISION OF RATES FOR PIECE-WORKERS.

160. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: On how many occasions have the rates for piece-work in Government presses been revised, and how many times have the piece-workers gone on strike, since 1875, and by what percentages have these rates been increased at each revision?

The HONOURABLE MR. H. A. F. LINDSAY: A general revision of piece rates was sanctioned last year for the first time since 1875. The rates of overtime allowances, however, paid to piece-workers were raised in 1908, in 1918 and again in 1920. Piece-workers have also been granted war allowances to compensate them for the high cost of living since 1918 till the general revision of piece rates last year. The rates have been increased by 40 per cent. for Calcutta and Delhi and by 50 per cent for Simla, except in the case of distributors in all the Presses and the piece-employees of the mechanical and type foundry branches of the Calcutta Press whose rates have been increased by 75 per cent. as it was found impossible to get labour for this type of work at lesser rates.

There have been two strikes among piece-workers: one in 1905, the second in 1920.

AVERAGE MONTHLY EARNINGS OF PIECE-WORKERS.

161. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: What were the average monthly earnings during the twelve months previous to the introduction of the new scale in July 1920, in case of workers in classes 29 to 19, respectively, and how have their average monthly earnings improved during the twelve months following the introduction of the said scale?

The HONOURABLE MR. H. A. F. LINDSAY: As the piece-workers returned to work after the strike only in October 1920, it is not possible to give the required information at present. Government have undertaken to place the figures before the Assembly as soon as they are available.

INCREMENTS TO SALARIED HANDS AND PIECE-WORKERS.

162. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: What have been the percentages of increment granted to salaried hands and piece-employees, respectively, under the new scale?

The HONOURABLE MR. H. A. F. LINDSAY: The percentage of increases granted to both salaried hands and piece-employees have been approximately 40 per cent. for Calcutta and Delhi, and 50 per cent. for Simla except in the cases referred to in the answer to Question No. 160.

DIFFERENT SCALES OF INCREMENT FOR PIECE-WORKERS.

163. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: Is it a fact that two different scales of increment have been sanctioned in the case of piece-workers at Simla, Delhi and Calcutta, some branches getting an increment of 75 per cent. and some 40 per cent. in one and the same department?

THE HONOURABLE MR. H. A. F. LINDSAY: The Honourable Member is referred to the answer given to Question No. 160.

SIMLA MONOTYPE PRESS.

164. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: Is it a fact that in the Simla Mono. Press the compositors are all salaried hands? If so, what is the reason for maintaining the Calcutta section still on the piece-system?

The HONOURABLE MR. H. A. F. LINDSAY: The operators of Monotype machines are all salaried hands both in Calcutta and Simla. For correction work compositors in the Simla Monotype Press are all salaried hands as the Press is a self-contained institution and has no separate staff of hand compositors. In Calcutta men from the hand composing staff are drafted to the Monotype correcting section, and when working in that section are paid at hour rates. The advantage of the Calcutta system is that, when necessary, additional men can be placed temporarily on time work in the Monotype correcting section without maintaining additional staff.

ISSUE OF LICENSES TO HINDU LEGAL PRACTITIONERS.

165. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (a) Would the Government be pleased to state the conditions under which licenses are issued to the Hindu legal practitioners resident of the North-West Frontier Province by the Judicial Commissioner of that Province?

(b) Is it a fact that candidates (legal practitioners) with distinguished personal and family war services were refused license?

The HONOURABLE MR. H. D. CRAIK: (a) The conditions under which licenses are issued to legal practitioners in the North-West Frontier Province are laid down in the Rules contained in the Chief Commissioner's Notification No. III, dated the 25th September 1913, a copy of which is laid on the table.

(b) Government have no information but will inquire from the Chief Commissioner and communicate the result to the Honourable Member.

GAZETTE NOTIFICATION.

Peshawar, the 25th September 1913.

Rules under Section 9, sub-section (2), Regulation VII of 1901, relating to Legal Practitioners in the North-West Frontier Province.

No. III.—The following persons only shall be deemed to be qualified to apply for authority to appear and practise in the Civil, Criminal and Revenue Courts and before Revenue Officers in the North-West Frontier Province, viz. :—

(i) Any person who is entitled to practise—

(a) As a Barrister;

(b) As a Solicitor of His Majesty's High Court of Judicature in England, or an Attorney or Solicitor of any of the superior Courts of Law and Equity in Ireland, or Writer to the Signet, or Solicitor of the Supreme Court in Scotland, or as Attorney of any High Court in India;

(c) As an Advocate or Vakil of the High Courts of Calcutta, Madras, Bombay or Allahabad, or as an Advocate or Pleader of the Chief Court of the Panjab, or as LL.B. of any Indian University.

(4) Extra Assistant Commissioners or Judicial Officers of equal or superior official rank; Tahsildars and Munsifs who have retired on pension from the public service in the North-West Frontier Province.

II. For the purposes of these rules legal practitioners authorised to appear and practise in any of the Courts in the North-West Frontier Province shall be classified in two grades—

(1) The 1st grade shall comprise Barristers as specified in Rule 1 (f) (a), Solicitors, Attorneys and Writers as specified in Rule 1 (f) (b), Vakils and Pleaders of the 1st grade admitted by any High Court in India or by the Chief Court of the Punjab, and Extra Assistant Commissioners or Judicial Officers of equal or superior official rank who have retired on pension from the public service in the North-West Frontier Province.

(2) (a) Legal practitioners admitted to the 2nd grade who have obtained the degree of LL. B. of an Indian University, and who have practised for two years as such, will be admitted to the 1st grade, provided they satisfy the Judicial Commissioner of their fitness for promotion.

(b) In other cases the term of practice required is 5 years subject to the same proviso as in clause (a).

The 2nd grade shall comprise Pleaders of the 2nd grade admitted by or under the orders of any High Court in India or by the Chief Court of the Punjab, LL. B's of any Indian University, and Tahsildars and Munsifs who have retired on pension from the public service in the North-West Frontier Province.

Mukhtars who have been licensed to practise as 2nd grade practitioners under the old rules will be included in this class, but will not be eligible for promotion to the 1st grade.

III. Legal practitioners of the 1st grade authorised under these rules shall be entitled to appear and practise in the Court of the Judicial Commissioner and in all Civil and Criminal Courts subordinate thereto, and also, subject to the proviso to sub-section (c), Section 9, of Regulation VII of 1901, in the Court of the Revenue Commissioner and in all Courts and Offices subordinate thereto in the divisions or districts specified in their authority.

Legal practitioners of the 2nd grade authorised under these rules shall be entitled to appear and practise in all Civil and Criminal Courts subordinate to the Court of the Judicial Commissioner, and also, subject to the proviso to sub-section (c), Section 9, of Regulation VII of 1901, in all Revenue Courts and Offices subordinate to that of the Revenue Commissioner in the districts specified in their authority.

Provided that no 2nd grade legal practitioner who has been authorised to practise as such under the old rules in the capacity of a Mukhtar admitted by or under the orders of any High Court in India, or by the Chief Court of the Punjab, shall be entitled to appear and practise in a Divisional and Sessions Court.

IV. Every application for authority to appear and practise in the Civil, Criminal or Revenue Courts, or before Revenue Officers in the North-West Frontier Province, shall be made in writing to the Judicial Commissioner, and shall be stamped with the proper Court-fee stamp. Every such application shall show—

- (1) The applicant's name, native residence, and present place of residence in full.
- (2) His father's name, residence and occupation.
- (3) His age and nationality.
- (4) His occupation, if any, and statement whether he has ever been in Government service.
- (5) The qualifications entitling him to apply for authority to practise under these rules.
- (6) The district or districts in which he desires to practise.

The application shall be accompanied by certificates showing the applicant's qualifications entitling him to practise under these rules, by satisfactory testimonials of good character, and by the fee hereinafter prescribed for an authority to practise in the grade of legal practitioners for which the applicant is qualified. A receipt for such fee will be furnished by the Registrar of the Judicial Commissioner's Court, and the amount of the fee will be refunded if no authority is granted to the applicant.

V. On any such application the Judicial Commissioner may (in his discretion), subject to the proviso to sub-section (d), Section 9, of Regulation VII of 1901, grant the authority applied for or may reject the application.

VI. Every person to whom such authority is granted shall be furnished with a certificate in the form given in Appendix A under the signature of the Registrar of the Judicial Commissioner's Court and the seal of the said Court upon stamped paper bearing a stamp equal in value to the fee prescribed for the grade of legal practitioners in which he has been admitted to practise, and thereupon his admission shall be notified in the *Government Gazette, North-West Frontier Province*.

VII. A register of legal practitioners shall be kept by the Registrar of the Judicial Commissioner's Court in the form given in Appendix B, in which shall be entered the name of every person authorised to practise as a legal practitioner under these rules, together with the date of his certificate. A list of persons entitled to act as legal practitioners in the North-West Frontier Province will be published annually in the *Government Gazette, North-West Frontier Province*.

VIII. The fee payable for authority to practise as a legal practitioner of the 1st grade shall be Rs. 50, and the fee payable for authority to practise as a legal practitioner of the 2nd grade shall be Rs. 25.

IX. A certificate issued to a legal practitioner under these rules shall remain in force till the end of the calendar year in which it is issued.

X. Any legal practitioner authorised under these rules may apply to the Judicial Commissioner for the renewal of his certificate for the ensuing calendar year. Such application shall be made in writing during the month of December, and shall be stamped with the proper Court-fee stamp, and shall be accompanied by the expiring certificate. Upon such application the Judicial Commissioner may, in his discretion, renew the certificate or reject the application. A renewed certificate shall remain in force till the end of the calendar year for which it is renewed. The fee payable for the renewal of a certificate shall be Rs. 20 in the case of a legal practitioner of the 1st grade and Rs. 10 in the case of a legal practitioner of the 2nd grade.

Provided that no fee will be required on the renewal of his certificate from a Barrister-at-Law who has been enrolled as an Advocate of the Chief Court of the Punjab or other High Court.

XI. Notwithstanding anything contained in the foregoing rules, the Judicial Commissioner, on application being made to him by a person qualified under these rules to be admitted as a legal practitioner of the 1st grade for authority to appear and practise in a single case in a Civil, Criminal or Revenue Court or before a Revenue Officer in the North-West Frontier Province, may, in his discretion, subject to the proviso to sub-section (d) of Section 9 of Regulation VII of 1901, grant such authority on payment of a fee of Rs. 5. Such authority shall be in writing under the hand of the Registrar of the Judicial Commissioner's Court and the seal of the said Court, and shall be valid only for the particular case and for the Court or Office specified therein.

XII. The Judicial Commissioner may suspend or remove from practice any legal practitioner authorised under the foregoing rules who is guilty of unprofessional or grossly improper conduct, or who is convicted of any criminal offence implying a defect which unfits him to be a legal practitioner. Every order of the Judicial Commissioner by which a legal practitioner is suspended or dismissed shall be entered in the register of legal practitioners and also notified by the Registrar in the *Government Gazette, North-West Frontier Province*.

XIII. If any legal practitioner practising in the Court of the Judicial Commissioner, or any Court subordinate thereto, is charged with unprofessional or grossly improper conduct, the Judicial Commissioner, or the Divisional and Sessions Judge to whom such Court is subordinate, shall send him a copy of the charge and also a notice that on a day to be therein appointed such charge will be taken into consideration. Such copy and notice shall be served upon the legal practitioner at least ten days before the day so appointed; and on such day, or on any subsequent day to which the enquiry may be adjourned, the Court shall receive all evidence properly tendered by or on behalf of the party bringing the charge, and by or on behalf of the legal practitioner, and shall proceed to adjudicate on the charge.

XIV. If the Divisional and Sessions Judge finds the charge brought against any legal practitioner established, and considers that the legal practitioner should be suspended or removed from practice in consequence, he shall record his finding and the grounds thereof, and shall report the same to the Judicial Commissioner, and the Judicial Commissioner shall proceed to acquit, suspend or remove from practice the legal practitioner.

XV. The Divisional and Sessions Court or, in the case of Revenue Court, the Collector of the District may, pending the investigation under Rule XIII, and pending the receipt of orders from the Judicial Commissioner on a reference made under Rule XIV, suspend the legal practitioner concerned from practising in his Court and the Courts subordinate thereto.

XVI. The Judicial Commissioner in any case in which a legal practitioner has been acquitted of a charge investigated under Rule XIII otherwise than by an order of the Judicial Commissioner may call for the record, and pass such order thereon as he thinks fit.

XVII. The Judicial Commissioner may also direct that any charge preferred against a legal practitioner in any Court subordinate to his own shall be transferred for adjudication to his own or to any other Court of equal grade to that in which the charge was preferred.

XVIII. All legal practitioners admitted to practise under these rules shall under penalty of forfeiture of their licenses comply with such rules as may be framed from time to time by the Judicial Commissioner relating to the registration of legal practitioner's clerks.

XIX. When any legal practitioner is suspended or removed from practice under these rules, he shall forthwith deliver up his certificate to the Court before or in which he was practising at the time that he was so suspended or removed, or to any Court or Officer to whom the Judicial Commissioner orders him to deliver the same.

XX. Rules XII to XIX shall apply, so far as they may be applicable, to any legal practitioner charged before any Revenue Court or Revenue Officer with unprofessional or grossly improper conduct, provided that no Revenue Officer below the rank of a Collector of a district shall be competent to hold an inquiry referred to in Rule XIII or to order the suspension of a legal practitioner. The report shall be forwarded through the Revenue Commissioner.

D. B. BLAKEWAY, MAJOR,
Secretary to the Chief Commissioner.

APPENDIX A.

(1) *Certificate issued to a Legal Practitioner of the 1st grade.*

PURSUANT to the rules relating to legal practitioners framed under Section 9 (2) of the North-West Frontier Province Law and Justice Regulation, 1911, I hereby certify that

son of _____
of the district of _____, has been admitted as a legal practitioner of the 1st grade, and is authorised to appear and practise in the Court of the Judicial Commissioner, North-West Frontier Province, and in the Divisional and Sessions Court of the _____ Division, and in all Civil and Criminal Courts in the district of _____. Given under my hand and the seal of the Judicial Commissioner's Court, this _____ day of _____.

REGISTRAR,
Judicial Commissioner's Court.

COUNTERSIGNED for the Court of the Revenue Commissioner, North-West Frontier Province, and for all subordinate Revenue Courts and Offices in the district of _____

Revenue Commissioner.

(2) *Certificate issued to a Legal Practitioner of the 2nd Grade.*

PURSUANT to the rules relating to legal practitioners framed under Section 9(2) of the North-West Frontier Province Law and Justice Regulation, 1911, I, hereby certify that

son of _____
of the district of _____ has been admitted as a legal practitioner of the 2nd grade, and is authorised to appear and practise in all Civil and Criminal Courts subordinate to the Court of the Judicial Commissioner.

Given under my hand and the seal of the Judicial Commissioner's Court this _____ day of _____.

REGISTRAR,
Judicial Commissioner's Court.

COUNTERSIGNED for all Revenue Courts and Offices subordinate to that of the Revenue Commissioner, North-West Frontier Province, in the district of _____

Revenue Commissioner.

HINDU LEGAL PRACTITIONERS.

166. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is it a fact that Hindu candidates (legal practitioners), with experience extending over 15 years, were not given permission to practise in the province of their birth? While, on the other hand, three outsiders who had neither war services nor experience were given such permission in the North-West Frontier Province?

The HONOURABLE MR. H. D. CRAIK : Government have no information, but will inquire from the Chief Commissioner and communicate the result to the Honourable Member.

PURAN NALA IN THE NORTH-WEST FRONTIER PROVINCE.

167. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :
(a) Is it not a fact that Puran Nala in the North-West Frontier Province, which irrigated sixteen villages lying between Paharpur and Mandhra was stopped because the new Rajwah Canal was expected to irrigate the lands under the command of the Puran Nala?

(b) Is it not a fact that the new Rajwah Canal utterly failed to irrigate the lands of the sixteen villages? If so, do Government propose to take any action?

(c) Do the Government propose to award compensation to the landholders affected?

Not replied to but *vide* reply to question No. 199 *Post*.

EXTRA ASSISTANT COMMISSIONERS, NORTH-WEST FRONTIER PROVINCE.

168. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : How many Extra Assistant Commissioners in the North-West Frontier Province are graduates and how many out of them have qualified themselves by passing the departmental examination?

The HONOURABLE MR. DENYS BRAY : Eleven of the Extra Assistant Commissioners in the North-West Frontier Province are graduates and thirty-six have passed the departmental examination.

LEGAL PRACTITIONERS IN THE NORTH-WEST FRONTIER PROVINCE.

169. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : How many legal practitioners are in the Judicial Service of the North-West Frontier Province at present, and what number of practitioners is to be taken for such recruitment?

The HONOURABLE MR. H. D. CRAIK : There are at present in the Provincial Civil Service (from which both judicial and executive posts are filled) four LL.B.'s and one Barrister. Government have no information whether any definite proportion of recruitment from the Bar has been laid down, but will inquire from the Chief Commissioner and communicate the result to the Honourable Member.

MESSAGE FROM H. E. THE VICEROY.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I have been entrusted with a message from His Excellency the Viceroy and Governor General which I will hand to you, Sir.

The HONOURABLE THE PRESIDENT: A message from His Excellency the Viceroy and Governor General :

His Excellency the Governor General thanks the Council of State for the expression of their cordial welcome on his assumption of the office of Governor General, and notes with satisfaction the assurance of their loyal and wholehearted support, which will be to him a great encouragement in the discharge of his manifold duties.

INDIAN INCOME-TAX BILL.

12.1 P.M. The HONOURABLE MR. E. M. COOK : I beg to move :

That this Council do agree to the recommendation of the Legislative Assembly that the Bill to consolidate and amend the law relating to Income-tax and Super-tax be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 16 members.

This is rather an important Bill, Mr. President, for it repeals the whole of the existing law about income-tax and super-tax, and seeks to replace that by a self-contained enactment, and, at the same time, to make a number of rather important changes. Nevertheless, there are certain reasons why, in asking the Council to accept this motion, I think it is unnecessary—indeed, perhaps, undesirable—that I should make any lengthy exposition of its provisions. It is true there are 68 clauses of the Bill, and that the Bill affects a very large number of tax-payers in this country. At the same time, Honourable Members will find at the end of the Bill six closely printed pages of explanation, under the Statement of Objects and Reasons and the Notes on Clauses. But there is another important reason why I do not think I need detain the House very long, and that is that this Bill is to a large extent the child of this Council itself. It will be within the recollection of Honourable Members that at the Delhi Session we had some very interesting discussions on several motions regarding a number of matters connected with income-tax administration. There were also a number of questions addressed to me by Honourable Members, which showed the very great interest which this Council takes in the subject,—the answers to which also showed, I hope, that Government is fully alive to the importance of the various matters which have been raised.

Now, Sir, from those discussions that we had at Delhi, I think there emerged a fairly general unanimity of opinion among Honourable Members. I think we were all agreed that the present Income-tax Act of 1918 badly needed a thorough overhauling and re-casting, in order not only to remove certain admitted defects, but also to bring it up-to-date, and to make it more suited to the more modern business methods, particularly as regards the keeping of accounts and so forth, which are now very much more largely followed in India. In particular, I think we were all agreed that there was very much—too much—uncertainty in the present law—uncertainty and ambiguity on various important matters, such, for example, as what exactly constitute business profits.

Then, again, this Council expressed the opinion, and the Government admitted, that there was too much diversity of practice as between the various provinces, and that a good deal of inconvenience is caused thereby to business concerns whose operations extend over more than one province. I may instance the particular case of the rules about depreciation. I think it was also the general feeling that the right of appeal on a point of law to the High Court should be absolute, and not merely dependent on the discretion of

[Mr. E. M. Cook.]

the Chief Revenue-authority of the Province as to whether an assessee would be permitted to appeal to the High Court or not.

Again, although I am not quite sure whether this point was specifically raised in this House, I think there is also a good deal of agreement—certainly in the country—about the present system of adjustment, that is to say, the system under which a provisional assessment is made on the income of the past year and subsequently there is an adjustment made, based on the income of the current year. That system, I think I am correct in saying, was introduced in the 1918 Act at the instance of the Mercantile Community themselves, but I think they have now all come to the opinion that it is very much more of a nuisance than it is worth.

Now, this Bill seeks to cover all these points, as well as a very large number of other points of detail with which I do not propose to trouble the House. I should probably not be in order if I did, on this motion. Generally speaking, if I might endeavour to summarise in a single sentence the purpose of this Bill, it is this: While preserving the interest of the State, and ensuring to the Exchequer its fair legal dues, what this Bill seeks to do is to make things as easy as possible for the honest tax-payer, and to save him every unnecessary harassment, so that he may feel less uncertain than I am afraid he does at present as to what he is really liable to pay under the law, and that this liability should not vary with varying interpretations put on the law by income-tax officials scattered all over the country.

There is one rather important point to which I think I ought to invite Honourable Members' special attention and that is this: The existing Income-tax Act is not only a law which covers matters of procedure and administration; it is also a law which actually imposes the rate of tax. Now, Honourable Members will have noticed that this particular Bill is a Bill only of definition and procedure. It relates solely to matters of administration and method, and does not seek to impose any particular rate of tax. That will be left for the annual Finance Bill of the year. In doing that, we follow the custom in England, and I think Honourable Members will probably agree that it is very much more convenient, to have these matters entirely separate.

Well, I have now, Sir, very roughly sketched the main object of this Bill. I would just like to add a few words, if I may, about its incubation. At the end of the Delhi Session, we stood practically committed, as I have already said, to a thorough overhauling of the Act of 1918. What we did was to set up Income-tax Committees in all the Provinces, and on them we were fortunate enough to secure representatives of all important interests. The recommendations made by these Provincial Committees were then considered by a very strong All-India Committee, which sat here at Simla some two or three months ago, presided over by Mr. Sim, who, as I think many Honourable Members are aware, during the comparatively short time he has been in charge of income-tax matters in the Finance Department, has already done a very great deal to improve the income-tax administration. The Report of that All-India Committee was published last July—and Honourable Members, if they have examined this Bill (it has been in their hands, I think, since the 15th of this month), will have seen that it follows that report very closely. I think that not only Government, but also this Council owe a very great debt of gratitude to those non-officials who, at considerable inconvenience to themselves, devoted so much time and labour to the consideration

of the very large number of detailed points—some of them rather difficult and intricate—that were placed before them, and I feel confident that the deliberations of all those Committees—the Provincial Committees and the All-India Committee—will be found to have made the consideration of this Bill by the Legislature a good deal easier than would otherwise have been the case; just as, without the assistance of those Committees, we ourselves would have found it difficult to prepare a Bill that would satisfy the business public. If this motion is accepted, Sir, we then propose to publish the Bill in as widespread a manner as possible and invite the opinion of Local Governments, Chambers of Commerce, High Courts and everybody else concerned. Those opinions will then be collected and will be placed before the Joint Committee, which, I hope will be able to meet just before the Delhi Session, and I think we have every reason to hope that when this Bill ultimately comes to this Council, it will be in a form which will make its consideration easy. I beg to move.

The Motion was adopted.

NOMINATION OF MEMBERS FOR JOINT COMMITTEE.

The HONOURABLE MR. E. M. COOK: Sir, in the next motion which I have to move I should like, with your permission, to make a slight alteration. I will give the reasons for that alteration subsequently. I now propose to read the motion in the form in which I should like to move it:

‘I beg to move that the following eight Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill to consolidate and amend the law relating to Income-tax and Super-tax, namely:—

‘The Honourable Sir Alexander Murray, the Honourable Mr. Lalubhai Samaldas, the Honourable Mr. Setlwa, the Honourable Mr. H. Moncrieff Smith, the Honourable Mr. Chettiyar, the Honourable Mr. Bhurgri, the Honourable Mr. Klaparde, and the Honourable Mr. Froom.’

I have substituted the Honourable Mr. Froom’s name for mine in the original motion, and.....

The HONOURABLE THE PRESIDENT: I presume the Honourable Member has obtained the Honourable Mr. Froom’s consent?

The HONOURABLE MR. E. M. COOK: Yes, Sir.

The HONOURABLE THE PRESIDENT: Then there is no objection to it.

The HONOURABLE MR. E. M. COOK: I have only to explain, with reference to this Joint Committee of the two Chambers, that when we came to consider the matter we found that it was very desirable to strengthen the commercial representation on the Committee; and as the Finance Department of the Government of India will be very adequately represented from another place, I thought that perhaps the Council might have no objection if I substituted the Honourable Mr. Froom’s name for mine.

THE HONOURABLE SIR ZULFIQAR ALI KHAN: Sir, the list of Members mentioned here includes representatives from all Provinces of India, and I am sorry to say that there is no representative from the Punjab....

The HONOURABLE THE PRESIDENT: Does the Honourable Member propose to make a speech on the substantive motion, or does he wish to move an Amendment to replace one name by another name?

The HONOURABLE SIR ZULFIQAR ALI KHAN: I want an additional name to be added.

[The President.]

THE HONOURABLE THE PRESIDENT : The difficulty as to an additional name being added is, that the House has already accepted the motion to refer the Bill to a Joint Committee consisting of 16 members, of whom 8 members will be from the Council of State. The Honourable Member will see that, if he wishes to add another name, there will be 9 members ; therefore there must be an Amendment replacing a name, or the question will not arise at all.

THE HONOURABLE LALA SUKHBIR SINHA : I want to raise a similar question, Sir, with regard to the United Provinces. It is the biggest province....

THE HONOURABLE THE PRESIDENT : I would ask the Honourable Member the same question which I put to the Honourable Sir Zulfiqar Ali Khan. Does he propose to make a speech on the substantive motion, or does he wish to move an Amendment ?

THE HONOURABLE LALA SUKHBIR SINHA : I beg to move an Amendment, Sir, that one name be added from the United Provinces and one from Bombay.

THE HONOURABLE THE PRESIDENT : That Amendment is not feasible. The House has already agreed that the representatives from this Chamber should be 8 in number, and the names have already been proposed. The Honourable Member will see that if he wishes to add two more names, there will not be eight names but ten names.

THE HONOURABLE LALA SUKHBIR SINHA : Sir, I want to take out one name from Bombay and add one from the United Provinces so as to make the number eight.

THE HONOURABLE MR. W. M. HAILEY : With regard to the Amendment it is proposed to move, may I say that we ourselves naturally have been faced with this difficulty, that it is not very easy to get into a body of 16 members due representation of every province. But the Honourable Members of this House may rest assured that, when we put forward in another place the proposal for the constitution of the members of the Committee from that House, we shall pay due regard to the fact that certain Provinces will not be represented by Members elected by this House.

THE HONOURABLE LALA SUKHBIR SINHA : Will it not be desirable to wait for the decision of that Assembly and allow it to name their representatives in the first instance ?

THE HONOURABLE THE PRESIDENT : I would suggest to the Honourable Member to place some Amendment before the House.

THE HONOURABLE LALA SUKHBIR SINHA : Yes, Sir. I propose that the name of the Honourable Mr. Sethna be taken out from Bombay, and that of the Honourable Raja Moti Chand be substituted to represent the United Provinces.

THE HONOURABLE THE PRESIDENT : Has he consented ?

THE HONOURABLE LALA SUKHBIR SINHA : Yes, Sir, he is present here.

THE HONOURABLE THE PRESIDENT : Have you obtained his consent ?

It appears that the Honourable Member has not obtained his consent, and therefore the Amendment is out of order.

The HONOURABLE THE PRESIDENT : The question is that the following eight Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill to consolidate and amend the law relating to Income-tax and Super-tax, namely :

The Honourable Sir Alexander Murray, the Honourable Mr. Lalubhai Samaldas, the Honourable Mr. Sethna, the Honourable Mr. H. Moncrieff Smith, the Honourable Mr. Chettiyar, the Honourable Mr. Bhurgri, the Honourable Mr. Khaparde and the Honourable Mr. Froom.

The Motion was therefore adopted.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

12-36 P.M. The HONOURABLE MR. H. D. CRAIK : Sir, I beg to move :

‘ That the Bill further to amend the Code of Criminal Procedure, 1898, by providing for the issue by Courts in British India of Commissions for the examination of witnesses to such Courts of Princes and Chiefs in India as are notified in this behalf, and for the execution by Courts in British India of Commissions issued by such Courts be taken into consideration.’

I do not think it is necessary for me to make a long speech, as I have already explained, in introducing the Bill, briefly what its objects are. I should, however, like to make one point quite clear, that the Bill was introduced on a suggestion put forward by certain Durbars, and when it was placed before the Government of India, the Government of India decided to refer the question to a Committee of Princes. That Committee consisted of a number of Princes, who were of opinion that the question of the execution of commissions in criminal cases should be dealt with on a reciprocity basis, that is, that in the case of States willing to participate in the scheme, commissions issued by British Indian Courts for the examination of witnesses residing in the State's territories should be directed to the Political Officer, as under the existing law, and the Political Officer should be given power to refer the commission for execution to the Durbar Court, which would proceed to execute it and in doing so would exercise the powers conferred on it by the laws or usage of the State. In the same way, whenever a Court of any Native State desires to hold an examination by commission of witnesses residing in British India, the commission under the formal authority of the State Court should be directed to the Political Officer, who would arrange for its execution by the appropriate Court in British India. Those principles are incorporated in the Bill which I now ask the House to take into consideration.

In the second clause of the Bill, the third sub-clause is new and empowers the Governor General in Council to notify that any Court situated within the territories of any Prince or Chief in India, not being a Court established or continued in such territories under the authority of the Governor General in Council, is a Court to which commissions issued by Courts in British India may be sent through the officer mentioned in sub-clause (2). Sub-clause (4) merely reproduces the existing sub-section (3) of section 503 of the Code. Part (a) of sub-clause (5) reproduces the existing sub-section (4), and part (b) of sub-clause (5) is new. It empowers the Political Officer either to forward the commission to a Court (that is a State

[Mr. H. D. Craik.]

Court) within the local jurisdiction of which the witness resides, or to execute the commission himself through one of his subordinates. Clauses 3 and 4 of the Bill make a number of purely consequential amendments in the existing Code. I do not think it is necessary to trouble the House with any explanation of these two clauses. They make no substantive change in the law, but are, as I said, purely consequential.* Clause 5 of the Bill inserts a new section 508-A. into the Code. This section brings in the principle of reciprocity to which I have already alluded, and I should like to point out that it will enable Courts in Indian States to examine on Commission witnesses residing in British India, a power which they do not at present possess under the existing law. I hope, Sir, that the Council will agree to pass this Bill to-day, and will not think it necessary to refer it to a Select Committee. I wish to emphasise that the Bill is of a simple character, that it is purely a non-controversial measure, and that it introduces no substantial change of principle in the criminal law. It merely introduces a change which, I think, will be to the convenience both of the Courts in British India and of the Courts in Indian States. I now move, Sir, that the Bill be taken into consideration.

The Motion was adopted.

THE HONOURABLE MR. E. M. COOK : I move that the Bill be now passed.

The Motion was adopted.

INDIAN MARINE (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I beg to move 'that the Bill further to amend the Indian Marine Act, 1887, as passed by the Legislative Assembly,' be taken into consideration.

This is a measure which is entirely non-controversial, and, as will be seen from the Statement of Objects and Reasons, it is to confer upon the Director of the Royal Indian Marine the power to convene an Indian Marine Court for the trial of gazetted officers of the Royal Indian Marine. Under the law, as it stands at present, the sanction of the Governor General in Council has to be obtained in order to assemble such a court. The consequent delay is found to cause great inconvenience, and it is therefore proposed to confer the power to convene a court upon the Director of the Indian Marine, while leaving the power to confirm the sentence awarded by such courts in the hands of the Governor General in Council. Military officers of corresponding rank, similar to that of the Director of the Royal Indian Marine, have the power ordinarily to convene the courts for the trial of military officers in the Army, and the Bill proposes to confer similar powers upon the Director of the Indian Marine.

I beg to move that the Bill be now considered.

The Motion was adopted.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I beg to move that the Bill, as passed by the Legislative Assembly, be now passed by this Chamber.

The Motion was adopted.

INDIAN WORKS OF DEFENCE (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I beg to move 'that the Bill further to amend the Indian Works of Defence Act, 1903, as passed by the Legislative Assembly,' be taken into consideration.

The Amendments which it is proposed to make in the Act are of a purely formal nature and are necessitated by the recent change in the organization of the Army in India. I do not think it will be necessary for me to detain the House long on this matter. I propose that the Bill be now considered.

The Motion was adopted.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I beg to move that the Bill, as passed by the Legislative Assembly, be now passed.

The Motion was adopted.

AMENDMENT OF STANDING ORDER No. 70.

THE HONOURABLE THE PRESIDENT: The next business on the paper is a motion that is put down in the name of Mr. Kale, asking for leave to amend Standing Order No. 70. Under Standing Order No. 54 it is imperative on me to read the draft amendment to the Council. It runs as follows:

'In the second line *delete* the words 'after it has been presented to the Council' and *substitute* for them the following: 'but on a day to be appointed by the Governor General subsequent to the day on which it is presented and for such time as the Governor General may allot for this purpose, the Council shall be at liberty to discuss the general features of the Budget, as a whole, or any question of principle involved therein; no motion shall, however, be moved on the Budget.'

Under the same Standing Order to which I have already referred, it is now for me to ask whether the Honourable Member has the support of the Council. Those Members who are in favour of leave being granted will kindly rise in their places.

The Honourable Member has the necessary support. I will, therefore, call upon him under Standing Order No. 55—which lays down that where a Member has the leave of the Council to proceed with his Amendments, he shall move that the draft Amendments be referred to a Select Committee—to make that motion.

THE HONOURABLE MR. V. G. KALE: Sir, I move that the proposed Amendment be referred to a Select Committee. In doing so, I think it necessary for me to make only a few observations as regards the necessity of the Amendment which I am proposing. The object of the Amendment is to enable the Members of this House to discuss the Budget only so far as the general principles underlying it are concerned. I should like to remove certain misapprehensions which have been entertained, or which are likely to be entertained, with regard to the change I am proposing. I do not seek any larger powers for this Council. I also want it to be made clear that I do not want to trench upon the province of the other House. My only object in moving this Amendment of Standing Order No. 70, is to enable the Honourable Members of this House to express their general opinions with regard to the principles underlying the Budget. Sir, I am quite sure that the whole Legislature, the Government and the country, are likely to benefit by the criticisms or by the remarks that will fall from some of the Honourable Members of this House—among whom I see men experienced in finance, in currency and

[Mr. V. G. Kale.]

banking, and men concerned directly with commerce and industry, and I am quite sure that the Government, as well as the Legislature, is likely to derive valuable assistance from any observations that may be made by some of my Honourable Colleagues. That is the only object I have in view in proposing this Amendment and I must repeat that I do not seek any greater financial powers than are already conferred upon this House by Statute or by the Rules. I do not want to overstep the bounds which are set to our powers by the Statute. It is under these circumstances that I am proposing this change and I feel confident that this Honourable House will accord its assent to the proposed Amendment. I am now to propose seven names.

THE HONOURABLE THE PRESIDENT: The proposals for the composition of the Select Committee in this case will be made after the motion is carried.

THE HONOURABLE MR. V. G. KALE: I have to move that the proposed Amendment be referred to a Select Committee.

THE HONOURABLE MR. A. H. FROM: Sir, I strongly support the Resolution of my friend, the Honourable Mr. Kale. I do not wish to detain the House with any lengthy speech on this matter, nor do I wish—and I am quite sure that none of the Honourable Members of this Council wish—to infringe on the rights of the other Place. But I quite recollect that, when the Budget was introduced in Delhi last March, we, the Honourable Members of this Council, held an informal meeting to discuss its various points, and I think it would be much better that, instead of holding an informal meeting, we should have a regular meeting of this House. I think it would be much more consistent with the dignity of the Council. We do not propose to move any Resolutions in connection with the Budget, but merely to have a discussion in the House under your guidance, Sir.

THE HONOURABLE SAYYID RAZA ALI: The Honourable Mr. Kale has moved the Amendment in a very careful manner. I happen to be one of those who are very careful to see that the spirit of the Act, the Rules and the Standing Orders that have been framed should be strictly carried out. As is known to my Honourable Colleagues, we, of this House, have no power to discuss the Budget or to make any alterations in it. So far as the latter proposition goes, I give my whole-hearted support to it, namely, that we should not be in a position to alter the Budget. But the first question that has been raised by the Amendment of Mr. Kale is a very important one. There seems to be no reason why we, of this House, should not be allowed to discuss the general features of the Budget. That, I think, is a very reasonable demand and I hope the House will accept it by giving its whole-hearted support.

THE HONOURABLE SIR ALEXANDER MURRAY: I also rise to support the motion put forward by the Honourable Mr. Kale. The constituency that I have the honour to represent in this House was privileged, I think since the year 1861, to have direct representation on the Viceroy's Legislative Council. In the early days it was possible to discuss only legislative matters. But I think from 1892 the Council were given the right under the Councils Act of that year to discuss the Budget in general terms. Rules were framed limiting the right of discussion, and I think, in 1909, the Rules were made wider. Therefore, for almost thirty years down to the present

year, the Members of the old Council, which included the representatives of the leading Chambers of Commerce in the country, were entitled to express in general terms their views on the Budget. Now, as I read the Act and the Rules under the Act, there is nothing to prevent the Members of this Council, as a part of the new Indian Legislature, from expressing their views on the Budget. Unfortunately, there is a Standing Order which, while stating that the Budget should be laid before this House, does not give any opportunity to this Council of saying anything about it.....

The HONOURABLE THE PRESIDENT: I may remind the Honourable Member that it is not by virtue of any Rule or Standing Order, but in pursuance of the Act that the Budget is laid before this House.

The HONOURABLE SIR ALEXANDER MURRAY: I accept the correction. The Budget is laid before us, but by a Standing Order we are prevented from discussing it. I therefore entirely agree with the Honourable Mover of this Amendment that we ought to be given the right to discuss the Budget in very general terms. For that reason I give my support to this motion.

The HONOURABLE LALA SUKHBIR SINHA: I give my hearty support to the motion made by my Honourable friend, Mr. Kale. I think that if this House will have a chance of presenting their views on the general features of the Budget and discussing any question of principle, it will not be a waste of time. It will be very useful to have our opinions on the Budget. Of course, I do not mean that we should have any hand in framing the Budget, but we must be given power to criticise the Budget on its principles and general features. Therefore, I heartily support this motion.

The HONOURABLE SIR MANECKJI DADABHOY: I also rise to support this motion. I do not wish to reiterate the grounds which my other Honourable Colleagues have covered in support of the proposed motion. All I will add is, that the debate which will take place if this motion is acceded to will not be of an infructuous character. Our Colleagues, in the other House, will find this debate very valuable and it will strengthen their hands in many respects in bringing forward their points before the Assembly.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I also rise to support the motion. We have a grievance that we are not allowed to discuss the Budget, and I am very glad that our Honourable Colleague, Mr. Kale, has brought forward this motion. I strongly support it.

The HONOURABLE MR. H. MONCRIEFF SMITH: Sir, there has been a singular unanimity of opinion in this discussion, but I think Honourable Members might perhaps like to know what is the attitude of Government towards the motion put forward by my Honourable friend, Mr. Kale. The fact that no Member of Government has spoken up to this moment does not indicate that Government views the motion with approval or disapproval. The Government's attitude in this matter is entirely neutral. They propose to leave the matter to the decision of this Council itself. When I say that, I do not intend to indicate that every official Member in this Chamber is for the moment muzzled. The official Members have every liberty to speak and vote as they like, other than, of course, the Honourable Members of the Governor General's Executive Council.

If this motion is carried and the Amendment goes to a Select Committee for consideration, there are, I think, one or two points of view which should be

[Mr. H. Moncrieff Smith.]

borne in mind by the Select Committee. Nothing at all has been said so far on the constitutional position. We have had it indicated that the Government of India Act requires the Budget to be laid before this Council, and it has been said that Standing Order No. 70 prevents the Council from discussing the Budget. The first statement has reference to section 67-A. (1) of the Government of India Act. The same section lays down that proposals for the appropriation of revenue or moneys shall be submitted to the vote of the Legislative Assembly, and implies undoubtedly that the proposals should not be submitted to the vote of the Council of State. But, as the Council is aware, there are certain heads of expenditure that cannot be considered even by the Assembly without the direction of the Governor General, and I think the sub-section of section 67-A, which lays that down does imply in a way that there is no absolute prohibition of discussion in the Council of State. It says that the proposals for the appropriation of revenue or moneys relating to certain heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either Chamber at the time when the annual statement is under consideration. That does imply, I think, that though the Council is debarred from voting, yet there is no intention in the Act itself to debar the Council from discussing the Budget. Now, these provisions of the Act for discussion by the Assembly have been given effect to in the Rules, and I think it is a matter for consideration in the Select Committee that if the provision which allows the Legislative Assembly to have a general discussion on the Budget is provided for in the Rules made under the Act of Parliament (it is not in the Standing Orders at all—the Rules are silent, absolutely silent, as regards the Council of State), then I say it is for consideration whether the similar provision for the Council of State should not be made by Rules instead of by Standing Orders. I do not mean to suggest that the Council of State has no power to amend its Standing Orders for the purpose of providing for a discussion of the Budget, but I think it is a matter which should be considered by the Select Committee, and I have no doubt that the Select Committee under your able guidance, Sir, will come to a right conclusion on that matter. We have Standing Order No. 70 barring us for the present, and no doubt the first thing is to get rid of that Standing Order; but whether it would be necessary then to approach the Secretary of State with the proposed amendment of the Rules, it is difficult for the moment to say. In that matter, of course, it would be for the Government of India to take action, on a recommendation, no doubt, from this Council.

I do not think I need refer to the position at Home and try to draw an analogy between this House and the Upper House of the English Parliament, but I may merely mention that we have already, with regard to money Bills, greater powers than even the House of Lords has. We can amend a Bill, we can alter it, we can throw it out: and it does seem, I may say, somewhat unreasonable that in that position the Council of State should not have powers to discuss the Budget, to give effect to which, one might say, a money Bill has been introduced.

The HONOURABLE SIR DINSHAW WACHIA: Sir, I am sure Honourable Members of this Council will be quite satisfied with the Government's view which Mr. Moncrieff Smith has so well propounded. I may add for the information of Honourable Members that some ten leading Members of Bombay, myself among them, had in the Memorandum they submitted to Government

on the Montagu-Chelmsford Report, observed and emphasised the fact that, so far as this Council of State was concerned, their view was that the privilege and power to consider the general principles of the Budget should be accorded. That very proposal was afterwards strongly urged by the liberal deputation from Bombay which went before the Joint Parliamentary Committee in England. It was there also very strongly supported by many members of the Moderate deputation from other Provinces, while some members of the Joint Parliamentary Committee themselves, particularly Sir James Bennett, the late Editor of the "Times of India," who understood thoroughly the great importance of the suggestion were kind enough to emphasise it for purposes of recommendation to the House of Commons. Somehow it was very perfunctorily considered there and nothing decisive was laid down. But it is a fact that the advisability of so discussing the annual Budget was pointed out by the Bombay deputation, and, I believe, also by the deputations from the other Provinces. Therefore, if now this little omission is proposed to be supplied, there is no doubt that the proposal would be unanimously agreed to. This Council of State consists of many good Members who have large experience of banking and finance and currency just as much as some Members of the other House, and I do not see why we should be deprived of the right of discussing the general principles of a Budget. I think Government would be well assisted—I should say greatly assisted—by our having this power, and I think Honourable Members ought to be grateful to Mr. Kale for having brought this matter to the notice of the Government.

The HONOURABLE MR. E. M. COOK: Sir speaking entirely in my personal capacity, and availing myself of the permission which has been given to the official back-benchers, I desire to say that I most heartily welcome this motion. From the point of view of my own Department, I am perfectly certain that we shall derive considerable assistance and guidance from the general discussion of the principles underlying our financial policy which will take place if this motion is carried and is accepted by Government.

The HONOURABLE THE PRESIDENT: The question is that the following proposed amendment of Standing Order No. 70 of the Council of State Standing Orders be referred to a Select Committee:

'In the second line *delete* the words 'after it has been presented to the Council' and *substitute* for them the following:—'but on a day to be appointed by the Governor General subsequent to the day on which it is presented and for such time as the Governor General may allot for this purpose, the Council shall be at liberty to discuss the general features of the Budget as a whole, or any question of principle involved therein; no motion shall, however, be moved on the Budget.'

The Motion was adopted.

The HONOURABLE THE PRESIDENT: Standing Order 55 lays down that if a "motion is carried, the draft Amendments shall be referred to a Select Committee, of which the President shall be Chairman, and one of the Chairmen of the Council to be nominated by the President, shall be a Member. The remaining members, who shall be seven in number, shall be selected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf by the President."

I believe such regulations have been framed by the President, and I may add that they are of necessity extremely complicated. I think the Honourable Mr. Kale said he had seven names he wished to propose. Should this Council be prepared to accept those seven names, it might be possible that we

[The President.]

should avoid an election. I have no wish whatever to suggest that an election should not be held, and if the seven names do not receive the unanimous approval of the Council, an election must be held. I will now ask Mr. Kale to mention the seven names.

The HONOURABLE MR. V. G. KALE: The following are the seven names. The Honourable Members' consent has been already received to their serving on the Committee. I propose, Sir:

The Honourable Sir Maneckji Dadabhoj,

The Honourable Sir Alexander Murray,

The Honourable Mr. H. Moncrieff Smith,

The Honourable Sir Benode Mitter,

The Honourable Saiyid Raza Ali,

The Honourable Mr. Srikrishna Khaparde, and myself.

The HONOURABLE THE PRESIDENT: Honourable Members have heard the seven names mentioned by Mr. Kale. Is any other Member of Council desirous of serving on this Committee?

Then I take it that the seven names have the unanimous approval of the Council. (Cries of yes, yes.) In those circumstances, an election is unnecessary.

To complete the Committee—if the Honourable Sir Dinshaw will permit me to propose that he should serve on the Committee—I should like to nominate him as my nominee on this Committee.

The HONOURABLE SIR DINSHAW WACHA: I thank you, Sir, for mentioning my name, but I shall not be in Simla after the 28th, and do not know whether I shall be in a position to accept the nomination.

The HONOURABLE THE PRESIDENT: I am afraid I have been out of order in not ascertaining the Honourable Member's wishes.

I would ask the Honourable Sir Zulfikar Ali Khan to serve. I complete the Committee by nominating the Honourable Sir Zulfikar Ali Khan.

RESOLUTION *RE* APPOINTMENT OF INDIANS TO OFFICES OF SECRETARY, JOINT SECRETARY, ETC.

The HONOURABLE SAIYID RAZA ALI: Sir, I move the following Resolution which stands against my name:

'This Council recommends to the Governor General in Council to initiate a policy of appointing Indians to the offices of Secretary, Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign, Political and Public Works Departments of the Government of India.'

Sir, I assure this House that since I had the honour of addressing it on Saturday last, I have become, I hope, a much wiser, though at the same time a sadder, man. I shall try, in the course of my speech, Sir, to avoid, as far as I can, the pitfalls of controversy, so that the real proposition may be laid before my Honourable Colleagues in its naked truth. The terms of the Resolution, as this House will see, do not go into the wider question, namely, the employment of Indians in higher posts. I have limited myself to certain departments and

I will briefly put forward before my Honourable Colleagues the reasons which have induced me to bring forward the present motion.

Sir, under the Government of India Act of 1919, certain posts have been reserved to the members of the Indian Civil Service. Section 98 of the Act refers to the Third Schedule that is given at the end of the Act, which makes it permissible to the Government to appoint people, who do not belong to the Indian Civil Service, to certain offices. I may at once state that the list that is given in the Resolution is almost a verbatim copy of the Third Schedule to the Government of India Act. The posts of Secretary, Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign and Political, and Public Works Departments are the posts to which appointments can be made beyond the cadre of the Indian Civil Service. That is really the reason why I have ventured to bring this motion. It entails, as my Honourable Colleagues will see, no amendment of the Government of India Act, no recommendation to the Governor General in Council that the Government of India Act should be amended, and in fact requires no additional step to be taken by the Government of India or the Home Government as to the appointment of Indians, provided suitable candidates for these posts are forthcoming.

Sir, on the 17th March 1911 the Honourable Mr. Subha Rao moved a Resolution in the late Indian Legislative Council, of which I hope we are the rightful heirs, to the effect that Indians should be employed on a larger scale in higher offices of the public service. There was a full-dress debate in the Legislative Council, and in the course of it many members of the Government who rose to defend their Departments made valuable contributions to the debate. The question which was under discussion then, as I have pointed out, was a much wider and broader one than the one to which the scope of my Resolution is limited. I will only refer to two speeches that were made on behalf of the Government on the 17th March 1911.

(At this stage the Honourable the President vacated the Chair and the Honourable Sir Zulfiqar Ali Khan occupied it).

The Honourable Mr. Butler, Education Member of the Government of India, in defending his Department said :

' I should like to add, with reference to another remark he (the Mover) made, that the Assistant Secretary in the new Education Department, Kunwar Maharaj Singh, is an Indian.'

At that time the Government could point to only one Indian being employed, and that too in the lowest post out of the many Departments which have been mentioned by me in my Resolution. The Honourable Mr. Earle, who, as a matter of fact, took up the cudgels on behalf of Government and who was in charge of the Resolution on behalf of Government, in the course of his speech on that occasion said :

' There is nothing to prevent the Government of India from appointing a Secretary to the Government of India from among the ranks of Indian officials if they think fit.'

I think that the Honourable Member was mistaken in what he said in this respect. I am not concerned, Sir, with the fact whether the Honourable Mr. Subha Rao was mistaken or not ; but let us see how things have progressed since the year of grace 1911. The Departments mentioned by me are five in number, if the Foreign and Political Services, which are really sister services

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be treated as one Department. Now, Sir, it is rather difficult for an uninitiated man like myself to count the Secretaries and Deputy Secretaries or, as they are called, the Directors or Deputy Directors, in the Army Department. My remarks on that subject will be subject to correction, if any, by His Excellency the Commander-in-Chief. But I have got a recent edition of the Government of India list which gives the holders of the posts of Secretary, Joint Secretary and Under Secretary in the various Departments of the Government of India. Now, counting the heads which are mentioned by me in my Resolution, I find that no less than 14 gentlemen are the incumbents of these offices. I may make it clear that in the Army Department and the Indian Marine Department I have counted only two persons as belonging to each Department, but when I am confronted with the large number of names shown here in this list under the Army Department, I am almost certain that I have made a mistake and that more than two persons hold offices of, or offices corresponding to, the offices of Secretary and Joint or Deputy Secretary.

Now, Sir, the position briefly stated is this, that in the year 1911, out of the officials belonging to the Departments mentioned by me, there was only one Indian who held the post of Assistant Secretary. Much water I take it has passed under the bridge since the year 1911, and yet we find that no progress whatsoever has been made in this direction. There was only one Indian holding the post of Assistant Secretary in the year 1911. What is the condition which we find to-day?

The fact remains, Sir, that in spite of the lapse of a decade, only one Indian holds the post of Under Secretary—which of course is the lowest post of all the three—even to-day. Of course it is a matter of coincidence that that officer happens to be the same—that the officer who is to-day Under Secretary in the Education Department happens to be the same gentleman who was Assistant Secretary in the year 1911. I ask you, Sir, and I ask this Council, whether you are satisfied that of the appointments belonging to the Departments which are not reserved for that distinguished service, which is really the power behind the Throne, namely, the Indian Civil Service, only one should be held by an Indian. Nothing is further from my intention, Sir, than to raise a racial question over this Resolution. In fact, as I shall show later on, I do not object to the appointment of Europeans or the members of the Indian Civil Service to the posts for which we cannot find suitable candidates beyond that Service. I would even welcome the appointment of Europeans and members of the Indian Civil Service to responsible posts without any question of creed or colour as long as injustice is not done to the claims of my countrymen. In fact, Sir, we should employ both Indians and Europeans, and if there is any important branch of the public service to which either one race or the other is not admitted, then we should take measures to see that the members of that race find suitable employments in that Department, because, I am sure, Sir, that as is well known, the real seat of power, perhaps in every country and much more so in India, is the Secretariat. I hope I have said nothing but a bare truth in making that statement, but it so happens that looking to the lines on which the Government of India is conducted to-day, for some time to come at any rate, if not for a long time to come, vast powers will have to remain in the hands of those who are stationed at the headquarters of the Government of India.

(At this stage the Honourable Sir Zulfiqar Ali Khan vacated the Chair and the Honourable the President resumed it.)

Now, Sir, coming to the year 1921, we find that the question was raised in the Budget debate on the 15th March 1921 in the Legislative Assembly, and I must say that due credit must be given for their decision in the matter to the Government of India. The Honourable Dr. Sapru, who spoke on behalf of Government in the course of the debate when the subject of employment of Indians in the Foreign and Political Department was mentioned, said. These are the words actually used by the Honourable Dr. Sapru : " I am authorised to state.....

THE HONOURABLE THE PRESIDENT : Was that a debate in this Session or in a previous Session ?

THE HONOURABLE SAIYID RAZA ALI : In the previous Session. I mentioned the date 15th March just when you came in. This is what the Honourable Dr. Sapru said : " I am authorised to state on behalf of Government that the principle of taking Indians into the higher appointments in the Political and Foreign service has been conceded by the Government, and that a scheme is being prepared which, when it is ready, will, I venture to think, afford every satisfaction to this House and to the outside public." Now I do not know, Sir, whether any such scheme has been prepared. My Honourable friend, Sir Alexander Murray, tells me that a scheme has been published and I am thankful to my Honourable Colleague for the information. Further on, the Honourable Dr. Sapru said : " The Assembly may take it from me that, so far as the principle is concerned, it has been amply conceded and my Honourable friends need have no apprehension with regard to that matter." I am very glad, Sir, that the principle has been conceded by the Government of India ; in fact, the principle was conceded as far back as six months ago. Now what I propose to ask the Government of India to do is, that, having accepted the principle, they should put it into practice. I do not want to go further than that. That is only what I ask the Government of India to do. As a matter of fact, my Resolution is a very unpretentious one. That again does not raise the whole question of the services which have been mentioned in the Resolution, but confines itself to the three posts alluded to therein.

Sir, as we all know, the Government of India Act of 1919 was placed on the Statute-book in the last week of December, 1919. About one year and nine months have rolled by since. May I, in all humility, ask the Member who is in charge of this Resolution on behalf of the Government, whether any posts of Secretary, Joint Secretary and Under Secretary have fallen vacant since the last week of December, 1919 up till now, and if so, whether any Indian has been appointed to any of these three posts in the various Departments mentioned by me ? My information is, and that information is always subject to correction, that a number of posts did fall vacant in some of the Departments, and unfortunately no Indian, as we all know, has been appointed to any of the posts. The subject is one which gives rise, I recognise, to a number of difficulties. To start with, I must take cognisance of the fact, and of the very important fact, that if we take the case of the Army and the Marine Departments, it is extremely doubtful whether any Indians with the necessary qualifications would be forthcoming to hold these posts even if Government were prepared to appoint them. I do not propose to conceal from myself the dearth of qualified Indians for some of the posts mentioned in the

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Resolution—because up till now they have not had opportunities of being trained for the work.

Again, Sir, it may possibly be urged on behalf of Government that, so far as the appointments in the Foreign and Political Department are concerned, it is not feasible to appoint any Indians, for the simple reason that Indians with the necessary qualifications and experience are not available.

Now, Sir, I do not belittle the importance that must naturally be attached to this objection. At the same time I do not think that the objection is so overwhelming as to prevent any action, Sir, being taken by Government. Now there are some Indians no doubt in the Foreign and Political Department. Still, I am not prepared to say that any one of them is just at present quite prepared to take over the portfolio of Secretary to either one or the other branch of the Department. But a beginning has got to be made somehow. I appeal to this House whether the time has not come when a beginning should be made in this direction. The same remarks apply, with much greater force I am afraid, to the Army and the Indian Marine Departments. There again, subject to being corrected by my Honourable and gallant friend, Colonel Sir Umar Hayat Khan, I must say—I mean to cast no aspersions whatsoever on my own countrymen—that so far as I can see I do not think it will be very easy for the Government to find a man who will step into the chair of the Director General of the Army or of the Indian Marine. That there are very competent Indians employed in the Department does not admit of any doubt, but the fact remains that we require some training before we can be called upon to discharge the duties of these offices with credit. Now, barring the Army and Marine Departments, Sir, I do think that, so far as the other Departments mentioned in the Resolution are concerned, it is open to Government to make a beginning by making appointments to start with outside the services. I do not say—and I would be the last person to say—that, if there are two equally competent men, one of whom belongs already to the State Service and the other does not so belong, that the claims of the man who does belong to the public service should not be taken into consideration. As a matter of fact, if there are two equally competent persons, then naturally the man who has already been in the public service should be tried in the higher office. But, if the Government think that no such Indians who are already in Government service are qualified, then I do urge, Sir, that the claims of those who do not have the honour to belong to Government service, or who have held very important posts in Government service in the past, should be taken into consideration.

As a matter of fact, the principle has been already conceded by the Government of India. I am not using the words used by the Honourable Dr. Sapru. What I mean is that we are thankful to the Government for appointing as many as three Indians to the post of Executive Membership under the Government of India. Now, it so happens that all these three men are gentlemen who did not belong to the public service before the day of their appointment. May I ask, Sir, whether, following that principle, we should not make an experiment and should not appoint some competent, suitable Indians to the various posts that I have mentioned.

Another way of meeting the difficulty, I may very briefly say, is that, instead of taking a plunge in the dark by appointing an Indian as Secretary,

we may make a start by appointing him as Under Secretary or Joint Secretary, and if, after working for a sufficiently long time, he gives satisfaction to those who are in a position to judge, then there is no reason why that man should not be appointed as Secretary. That is another way of meeting the difficulty.

The last thing, Sir, that I would say is, that now the Government are pledged to a policy, on which I must congratulate the Government, of Indianising the higher services of this country. That, of course, does not exclude, as I have already stated, the employment of Europeans or members of the Indian Civil Service in the higher posts. The decision is one on which the Government of India deserve to be congratulated by all of us. I do hope, Sir, that a courageous step will be taken by the Government of India in the direction in which no action has been taken as yet and that Government will make a beginning by appointing some Indians—at least I would suggest one Indian—in every one of the Departments mentioned by me to the post either of Joint Secretary or Under Secretary as may be deemed feasible under the circumstances of each case.

With these words I commend the Resolution to the acceptance of this House.

THE HONOURABLE MR. H. D. CRAIK: Sir, I should like at the outset to point out that the Honourable Member seems to be under a curious misapprehension as to the position occupied by a Secretary to the Government of India. The Honourable Member, as I understand him, suggests that Government should appoint as its Secretaries people who are not in the public service of the country at all. I think that, if he realised what the position of a Secretary to Government is, he would have seen that such a suggestion is practically impossible. I am not speaking at the moment on the question whether Secretaries to Government should be Englishmen or Indians, but whether they should be in the permanent public service of the country or not. It is a principle that, so far as I am aware, is not accepted by any country whatever that any high post in the permanent civil service of the country should be held as a temporary expedient by gentlemen who are not permanent civil servants of the Government. The Honourable Member cites in support of his proposal the fact that three distinguished Indians have within recent years been appointed to the Governor General's Executive Council. That, Sir, is in no way analogous. The appointment of Members of the Executive Council is similar to that of a Member of the Cabinet in England. It is in no way analogous to the position of the permanent head of one of the public offices at Home, which is the position occupied by a Secretary to Government in this country. I think the House will agree with me that that suggestion hardly deserves serious consideration.

Now, Sir, turning to the merits of the Resolution, I must oppose it on several grounds. The most important of these is, that the Resolution appears to me to be based on a misapprehension. The Honourable Member asks that we should start a policy of appointing Indians to certain specified posts. That implies that Indians are not at present eligible for, or are not at present appointed to, these posts. Both these premises are incorrect. Indians are eligible for the posts mentioned and have in certain instances been appointed to them. From the wording of his Resolution, it seems to me, Sir, that the Honourable Member is trying to introduce the serpent of racial discrimination where it does not at present exist. As I say, Indians are eligible for all the

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posts which he has mentioned, and the sole test of selection for those posts is, to select the fittest man, be he English or be he Indian.

There is no other test whatever, and it will be quite impossible for Government to carry on its business if it is to be compelled to adopt the principle that Indians are to be appointed to these posts because they are Indians, and not because they are the best men available.

This is a point on which I wish to lay great stress, namely, that the sole test for these posts is, and must be, that of efficiency, and no racial consideration should enter into the question of selection at all.

Now, Sir, I shall deal in turn with each of the four Departments which the Honourable Member has mentioned in his Resolution, because there are really only four Departments, the Army and Marine being the same, and the Foreign and Political being a joint Department. To take first of all the Public Works Department, the appointments of Secretary and Deputy Secretary in this Department are technical appointments, and must be given to officers with the necessary professional qualifications. The idea that they are at present held by Europeans because they are Europeans has been strongly repudiated by the Department concerned, just as strongly as it repudiates the suggestion that they should be given to Indians because they are Indians. If important technical appointments of that kind are to be distributed on a racial basis, the Council will realise not only what a serious hindrance that would be to public business, but how it might quite conceivably become a cause of the most wasteful expenditure of the tax-payer's money.

Turning now to the Education Department, that is not, of course, a technical Department in the same sense as the Public Works. There is no post of Joint Secretary in that Department. There is one Secretary and one Deputy Secretary. Of these two appointments one is, as a matter of fact, held by an Indian, who, I may remind the Honourable Member, was appointed to the post not as Under Secretary, but as Deputy Secretary as recently as last winter. In the case of the Army and Marine Departments, there is one Secretaryship and one Deputy Secretaryship. Both these appointments have, until very recent times, been held by soldiers. As the Honourable Member is aware, it is only within recent times that Indians have been given commissions in the Army, and it follows as a result that there is no Indian soldier,—I think I am correct in saying,—with sufficient professional seniority and experience to hold either of these posts. If the posts are to continue to be held by civilians, I do not mean members of the Civil Service, but men who are not soldiers, then Indians will be eligible just as much as Englishmen, and no doubt in time they will rise to those posts. The Honourable Member is under a misapprehension in thinking that there are other posts in the Army Department covered by the terms of his Resolution. There is, as I say, a single Secretary and a single Deputy Secretary. I do not know what he meant when he alluded to posts analogous to, or on the same level as, Secretary. If he meant high Staff Officers serving at Army Headquarters, such as the Adjutant-General, the Quarter-Master General, the Chief of the Staff; those are purely military appointments and must be held by military officers of high rank. Turning to the Foreign and Political Department, the Honourable Member referred to the scheme for the appointment of Indians to that Department which has recently been approved, and he quoted the announcement made by

the Honourable Dr. Sapru in the Assembly last session. That scheme provides for a proportion of the superior posts in the Political Department being filled by Indians, including two appointments, one of Secretary and one of Deputy Secretary. The Honourable Member urged that the principle stated in that scheme should be put into practice. But I ask the House to remember that the scheme was only formulated and announced six months ago, and surely even the Honourable Member does not suggest that six months' experience in the Department is enough to qualify an officer for the post of Secretary in that Department. Time must obviously elapse before Indians appointed to the Political Department attain the necessary seniority and experience to hold these two appointments, and it is not reasonable to suggest that six months is sufficient time for that result to have been attained. I would like to emphasise the fact that the Government of India realise that its Secretariat offices should to a large extent be manned by officers trained in the Provincial Secretariats, and it is necessary, or at any rate, usual, for an officer before coming into the Government of India Secretariat to have considerable experience as Secretary or Under Secretary to a Local Government. At the moment, I believe, I am right in stating that almost, if not quite, every Local Government has at least one Indian Secretary, and in good many cases an Indian Under Secretary also, and I have no doubt whatever that the turn of these officers to be employed in the Government of India Secretariat will very soon come round.....

The HONOURABLE MR. LALUBHAI SAMALDAS : In Bombay there is no Indian Secretary.

The HONOURABLE MR. H. D. CRAIK : I stand corrected. But I think that Bombay is the exception and not the rule. As the Honourable Member is doubtless aware, in other Departments of the Government of India not mentioned in his Resolution, there are Indian Secretaries and Under Secretaries belonging to the Civil Service.

There is one point, Sir, that I would like to make in conclusion, and that is that, although I see no objection whatever to Resolutions, of which a large number have been put forward during this session in both Houses, to the effect that the Indianisation of the Services should be proceeded with at a more rapid pace than it is at present, objection can fairly be taken to Resolutions recommending the same process in regard to individual appointments. This is not a question of Indianising one particular branch of the Service; it is a question of appointing Indians because they are Indians, to some eight or nine particular appointments.....

The HONOURABLE SAIYID RAZA ALI : There are 14 in number.

The HONOURABLE MR. H. D. CRAIK : The Honourable Member may be correct. In any case, what I object to is, the suggestion that we should recommend to Government that certain specified appointments must be filled, or should be filled, by Indians because they are Indians. That, Sir, is a very different thing from the principle that Indians should be appointed to a certain proportion of high Government posts. As regards the selection for particular individual appointments such as those mentioned in the Resolution, I may maintain that it is only fair to give to the Government of India, if it is to perform its work with reasonable despatch and efficiency, an absolutely free hand to select the best man, quite irrespective of his race, or colour, or religion, or any other extraneous consideration of that sort. On these grounds I oppose the Resolution on behalf of Government,

[Colonel Sir Umar Hayat Khan.]

THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, my Honourable friend has thrown out a challenge to me. I wish
12-50 P.M. I could take it up. Because I think he is right, I cannot oppose it. I think, Sir, I may say one thing about Mr. Mitra. He is already in the.....

THE HONOURABLE THE PRESIDENT: Order, order. The Honourable Member should refrain from making allusions unnecessarily to officers by name. That is obviously undesirable.

THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I shall not mention names. There is, Sir, an officer on very high pay now in the Finance Branch of the Army. I know of another man, one of my cousins—I will not mention the name—he was also at headquarters, but, of course, he has now left.

In the same way, Sir, at one time it was considered that Indians, perhaps, could not become Commissioners, but we have got two Commissioners now in the Punjab who are doing exceedingly well, and we have had three Indians again in the Punjab Secretariat. They were Members of the Indian Civil Service, but, at any rate, they were Indians. I think there are two more now, one even recruited from the Provincial Service. I shall not mention names.

I think, Sir, if such Resolutions were not brought in, the case with us would have been like that of a boy who does not get milk, if he does not weep for it. It is for this purpose that I do think that the Resolution has been useful; and I will go on to say that there should be some proportion fixed, and that must be filled up by Indians. If it were to be by ordinary selection, I do not think they would get any chance. Even if they are inferior in ability, they have got one thing better than Englishmen; they understand Indians better. We do want such men dotted here and there, who can do a lot in the way of influencing the other officials, and I think it would be very useful if a proportion were fixed for Indians, and until that proportion was not properly filled—until so many men were not taken—the others should not get a chance.

THE HONOURABLE MR. PHIROZE C. SETHNA: Sir, however much I
12-53 P.M. would like to see Indians fill the positions enumerated in the Resolution of my Honourable friend, Mr. Saiyid Raza Ali, I cannot help observing that I consider this Resolution premature by, perhaps, say, five years or thereabouts. I will give my reasons.

As explained, most of these appointments enumerated here are filled by Indian Civil Servants. The percentage of Indian Members in the Indian Civil Service to-day—I do not know for certain, but I suppose—cannot be more than about 10 per cent. It may not be as large. That being so, I do not think that my Honourable friend desires that Indian Members of the Indian Civil Service, if they have not attained seniority,—if they are not equally efficient as some European Members of the Indian Civil Service—they should be placed in these positions just because they happen to be Indians. I have said, Sir, that the Resolution is premature by about five years. The policy has recently been initiated of Indianising the Services. The Indian Civil Service itself is to start with 33 per cent. and is to go on increasing by 1½ per cent. until at the end of ten years it reaches 48 per cent. of the total strength.....

THE HONOURABLE SAIYID RAZA ALI: I rise to a point of order. The Resolution does not deal with the Indian Civil Service or the Members of the Indian Civil Service, or their appointment to any of the Departments,

The HONOURABLE MR. PHIROZE C. SETHNA : The answer to the point just raised is that most of these appointments, I contend, are filled by Members of the Indian Civil Service. The Honourable Mr. Craik informed us that in the Army and Marine Departments the officers selected for the different posts mentioned in the Resolution are military men, and that in the other Departments they are mostly Indian Civil Servants.

To revert to my point. The percentage of Indians in the Indian Civil Service is steadily increasing. If after five years, when the number of Indians in the Indian Civil Service becomes considerably larger, and when they attain seniority, if the Government do not give responsible positions to Indians as they ought to, then will be the time to find fault with them. For these reasons, I think the House will see that it is perhaps better to wait for at least another five years, to pass a Resolution of this kind.

The HONOURABLE SIR MANECKJI DADABHOY : Sir, may I, with your permission, in order to save time, proceed with my Amendment ?

The HONOURABLE THE PRESIDENT : I think it will be convenient to proceed with the Honourable Member's Amendment, but it is not yet before the Council.

I have received an Amendment from Sir Maneckji Dadabhoj in the following terms :

"Substitute, in the Honourable Saiyid Raza Ali's Resolution, after the words 'to initiate a policy of', for the words 'appointing Indians', the words 'training Indians with a view to their becoming qualified for appointment'."

I think that is a fair amendment, and the Honourable Member may move it.

The HONOURABLE SIR MANECKJI DADABHOY : Sir, I beg to move the following Amendment :

12-56 P.M.

'This Council recommends to the Governor General in Council to initiate a policy of training Indians with a view to their becoming qualified for appointment to the offices of Secretary, Joint Secretary, and Deputy Secretary in the Army, Marine, Education, Foreign, Political and Public Works Departments of the Government of India.'

Sir, I anticipated a difficulty as the Resolution stands at present. The Honourable Mr. Craik has pointed out that it is absolutely impracticable for Government to accept the Resolution, as it would involve the employment of persons immediately as Secretaries. The Resolution, as it stands, is liable to misconstruction, and apparently my Honourable friend, Mr. Sethna, has fallen into the error of misinterpreting the real intentions of the Mover of this Resolution. It is very rarely that I have the good fortune of agreeing with my Honourable friend, the Honourable Saiyid Raza Ali, but on this occasion, the remarks that have fallen from him as regards the larger employment of Indians to the posts of Secretaries in the various Departments of Government have my entire approval. At the outset, I would like to correct my Honourable friend, Mr. Craik, when he stated that the Resolution, as it stood, imported racial distinction. I think, in fairness to the Honourable Mr. Raza Ali, I must state that he made it absolutely clear that his original Resolution did not intend in any way to exclude the employment of Europeans in these various Departments of service. I think his speech on the subject was altogether explicit and could not in any way be misconstrued. But, unfortunately, the Resolution is not happily worded. It seeks, in the first instance, to initiate the policy of appointing Indians to the offices of Secretaries, etc. My friend himself in his speech has pointed out that that policy was started in a statement

[Sir Maneckji Dadabhoy.]

made by Government when Mr. Subba Rao brought his Resolution in the old Imperial Council, and has been given effect to lately by the statement made by the Honourable Dr. Sapru in the other Assembly. My friend also stated that the principle was acknowledged six months ago, but wants that principle to be put into operation : and so far, my Honourable Colleague is perfectly justified in making that statement.

I acknowledge the difficulties of the Government in the appointment of Indians immediately to higher offices, such as, Secretaries, Joint Secretaries and Deputy Secretaries in the various Departments of the service. But as my friend, the Honourable the Home Secretary, has pointed out, the Government have already, to a certain extent, adopted the principle and have made appointments, and, as I understood him to say, it was the difficulty of getting a right and suitably trained class of people to fill up these posts that the number has not been larger. He was perfectly correct in that statement. In order, therefore, to deal with the difficulties of Government, and in order to carry out the intentions of the Honourable the Mover of this Resolution, I have framed my Resolution with the idea of training Indians with a view to their becoming qualified for appointment to these offices. I quite acknowledge that in Departments like the Army and Marine, especially trained men with technical knowledge and experience are required to fill up those high offices, and it will not be within a measurable distance of time that suitable Indians can be obtained to fill up those offices. Special qualifications, and special training, are required. But I do not see any reason why even in these Departments of State, promising Indians of ability should not be put in as Under Secretaries and trained for the work. If that is done now, in years hence we may be able to find suitable men to fill up those offices. In the Departments of Education, Foreign and Political and Public Works, Indians are at present holding offices and fresh recruits are now being appointed. What my Honourable friend, the Mover, wants, as I understood from his speech, is a little acceleration of the pace. His contention was that a larger number of Indians should be appointed in these posts, and I think the plea which he has put forward is quite sound and ought to be supported. Now, my Honourable friend, Mr. Craik, has already referred to the Indianisation of the Services and that is a point to which the Honourable Mr. Saiyid Raza Ali also referred. There is no doubt that a large number of Indians will be available hereafter for appointment to the Indian Civil Service. There is to be an examination in India from next year, and there will be a larger and larger number of appointments filled by Indians as time goes on. It is only right and proper therefore that steps should now be taken for training the right class of people and introducing Indians into these different Departments with a view to their being qualified for these higher posts.

I, therefore, move this Amendment and I hope that it will be accepted both by Government and my Honourable friend the Mover of the Resolution. It will practically carry out his wishes and intentions, and it will strengthen the hands of Government in the matter of putting Indians into the various Departments of Government and enabling them to qualify for the public service. With these words I propose my Amendment.

THE HONOURABLE THE PRESIDENT : The original Resolution was that :

This Council recommends to the Governor General in Council to initiate a policy of appointing Indians to the offices of Secretary, Joint Secretary and Deputy Secretary in the

Army, Marine, Education, Foreign, Political, and Public Works Departments of the Government of India.'

Since which an Amendment has been moved that :

'For the words 'of appointing Indians,' the words 'of training Indians with a view to their becoming qualified for appointment' be substituted.'

That Amendment does not render it necessary for me to restrict the debate which may follow on this motion to the Amendment alone, and therefore the debate may now proceed both on the original motion as well as on the Amendment.

The HONOURABLE SIR E. HOLBERTON : I thank you, Sir, for freeing
 1-6 P.M. us to speak on the original Resolution as well as on the Amendment. It will make it simpler, probably leading to that very desirable result—the saving of time. I shared with the Honourable Mr. Sethna considerable distrust of the Resolution when I first read it. I was inclined to read it to mean that the Honourable Mover definitely desired to import the racial question into the debate; but I must, if I may be allowed to do so, congratulate him most heartily on the moderation with which he put forward his Resolution. In particular I would refer to three definite statements which he made. He definitely said that there was to be no racial question. He definitely put in the words "if suitable candidates are forthcoming," and he went on again further down in his speech to say that he had no objection to the appointment of I. C. S. or Europeans until suitable Indians were available.

The Resolution as explained by the Honourable Mover seems to me to be very much more adequately and fully put before the Council in the Amendment than it was in the original proposition. What the Honourable Member wants, I think, is that Indians, as they become qualified, should have their fair share of all the appointments that are going in these various Departments; and in this desire I am perfectly certain that he will have the good-will of the whole House. What he wants, like the rest of us, is an efficient government in this country which will produce happiness all round. Efficiency can only be obtained by the employment in responsible offices, whether in Government or in business, of people trained to the job. The question of their race, their education or their creed, need not enter into it. As long as the Government can in the future obtain Indians duly qualified for the various appointments, they will doubtless be so appointed. I sincerely hope that the Honourable Member who proposed the Resolution will find himself willing to accept the Amendment put forward by my Honourable friend, Sir Maneckji Dadabhoy.

The HONOURABLE MR. H. D. CRAIK : Speaking to the Amendment only, Sir.....

The HONOURABLE THE PRESIDENT : Yes, the Honourable Member has only the right to speak to the Amendment.

The HONOURABLE MR. H. D. CRAIK : I am afraid I am not in a position to accept the Amendment as it stands, because I do not think Government can undertake to give Indians a training in these appointments in the sense that they should create, as I rather gathered the Honourable Member to suggest, special appointments of Under Secretary or attached officers with a view to training Indians for Secretaryships. Indians are already receiving a training which should qualify them for such appointments in the ordinary course of their service in the various branches of the public service, and it would be an

[Mr. H. D. Craik.]

expensive and not altogether a desirable method to attach Indians to the Secretariat offices of the Government of India in special appointments created *ad hoc*. If, however, the Honourable Member would be content to amend the wording of his Resolution so that it would run as follows:

" recommends to the Governor General in Council that Indians should be given opportunities for becoming qualified for appointment to the offices of Secretary, Joint Secretary, and Deputy Secretary, in the Army, Marine, Education, Foreign, Political and Public Works Departments of the Government of India."

in that case I should be glad to accept it on behalf of Government.

The HONOURABLE THE PRESIDENT: Does the Honourable Member move an Amendment. It is not a question whether any particular member accepts the Amendment. It is for this Council to accept the Amendment. If the Honourable Member wishes to move an Amendment, will he please put it into writing?

The HONOURABLE MR. H. D. CRAIK: I should like to move an Amendment, Sir.

The HONOURABLE THE PRESIDENT: I should like those words put in order.

The question now is, to the Amendment proposed by the Honourable Sir Maneckji Dadabhoj which proposes to substitute for the words " of appointing Indians," the words " of training Indians with a view to their becoming qualified for appointment," a further Amendment has been moved by the Honourable Mr. Craik to substitute the words " that Indians should be given opportunities for becoming qualified for appointment to the offices of, etc." For the words " to initiate a policy of training Indians with a view to their becoming qualified." We must now dispose of the Amendment to the Amendment of the Honourable Sir Maneckji Dadabhoj.

The HONOURABLE MR. PHIROZE C. SETHNA: May I know how the Amendment reads?

The HONOURABLE THE PRESIDENT: The Honourable Mr. Craik's Amendment runs thus:—To substitute after the words " the Governor General in Council," the words " that Indians should be given opportunities for becoming qualified for appointment to the offices, of Secretary, Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign Political, and Public Works Departments of the Government of India, " for the words " to initiate a policy of appointing Indians," etc., of the original Resolution. I would read the Resolution as it would stand amended by the Honourable Mr. Craik:

" This Council recommends to the Governor General in Council that Indians should be given opportunities for becoming qualified for appointment to, etc., as in the original Resolution."

These competing amendments are now before the Council.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, I really do not perceive the difference between my Amendment and the Amendment proposed by the Honourable Mr. Craik. It seems to be a difference without any distinction. My words were " training Indians with a view," and he wants to substitute " Indians should be given opportunities"

The HONOURABLE THE PRESIDENT: If the Honourable Member wants to accept that Amendment, he may.

The HONOURABLE SIR MANECKJI DADABHOY: I shall accept it.

The HONOURABLE SAIYID RAZA ALI : May I know, Sir, how it reads.

The HONOURABLE THE PRESIDENT : The Resolution as amended by the Honourable Mr. Craik would run as follows :

' This Council recommends to the Governor General in Council that Indians should be given opportunities for becoming qualified for appointment to the offices of, etc., as in the Resolution.'

I hope it is now quite clear to the Council.

The HONOURABLE MR. PHIROZE C. SETHNA : Am I entitled to speak on the Honourable Sir Maneckji Dadabhoj's Amendment ?

The HONOURABLE THE PRESIDENT : Certainly.

The HONOURABLE MR. PHIROZE C. SETHNA : I understand that the Honourable Sir Maneckji Dadabhoj has accepted the Honourable Mr. Craik's Amendment. According to the Honourable Sir Maneckji Dadabhoj's Amendment, he wants to create a new service for providing appointments. Again, Sir, the Honourable Mr. Craik says that similar opportunities should be given to Indians. How are those opportunities to be given ? Are new posts to be created, or is any new service to be created ? I do not think that the Honourable Mr. Craik has made that point clear.

The HONOURABLE THE PRESIDENT : The Honourable Mr. Craik is entitled to make an explanation if he so desires.

The HONOURABLE MR. H. D. CRAIK : I thought I had explained the point already. What I objected to was the suggestion " personal appointments " should be created for the purpose of giving Indians greater training ; and that I objected to on the ground of inconvenience and expense. What I suggest is that as the Indianization of the services working under the Provincial Governments is progressing rapidly, Indians will thereby have opportunities of qualifying themselves for higher appointments.

The HONOURABLE SIR MANECKJI DADABHOY : May I rise to make a personal explanation, Sir ?

The HONOURABLE THE PRESIDENT : I really would ask the Council to come to a decision as soon as possible.

The HONOURABLE SIR MANECKJI DADABHOY : One minute, Sir. I never asked in my speech for personal appointments at all. I am personally dead against these things. What I stated was that you should employ a larger number of Indians, as far as possible, as Under Secretaries so that they may get the training for the purpose.

The HONOURABLE THE PRESIDENT : Does the Honourable Mr. Khaparde wish to speak ?

The HONOURABLE MR. G. S. KHAPARDE : Yes, Sir, I wish to speak.

I rose about three times, and on each occasion there was some obstacle in the way.

The HONOURABLE THE PRESIDENT : The Honourable Member will remember that it is the Honourable Mr. Craik's Amendment to the Amendment of the Honourable Sir Maneckji Dadabhoj which is before the House.

The HONOURABLE MR. G. S. KHAPARDE : Yes, the Honourable Sir Maneckji Dadabhoj has accepted the Amendment of the Honourable Mr. Craik, and I believe we can now speak on the whole Resolution as read out to the Council by your Honour a little while ago,

[The President.]

THE HONOURABLE THE PRESIDENT: No. At this stage the Honourable Member must really dispose of the conflicting Amendments, one of the Honourable Mr. Craik and the other of the Honourable Sir Maneckji Dadabhoj. After having done that, we will return to the original Resolution when the Honourable Member may speak, if he so wishes.

THE HONOURABLE SIR E. HOLBERTON: I understood, Sir, that the Honourable Sir Maneckji Dadabhoj had accepted the Amendment of the Honourable Mr. Craik.

THE HONOURABLE THE PRESIDENT: I would again emphasise the point that it is not for the Honourable Sir Maneckji Dadabhoj to accept the Honourable Mr. Craik's Amendment, but it is for the Council to accept it.

THE HONOURABLE SIR ALEXANDER MURRAY: I move, Sir, that the question be now put.

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: I will now read the whole Resolution. The Honourable Sir Maneckji Dadabhoj proposed an Amendment to the original Resolution which would have had the effect of making the Resolution run as follows :

'This Council recommends to the Governor General in Council to initiate a policy of training Indians with a view to their becoming qualified for appointment to the offices of Secretary, Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign, Political and Public Works Departments of the Government of India.'

To that, an Amendment has been proposed by the Honourable Mr. Craik which will make the Resolution run as follows :

'This Council recommends to the Governor General in Council that Indians should be given opportunities for becoming qualified for appointment to the offices of Secretary, Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign, Political and Public Works Departments of the Government of India.'

This Amendment was adopted.

THE HONOURABLE THE PRESIDENT: The Amendment to the Resolution now stands as follows :

'That this Council recommends to the Governor General in Council that Indians should be given opportunities for becoming qualified for appointment to the offices of Secretary, Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign, Political and Public Works Departments of the Government of India.'

THE HONOURABLE MR. G. S. KHAPARDE: Sir, the question raised by this Resolution is of considerable antiquity. It comes this way. 1-20 P.M. When the Indian Civil Service came in and appointments were made then there used to be what was called listed appointments and non-listed appointments—Appointments reserved for members of the Indian Civil Service and other appointments which were left open to others. This policy is as old as the institution of the Indian Civil Service itself, and persons were always eligible, and if qualified persons came up, they could always get higher appointments. Now, if this is so and if this has been in existence for such a long time, how comes it that after nearly 30 years there is not a single Indian qualified to day to serve as Secretary in any of the Departments mentioned in this Resolution. I put this question because the Honourable the Home Secretary put it that way—that there is no disqualification. From the beginning there has been no disqualification imposed on any of the other persons against rising into these appointments. How comes it then that at the end of so many years we have not got qualified Indians to take one or any of these appointments? Only one has been

mentioned and he, after eleven years, has been able to rise from the position of an Assistant Secretary to the position of Deputy Secretary. He is not yet a full-fledged Secretary as we should call it. How comes this? And it was this consideration which, I believe, weighed with the Honourable Mover in putting forward this proposition. He used the words "initiate the policy." He did not say more than that. He merely said: "these places have always been open to Indians, but unfortunately, for some reason or other, which we need not inquire into now, none has ever come up." And he wanted a policy to be adopted which would enable Indians to rise to the higher appointments. To that an amendment was made by my Honourable friend sitting near me, and that was further explained, the same meaning being brought out, by the amendment last made by the Honourable the Home Secretary. So the Council will perceive that this is a very delicate matter and a very difficult matter and yet perhaps plainly understood by everyone, and that matter has to be put in words, and therefore as delicate words as possible have got to be used. I entirely accept the statement that opportunities may be given;—opportunities have always been given. That the policy should be initiated;—the policy was initiated long ago, as long ago as the Civil Service was instituted. What remains therefore? What is to be done? That is the real question at issue to-day, I think. Then difficulties arose as to whether a special class was to be brought into existence for being trained, or a college should be established. I do not think such a question arises in the particular instance, nor is there a question of proportion. I do not think the Honourable Mover ever mentioned the word "proportion" at all. Because, after all, Government must be conducted and must be put into the hands of the most qualified men irrespective of caste or creed. So that question of proportion, which some Members had doubts about, I think I may also be permitted to clear. Then it is not a question even of Indianising the service, because after all the fittest are to be chosen. So that it cannot be called Indianisation or Europeanisation or anything of that kind. The question that remains is that since, somehow, for some reason which I cannot explain, these appointments have not been open to Indians, have never fallen to Indians something should be done so that these appointments will hereafter fall to some Indians who may be found to be duly qualified. Now, how is that qualification to come in? There is an old Marathi proverb which says, "You cannot enter the water unless you are able to swim, but you will never learn to swim without entering water." A beginning has to be made now. How it is to be made—that matter was mentioned and therefore I make bold to talk about it,—that is altogether the province of the Secretariat. The province of this Council, I take it, and of the other House, is to enunciate a general proposition, to lay down general principles, and it is the function of the Secretariat to carry it out and to put it into practice. They should not ask me how they are to do it. I say, "kindly do this." They are trained administrators, they know how to arrange details and understand what adjustments to make, and it is their function to carry it out, and I shall not therefore trench upon their peculiar field by suggesting the methods to them. If they adopt the wrong method I retain the right of talking about it here, but at the same time I need give them no hint as to how to carry it out. They see now that these appointments have not fallen to Indians, and I only wish them to see that they do fall to Indians and that there are Indians, who may be able to fill these places. So arrange matters that our people will gradually go on and proceed to these appointments if they deserve it,

[Mr. G. S. Khaparde.]

Then the point was raised that these things cannot be done in six months. It will take time. Well, I do not think that my Honourable friend, the Mover, said that it could be done to-morrow or the day after. He acknowledged that this would be the work of time. And because the appointment is thrown open it does not follow that I can jump into it to-morrow. I will rise to it in time. But considering that 35 years have passed and we have not risen to that appointment, some more should be done to make it fall within a reasonable time from to-day, so that some result will be apparent and we shall know and see that some people have risen or that they have been weighed in the scale and found wanting. But something must be done. At present, I complain that our people have never been weighed, never been tested, have never been shown to be incompetent, and yet for some reason have been kept back altogether. This is an anomalous thing. And this Resolution with all its amendments goes nothing beyond this. That, though these appointments have always been open, we have never got them. Kindly do something by which we may get them within a reasonable time. Put in plain language and spoken in easy English, this is what it comes to. And with this proposition I humbly believe that not a single Honourable Member here will disagree. I therefore entirely support the proposition. The amendments are the same thing as the proposition, and the whole proposition comes to this that we want you kindly to do something by which within the next few years some of my people or other friends will jump into these appointments. With these words, Sir, I support this proposition.

THE HONOURABLE THE PRESIDENT : I hope Honourable Members understand the position. We have disposed of the Honourable Sir Maneckji Dadabhoy's Amendment, as the Honourable Mr. Craik's Amendment was carried. There remains the general debate between the Honourable Mr. Craik's Amendment and the Honourable Saiyid Raza Ali's original Resolution, on which the Council will give their votes.

THE HONOURABLE MR. SHAFI : Sir, in order to be able to vote upon the Honourable Saiyad Raza Ali's Resolution and the Resolution as proposed to be amended by Honourable Mr. Craik, it is necessary to have an exact appreciation of the existing situation. Now, although the Honourable Saiyid Raza Ali's Resolution in terms applies to Indians generally, I understand that in his speech he also advocated the appointment of non-service men to these posts enumerated by him in his Resolution. I see that I am correct in that idea. Well, now, to dispose of that particular proposition in the first instance.

In England, no doubt, there are Secretaries and Under Secretaries of State who are non-service men, but these are Parliamentary Secretaries and Under Secretaries. So far as the actual Departments are concerned, they are in charge of permanent Under Secretaries who are service men and not politicians selected from the public life of the country. Indeed, it seems to me to be absolutely incongruous that non-service men who have had no departmental training whatever at any of the various rungs of departmental ladders should be pitchforked into the highest rung of the ladder and be in charge of departments without ever having had any experience or training in departmental work. Such a state of things would be entirely opposed to sound principles of administration. I do not think it is necessary for me to say anything further so far as that position taken up by my Honourable friend, Saiyid Raza Ali is concerned, If Indians are to be

appointed as Secretaries, as Joint Secretaries and as Deputy Secretaries, obviously they must belong to the various services of the country. The case of Members of the Executive Council, as was rightly pointed out by the Honourable Mr. Craik, stands on an entirely different footing.

Now coming to service question, the first principle which Honourable Members have to bear in mind is this. None of these appointments enumerated in the Resolution are ear-marked for Europeans, not one. There is nothing in the Statute, in the Government of India Act, or in any of the rules, laying down that to these appointments only European Members of our Services shall be appointed. It is obvious, therefore, that so far as statutory position is concerned, every one of these appointments is open to Indian Members of the Services. The next proposition which I want to place before the House for the careful consideration of Honourable Members is this. In the year 1919, and also towards the beginning of the year 1920, decisions were taken by the Government of India and the Secretary of State on the recommendations of the Public Services Commission towards the Indianisation of the various services. In regard to the Indian Educational Services 50 per cent. Indianising rule was laid down. As regards the Indian Civil Service 33 per cent, increasing every year by $1\frac{1}{2}$ per cent. is the rule that has been laid down. Similar decisions have been taken with regard to the other services. Indeed as regards the Foreign and Political Service, the question of principle, that is to say, of the admission of Indians into that service, was decided in favour of Indians as far back as the commencement of the year 1920. It is only details which have now been worked out recently and announced by the Honourable Dr. Sapru in the other House last March. So that as matters stand at present, there is no service, no branch of our services in this country, which is not open to the Indians, and percentages have been laid down with regard to every branch of the services so far as the scheme of Indianisation is concerned. That being so, it must be obvious that, when as a matter of principle these appointments are perfectly open to Indian Members of our various services, with the increasing Indianisation of our services, *ipso facto* there will be greater and greater opportunities for duly qualified Indians to be appointed to these particular posts enumerated in the Resolution. And, as a matter of fact, the Government is already giving opportunities for the particular training which is required in the case of these appointments. We know, as was pointed out by the Honourable Mr. Craik, that Indian Members of our services are undergoing training, in fact performing Secretariat duties in the Provinces. In the Punjab, I know there is one Indian Secretary and one Indian Under Secretary. In the United Provinces at one time an Indian held the high and responsible appointment of Chief Secretary to Government. And as the Honourable Saiyid Raza Ali is aware, that gentleman has been promoted to a Secretaryship in the Government of India, so that in another department not enumerated by the Honourable Member in his Resolution an Indian is actually occupying the post of Secretary to Government,—an Indian who had obtained his Secretariat training down in the Provinces, in the United Provinces, and had reached the status of Chief Secretary to Government. There is another Indian in the Government of India Secretariat who is holding the position of Deputy Secretary in the Education Department. The Honourable Mr. Khaparde was not quite correct in saying that that particular gentleman occupied the position of Assistant Secretary for eleven years and was only recently appointed as Deputy Secretary. As a matter of fact, he in the first instance occupied the position of Assistant Secretary in the Government of India,

[Mr. Shafi]

subsequently reached the position of Secretary to the United Provinces Government, and from there has been brought in to the Government of India as Deputy Secretary. It will thus be seen that already, although the principle of greater Indianisation of our services was accepted as a result of the recommendations of the Public Services Commission only about two years ago, even during these two years, a number of Indian Members of our services have been appointed Secretaries and Under Secretaries down in the Provinces, as well as up here in the Government of India. In consequence when the doors to these appointments are not barred to Indians, when these appointments are not ear-marked for the European branch of our services only and when actually Indians have already been appointed to these posts and with the greater Indianisation of our services, they are sure to be appointed in still greater numbers, I really cannot see any need whatever for this Council to adopt the Resolution moved by the Honourable Saiyid Raza Ali. In fact, it seems to me that it was hardly necessary even for an amendment of the kind that the Honourable Mr. Craik has brought forward to be moved in this Council, considering what exactly the position now is. Indeed to my mind, if I may even go further, any limitation of numbers, or any fixation of proportion is detrimental to the Indian interests rather than to the British interests, and therefore it seems to me that the Resolution is quite unnecessary. But as the Honourable Mr. Craik has accepted the Resolution in a modified form as embodied in his Amendment, I would strongly advise the House to accept the Amendment and thus to put the original Resolution aside.

THE HONOURABLE SIR DINSHAW WACHA: I rise to appeal to this House that after the very lucid explanation given by the Honourable Mr. Shafi, which was so very impressive and effective, this Council may now consider the matter at an end and that the Amendment of Mr. Craik be carried. The very fact that Indianisation is now the acknowledged principle on the part of Government under the new Act and that as a logical consequence of it, Indianisation of the entire Public Services will go on extending, are conclusive enough to show that there is no need for further discussion in this place. I therefore appeal to all the Members of the Council that they will gladly accept the Honourable Mr. Craik's Amendment.

THE HONOURABLE MR. A. H. FROM: I now move that the question be put.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: Before I put the question, I should like to make one point clear. It is evidently not clear, as appears from a conversation I had with an Honourable Member the other day. It does not follow that because a Member votes against the Amendment he is in fact voting for the Resolution. He may dislike the Amendment in which case he will vote against it. He may also dislike the Resolution in which case he will also vote against that. In the first place I shall put the Honourable Mr. Craik's Amendment, which is, "In the Honourable Saiyid Raza Ali's Resolution for the words 'to initiate a policy of appointing Indians,' the words 'that Indians should be given opportunities of becoming qualified for appointment' be substituted."

The Amendment was adopted.

The HONOURABLE THE PRESIDENT : The question is that the amended Resolution which runs as follows :

‘That this Council recommends to the Governor General in Council that Indians should be given opportunities for becoming qualified for appointments to the offices of Secretary Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign, Politicals and Public Works Departments of the Government of India’

be accepted.

The Motion was adopted.

MESSAGE FROM LEGISLATIVE ASSEMBLY.

The HONOURABLE THE SECRETARY OF THE COUNCIL : Sir, there is a message from the other Chamber.

The HONOURABLE THE PRESIDENT : Let it be read.

The HONOURABLE THE SECRETARY OF THE COUNCIL :

‘*Sir, I am directed to inform you that the message from the Council of State to the Legislative Assembly desiring its concurrence in a Resolution to the effect that the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 12 members, was considered by the Legislative Assembly at its meeting to-day, and that the Resolution was concurred in by the Legislative Assembly, and the following Members of that body were nominated to serve on the Joint Committee, namely :*

The Honourable Dr. Tej Bahadur Sapru.

Rao Bahadur C. Krishnaswami Rao.

Mr. Harchandrai Vishindas.

Rao Bahadur C. S. Subrahmanyam.

Mr. J. Chaudhuri, and

The Honourable Sir William Vincent.’

The HONOURABLE THE SECRETARY OF THE COUNCIL : Sir, I have received a message from the Secretary of the Legislative Assembly.

The HONOURABLE THE PRESIDENT : Let it be read.

The HONOURABLE THE SECRETARY OF THE COUNCIL : The message is as follows :

‘*Sir, I am directed to inform you that the Legislative Assembly have, at their meeting of the 26th September 1921, agreed, without any amendments, to the Bill further to amend the Cattle-trespass Act, 1871, which was passed by the Council of State on the 19th September 1921.’*

The HONOURABLE THE PRESIDENT : I think the state of the business is such that I must ask Honourable Members to come back this afternoon. The Council now stands adjourned to 3-30 P.M.

[The Council of State re-assembled after Lunch with the Honourable the President in the Chair.]

The HONOURABLE THE SECRETARY OF THE COUNCIL : A message from the Legislative Assembly, Sir.

The HONOURABLE THE PRESIDENT : Let the message be read.

The HONOURABLE THE SECRETARY OF THE COUNCIL : Sir, I am directed to inform you that the Bill further to amend the Land Acquisition

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Act, 1894, which was passed by the Council of State at its meeting of the 17th March 1921 was passed by the Legislative Assembly at its meeting on the 26th September 1921, with the Amendments indicated in the attached statement. The Legislative Assembly requests the concurrence of the Council of State in the Amendments.

RESOLUTION *RE* ADMINISTRATION OF ADEN BY THE GOVERNMENT OF INDIA.

The HONOURABLE MR. PHIROZE C. SETHNA : Mr. President, I beg
3-33 P.M. to move that :

' This Council recommends to the Governor General in Council that a representation be made to the Secretary of State for India that the administration of Aden be continued under the Government of India and not be transferred to the Colonial Office.'

The subject of the transfer of Aden has been on the anvil for two years and more. At first it was suggested that Aden should be handed over to Egypt, and now it is proposed to give it to the Colonial Office. The sword of Damocles seems to be hanging over the heads of the inhabitants of Aden and 'to be or not to be' is the question. The people of Aden and the people of India certainly want it 'not to be.' However, Sir, in accordance with a remark which fell from the Secretary of State for the Colonies in the course of the debate on the Colonial Office Vote on July 14th, in the House of Commons it appeared to us that the transfer to the Colonial Office was a *fait accompli*. Fortunately, a few days ago in the other House, in answer to a supplementary question, the Honourable Mr. Hailey replied that the statement made by Mr. Churchill was premature. This gives us fresh hope, and we trust that the representations which have been made by the people of Aden and which are so strongly supported by the people of this country, and which, will be still further supported by a representation from the Government of India in consonance with this Resolution, if it is accepted, will all weigh with the Home Government.

Sir, at the Delhi Session my friend the Honourable Mr. Bhurgri put several questions in regard to the transfer of Aden. In the course of his reply, the Honourable Mr. Denys Bray, amongst other things, laid very particular stress on what he called the unanimous Resolution of the Aden Chambers of Commerce. The history of this unanimous Resolution requires to be explained to this Council. The Aden Chamber of Commerce consists of British, Continental, Indian, Arab and Jewish merchants. The attendance at the meetings of the Chamber of Commerce there is known to be very small, and the Resolution was passed, so far as I have been given to understand, by the votes of the representatives of the British and of the Continental firms who were present. The British commercial interests in Aden are comparatively very small. Up to quite recently there were only four firms. There has been the addition of a fifth recently. These five firms consist of, firstly, the Agency of the Peninsular and Oriental Steam Navigation Company. The Indian head of that large organisation is fortunately a Member of this Assembly—I mean the Honourable Mr. Froom. Another English firm is the Agency of the National Bank of India, Limited. There are two firms interested in the coal trade—Messrs. Luke, Thomas & Co. and Messrs. Cory Brothers

and lastly, Messrs. Shaw Wallace & Co. who have gone there for their petrol business. This constitutes the full number of commercial British firms in the port of Aden. There is a larger number of Continental firms I admit. They are mostly interested in the export trade, but this Council will recognise that it can make no difference in the opinion of these Continental firms whether Aden remains with India, is transferred to the Colonial Office, or, for the matter of that, is transferred to Australia or even to South Africa so long as they are allowed to trade in peace. What counts is the number of the Indian, Arab and Jewish firms who certainly control the bulk of the trade of the port. When these merchants found that much capital was being made of the so-called unanimous Resolution, they protested, and their protest was submitted to the Government of India through the Government of Bombay. This protest was made by Indian merchants, but they were strongly backed up by the Arabs and the Jews, who held protest meetings in Aden and supported the views contained in the protest of the Indians to the Government of India.

Now, Sir, in addition to this representation which came direct from Aden, public bodies in this country which take any interest in the question, have strongly supported the contention of the Aden Indian merchants. There is first of all the British Indian Colonial Association, which has pointed out to the Government the advantages, political, administrative, financial and strategic, of allowing Aden to continue under the Indian Administration. The British Indian Colonial Association is a very representative body. Most of the Indian firms in Aden are members of it, and the two gentlemen who have signed that petition as its Vice-Presidents belong to two of the leading firms, firms which have existed in Aden ever since the British captured the place in 1839, and these firms are known to have rendered valuable service to Government throughout their long career.

Other Associations have also supported the arguments put forward by the British Indian Colonial Association, chief among them is the Western India Liberal Association, of which body our distinguished colleague Sir Dinshaw Wacha is the Chairman. Then, again, bodies like the Bombay Presidency Association, as also the Imperial Indian Citizenship Association and others have likewise supported the contention of the Indian merchants. My Honourable friend, Mr. Bray in the course of his remarks on the 26th March last appeared to hint that this representation of the Indian merchants to the Government of India was perhaps an afterthought. If my friend Mr. Bray thinks so, I am glad that the Secretary of State for India thinks otherwise. For, Sir, about seven months back Sir Thomas Bennett, a member of the House of Commons, who, we know, takes a very keen interest in all Indian affairs, put a question whether Government were taking any steps to ascertain the views of the large Indian community at Aden in regard to the proposed transfer. Sir Thomas Bennett made it clear that the Resolution passed by the Chamber expressed the views of a very small minority, and that a very representative memorial was submitted by the Indian traders to the Government of India. In reply, the Secretary of State said that Government were not taking any steps to ascertain the views of Indian traders, but they were aware that the Indian traders had repudiated the Resolution of the Chamber and that divergent views prevailed. He was further aware that the Resolution passed by the Aden Chamber of Commerce not only represented the views of the minority, but that it was Resolution passed by them as in the

[Mr. Phiroze C. Sethna.]

belief that it would be the lesser evil of the two if, instead of being transferred to Egypt, Aden were transferred to the Colonial Office. So much, Sir, in regard to the much-talked of unanimous Resolution of the Aden Chamber of Commerce.

But the point with which we are particularly concerned is the absolute reticence on the part of the Home Government and also on the part of the Government of India as to why they propose such a transfer at all. The other day in another place one Honourable Member, I believe Mr. R. A. Spence—put a supplementary question and asked what were the advantages of such a transfer. And what was the reply of Government? Nothing more than the set formula that “Government would require notice of this question.” As I have already said, we have no information as to why it is proposed to transfer Aden except for some occasional remark by one or other Minister. On the 14th of July when Mr. Winston Churchill spoke in the House of Commons, he said that the amalgamation of Aden and Somaliland would be very advisable, and that “Somaliland and Aden are really the most happy marriage that could be made,”—as if it was left to a third party to decide whether the two contracting parties to a marriage will suit one another. Aden, Sir, has been very happily wedded for now quite a long time. It has outlived its diamond jubilee and will celebrate the centenary of its Association with India in another 18 years, and it would like that happy association to go on continuing for ages. Why then should Mr. Churchill propose not only a divorce but even a second marriage quite against its will?

Then, Sir, the Right Honourable the Secretary of State for India once mentioned in the House that “Aden was a strategical point and an important political centre.” Beyond these statements we have no information from the Home Government. It might be argued that my Honourable friend, Mr. Bray, was more communicative in the course of his reply on 26th March last when he said :

‘Aden is a vital, strategical point that requires a large garrison, and an important political centre which involves complex considerations with the Arab tribes in the Aden Protectorate and with foreign powers with interests in the Red Sea.’

I ask the Council if they are satisfied with this answer given by my Honourable friend, Mr. Bray? Have we not known for ages that Aden is a strategical point? It appears to us therefore that there certainly is some secret diplomacy in regard to this transaction, and the sooner the Government discloses it, the better for all concerned. It will allay the public mind.

So far as the Government of India is concerned, I consider it absolutely essential that they must take the Indian Legislature into their confidence in this matter. We know that they have recommended to the Home Government that if Aden is transferred to the Colonial Office the interests of the Indian traders in the Colony should not suffer. We are surely not satisfied with this. We want to know what actually is in the minds of the Government of India, whether they have approved of the transfer or not. If they have not definitely made up their minds, my Resolution will, I hope, enable them to do so. My Honourable friend, Mr. Bhurgri on the 26th of March in asking several questions in regard to the transfer of Aden, inquired if Government would lay on the table the correspondence that

passed between the Government of India and the Home Government. The Honourable Mr. Bray replied that because the matter was then under discussion the correspondence could not be placed on the table at that stage. It is exactly five months to a day to-day from that date, and I hope my Honourable friend, Mr. Bray, will tell us in his reply if he can now lay the correspondence on the table or not.

Mr. Bray in the course of his reply on 26th March last observed that the administration of Aden was a serious burden on the Indian tax-payer. Where it is a burden we are absolutely in the dark. Then, again, Sir, in answer to a question on the same subject, the Honourable Dr. Sapru in the other House said on the 10th of this month that, while Government have not readily available the figures of the cost of administration of Aden since it was captured in 1839, he was able to say that the Welby Commission which sat in 1900 estimated the cost of the administration to India at Rs. 24,50,000 per annum. He added that out of this amount we received Rs. 10,80,000 from the Home Government, so that the nett cost to India was about Rs. 13,70,000 per annum. Supposing, Sir, this is the correct figure, or say it is roughly Rs. 15 lakhs per annum, then if Government thought that this was an unjustifiable charge on the Indian tax-payer and that it was a heavy charge, why, I ask, did not the Government come forward earlier to transfer this from us to the Home Government or to the Colonial Office before now? The proper course for them would be under the circumstances to re-imburse India for loss it has incurred during the last 83 years, and which at the rate of only 15 laks a year will amount to 12½ crores. I ask if the Home Government is prepared to re-imburse India to that extent? On the contrary, we know but too well that if Aden is transferred to the Colonial Office or to any other part of the Empire, India is not going to be relieved of what my Honourable friend, Mr. Bray, calls, "a serious burden." The reason why I say so is as follows. On the occasion when Mr. Churchill referred to the question of transfer of Aden on July 14th in the House of Commons, he said in very clear terms that whilst he thanked the India Office for their generosity in regard to the transfer of Aden, that in the interests of the British tax-payer he would only agree to take over Aden if India contributed towards the cost of the maintenance of the fortress. Therefore, there is no intention whatsoever of relieving India of the 'serious burden,' and I am rather afraid that, if Aden is transferred to the Colonial Office, that the serious burden will increase in amount and become yet more serious.

I will now give a few reasons as to why the Indian traders and the Arabs and Jews object to the proposed transfer to the Colonial Office. According to the recent census, the population of Aden is 56,400, made up of:—

Arabs	...	...	30,562	Hindus	...	...	3,691
Jews	...	...	4,408	Jains	...	...	308
Somalis	...	...	7,551	Parsis	...	...	323
Indian Muhammadans	...	...	5,594	Europeans	...	...	1,900
				Other communities	...	...	2,063

In the European population of 1900, there is included the garrison, and I believe the number of the garrison is nearly 1,400, so that the European civil population does not consist of more than 500, and that includes people from the different continental countries along with Britishers.

The figures I have given will show that the Indians form one-fourth of the population of Aden. If we take the Arabs and Jews along with the Indians—

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and my reason for putting them together is that they are entirely at one on the question of the non-transfer of Aden, then I contend that 75 per cent. of the population is entirely in favour of the retention of the Indian connection with Aden. Out of the remaining one-fourth the largest number are the Somalis, people who unfortunately are very backward and who cannot think or decide for themselves. My point therefore is that of the thinking population of Aden—people who can judge for themselves - as many as 95 per cent. are entirely in favour of the retention of the connection of Aden with India.

Then, Sir, Indian traders have been doing business in those parts even before the British captured Aden in 1839. In those days Aden was under the Sultanate of Lahej. Indians prospered there even then. But at the request of the British Government Indians went over to Aden after 1839 in larger numbers. They certainly are not sorry for having done so because they have greatly prospered themselves and have vastly contributed to the prosperity of the port. They have not only become large landholders, but they control the bulk of the trade from and to the Red Sea Ports. It is therefore the Indians who should have a very great say in the matter of the proposed transfer. Again, Sir, the Indian citizens who went there in the train of the British have been very helpful to the British in the matter of converting the turbulent and unruly natives of the place into law-abiding and orderly citizens.

The main reason, however, why Indians object to the transfer is certainly the one which is uppermost in their minds, namely, that if they are transferred to the Colonial Office, their position under the Colonial Office would be no better than that of their brethren in the different Colonies. This has been the subject of so much controversy for the last so many years. We recognise that there has been some little improvement of late, but it is a case of knocking ones head against a stone wall. It will be years and years before the status of the Indian in the Colonies is improved, and, in view of what is happening in South Africa and elsewhere, our Indian traders in Aden are naturally dead against the idea of the proposed transfer. I am aware that the Government of India have made a representation to the Secretary of State that, in the event of a transfer, the status of Indians should not be ignored but be kept on a level with that of the European settlers. I admit that the Right Honourable Mr. Montagu has said that "Government have accepted without reservation the condition laid down by the Government of India that the transfer of Aden should in no way impair the interests or the status of Indians who shall receive precisely the same treatment as other subjects of His Majesty." We greatly appreciate this, but we know that at the best it is only a pious hope, and it will take years and years before it can be realised. The insistence of the transfer would be tantamount to penalising the Indian traders for all the good work they have done in Aden for these many years.

It is said that Aden is of very great strategical value. No one disputes this. Aden may be looked upon as the Gibraltar of the Indian waters and, whilst Aden was essential for the defence of India, perhaps it is argued by the Home Government that it is now equally essential for the defence of some other parts of the Empire,—notably East Africa and perhaps Mesopotamia. If it is necessary to fortify Aden to a greater extent than what has been done in the past; if it is necessary to have there a larger garrison, let

Government do so by exacting contributions from the different parts of the Empire which it is also expected to protect, but let not its administration be severed from this country, which has looked after it so well for well nigh a century. According to recent developments, both the Indian and Colonial armies are to be under the control of the Imperial Staff in England. Therefore, Sir, even if the military is under the control of the Home Government, let at any rate the civil administration continue under the Government of India.

We live in an age which may well be called the age of mandates. England has been the first to recognise the principle of mandates. According to this doctrine, no country or no part of a country can be transferred from one sovereignty to another without the consent of its people, and yet, although the principle is the same, if Aden is not to be transferred from one sovereignty to another, it is proposed against the mandate of its people to transfer Aden from one part of the Empire to another. I ask, is it right, is it consistent to do so? Is it right to go against the wishes of 75 per cent. of its entire population, or as I have put it, of 95 per cent. of its thinking population? I hope, Sir, my Honourable Colleagues will be unanimous in supporting my Resolution, so that the Government of India will be convinced that the accredited representatives of the country in this Council of State are strongly in favour of the retention of Aden with India, and that it will ask the Home Government not to go counter to the feelings and sentiments of the people of Aden and who are strongly backed up in their contention by the people of India.

The HONOURABLE MR. DENYS BRAY: Sir, greatly daring, may I commence with remarks entirely out of order—I hasten to say—with an apology? This morning at question time, when a question was put concerning my Department I was not in my place to respond. For this lack of respect to the House let me tender to you, Sir, to the House and to my Honourable friend the questioner my humble apologies. It is perhaps unwise to mar an apology with an excuse. But I cannot refrain from suggesting, Sir, that the clock in this Council, like the Council itself, is in advance of

The HONOURABLE THE PRESIDENT: The proceedings of this Council are regulated by the clock of the Council.

The HONOURABLE MR. DENYS BRAY: Sir, I think the Honourable Mover has done a public service. He has certainly placed the Government under an obligation. This question of the transfer of Aden from India is a very ancient one. Delving into the official records I find that it dates back to 1861. But of recent years it has become more acute; it has come more within the region of practical politics. During the war, we found that the present system entirely broke down; and first, I think, the military operations of Aden were placed under the War Office, and subsequently the political administration of Aden was placed under the Foreign Office. There remained with India the parochial administration of Aden itself, and there remained with India also what I may call the parochial or internal administration of the army. But within the last few months this ancient question has, as I have said, become a matter of practical politics, and at the same time a matter of somewhat burning controversy. We have received various memorials of protest, one extensively signed from Aden itself, others from Commercial and Political Associations in Bombay of very high standing.

[Mr. Denys Bray.]

There have also been newspaper articles, some of them advocating a change, the majority protesting very strongly against it. In one or two cases, with that admirable impartiality of the press, I had almost said with that enviable irresponsibility of the press, we have had a newspaper advocating a transfer on one day and bowling over its own arguments in an issue a week or two later. We have had questions in this House and in the other as the Honourable Mover has reminded us. And I was rather amused to notice that he sought to discount an answer given by me in this House by reference to an answer given by the Honourable Dr. Sapru in the other. The voices were different, but the pen which wrote the answers was the same. Some of these questions asked candidly for facts and for information; others were rather designed, somewhat plaintively, I think, to elicit from Government some suggestion as to the manner in which this matter could be brought up for a public debate. And now forward comes the Honourable Mover in that practical business-like manner to which we are accustomed and places the matter on a practical business-like footing. The Government is grateful to the Honourable Member; for Government is most anxious in this case to have before it the considered opinion of the Council; so anxious is it that it should have the voice of India unadulterated by any official tincture that I shall ask the Honourable Members belonging to the Government of India to refrain from voting one way or the other. For the attitude of Government to this question is one of most benevolent neutrality.

Personally, I am under a further obligation to the Honourable Mover for his very lucid exposition of the case renders my task, I think, the more easy. We may not always agree with everything that the Honourable Mover says; but there can never be left any doubt in our own minds as to what is at the back of his. On the present occasion I am inclined to think he has been even more lucid than usual; and herein I feel that he has an unfair advantage over me. For to him the case presents itself in its simplest form; to him there can be no other solution. I myself have been somewhat oppressed by the complexity of the case.

Now the strength of the Honourable Mover's position, as it seemed to me, lay in his powerful appeal to sentiment. Sir, let me not be misunderstood. There is no covert irony lurking behind my words. Sentiment is one of the greatest forces in the world, and is never more strong than when, as in this case it springs from, or is connected with, a conscious spirit of nationalism. But before a Council of Elders like this indulges in sentiment, it behoves us to look at the practical facts fairly and squarely in the face. If I were asked to sum up in a sentence the Honourable Mover's position, I should be tempted to sum it up thus: Let India hold what India held. A fine, stirring motto for India. It awakens a ready response in every servant of India as well as in every Indian. Indeed in my own heart it awakens perhaps a more ready response than in some. For it has been my unhappy lot recently to have to consider suggestions put in the form of newspaper articles and questions, not in this House but in the other, that invite India in a vain endeavour to discover an India without any frontiers at all, to discard the North-West Frontier Province and Baluchistan Provinces which embrace districts as much British India as any district of the Province in which we are now sitting. Were the proposition before us in any way comparable with that, there would be no debate to-day at all. For I cannot conceive of any Government coming forward with such a proposition

in the face of assembled India. If you ask where the difference lies, I would point out at once, of course, to the fact that Aden, however close its association with India, is not part of the soil of the sacred motherland of India. It is part of the soil, by some deemed no less sacred, of Arabia. (A voice: Not to the Colonial Office.) But discount the matter as much as one may on the score of its geographical separation from India, the appeal to sentiment remains strong. The Honourable Mover took his stand on India's historical connection with Aden. A strong and compelling argument this. For the acquisition and development of Aden with the help of India is no inglorious chapter in the annals of the Empire. He took his stand also, indeed largely I think, on the commercial nexus. And here I wondered whether his arguments were quite so strong. Unfortunately I can speak with no authority, for unfortunately I am no merchant and have no commercial experience. But I take a pride in India and I should be sorry to think that India's trade were so delicate a plant that it required any adventitious aid for its development. I had thought that India's trade was so world-flung that it could hold its own wherever it went. The Honourable Mover took his stand also on the population. Here, again, the argument is strong. I have mislaid my figures, but the Indian population is, I think, five times that of the European population. (A voice: nearly ten times.) Even so I am a little doubtful whether this population argument should be pressed too far, seeing that the Indian population is, I think, a fifth of the total—(A voice: a fourth), a fourth of the total, and is in a great minority compared with the indigenous Arab population. And, with the spirit of nationalism awakening in that great Arab world, how long will the Arab population range itself—as the Honourable Mover assures us it now does—on the Indian side?

The Honourable Mover laid stress on Aden's strategical value. A very strong argument this. And yet, as the Honourable Mover developed it, I could not help wishing, Sir, that, by some device of elocution, of which he is a past master, he had in conveying his words to you, Sir, and to us here assembled, contrived not to convey them at the same time to the reporters' table and the press gallery. For this is a dangerous argument, I suggest. Our debate will not remain confined to these four walls. The spoken word to-day becomes and remains the written word to-morrow. It will be read across the seas, not merely in the United Kingdom, by those critics of ours who are always on the look-out for an excuse to press home the fact that India does not contribute its fair share to up-keep of the great Navy, which maintains not merely Aden but the security and invulnerability of India's vast and vulnerable sea frontiers. I hesitate to labour the point. I will merely say this. So important a strategical centre, so important a stage on the world trade-routes is Aden, not merely to India, not merely to the Empire, but to the whole world, that I conceive it to be impossible that Aden should remain, for long, in the hands of any foreign power, however strong on land, that is not at the same time one of the great sea powers of the world.

The word 'frontiers' brings me to the very thick of the complexity of the problem. For Aden is not simply that world-famous settlement, that tiny township: it embraces also the Aden Protectorate with which the settlement is inseparably and inextricably connected. That Protectorate dates back to the very birth of the settlement itself. And in that Protectorate there are frontier tribes and chiefs with names not familiar in our mouths—as household words like our own frontier Mahsuds and Afridis; Maris and Bugtis, our

[Mr. Denys Bray.]

Mehtar of Chitral and our Khan of Kalat,—but with names so unfamiliar that I make bold to challenge the House to recite a dozen of them to me aright. You may argue that your own ignorance spells their unimportance; I am afraid the records of the Foreign Department and of the Army Department will not bear this out.

But we cannot stop there. We have to consider not merely the Aden Settlement, not merely the Aden Protectorate, but the great personages that loom in the background. One of the great results of the great war has been the contraction of the world. Peoples, vast countries, that used to lie outside the main currents of world politics are now coming into the very whirlpool. I suppose nowhere in the world is this fact more plain than in Arabia. Those responsible for the administration of Aden will find their responsibilities inevitably increase as the years go on. The whole Arabian world is in ferment. Behind the tribes of the Protectorate there loom names familiar to everyone of us: the Imam of Sanaa, the Idrisi, the King of Hedjaz, Bin Rashid, Bin Saud, the Wahabi Chief, one of the acutest brains and perhaps the most striking personality in Arabia. Is India prepared for this great enlargement of her frontiers?—India, who seems so impatient of the frontiers which she has got herself,—is she prepared for this great enlargement of her military, political and financial responsibilities which the administration of Aden must necessarily involve? If she is, then the course of Government, I suppose, is clear. I am not quite so sure of the course of the Honourable the Finance Member.

The Honourable Mover referred—and I am afraid he referred to an out-of-date estimate of my own—to some 20 lakhs as the cost of Aden. I have not my answer in front of me to check; but I was apparently indulging in research into ancient figures. For though the financial details of the question are quite beyond me, I think I am right in saying that if the Honourable Mover turns to this year's budget, he will find against Aden 50 or 60 lakhs ...

THE HONOURABLE MR. PHIROZE C. SETHNA: I was quoting Dr. Sapru.

THE HONOURABLE MR. DENYS BRAY: The Honourable Dr. Sapru was merely reciting an answer I put in his mouth; if he was at fault, the fault was mine. But I was apparently indulging, like the Honourable Mover, in ancient historical research, for the present-day figure stands, I believe, at 50 or 60 lakhs. But who will say that with these possible—probable—enlarging commitments, the 50 or 60 lakhs of to-day will not be ten times 50 or 60 lakhs to-morrow?

THE HONOURABLE MR. PHIROZE C. SETHNA: Will the Honourable Member say for how long the figure has been 50 or 60 lakhs?

THE HONOURABLE MR. DENYS BRAY: I am not able to say, but I trust my Honourable friend the Finance Secretary will get up presently to tell us. On matters financial I can offer myself as no authority whatsoever. But I can say this, on high financial authority, that even on the present basis, and without taking into consideration any possible or probable enlargement of our commitments, if the figure stands at 60 lakhs this year, it must inevitably stand at 65 lakhs next year.

Well, it is very largely this consideration that has encouraged Government to resuscitate this most ancient case and to try to excogitate some solution

which will meet the needs of Aden itself and of India and the Empire at large. It is not simply the difficulty of the political problems which would press upon us if we still administered Aden, though these are great enough. It is the uncertainty of the extent that the political, military and financial commitments would assume—or rather the very certainty that they must expand with the contraction of the world, which has led Government quite dispassionately to revive this old proposal and to look at it again. The Government is now awaiting the opinion of Aden and also of India on the question, and the debates in the House this afternoon will be of the very greatest value to Government in arriving at a conclusion.

I was sorry that the Honourable the Mover made so light of the assurance that I was empowered to give in this Council last March with reference to the safeguarding of the interests and status of Indians should this transfer actually take place; but I confess that the Honourable Mover is not alone in this, for in many memorials we have received I find the same doubts expressed. I had hoped to have been able to dispel some of the doubts by reciting the assurance recently made in identical terms by the Secretary of State, in the House of Commons, with the whole force of the Cabinet behind him. But even that the Honourable Mover has placed on one side. What assurance could be given further, I am at a loss to think.

THE HONOURABLE THE PRESIDENT : Before this debate proceeds any further, I should like to be definite on one point. For the purposes of the Resolution rules, it is important for me to know who is the Member of Government—not necessarily the Member of the Executive Council—in charge of the Resolution. In view of a portion of the speech of the Honourable Mr. Bray I feel some doubt in determining whether he is or is not the Member in charge of the Resolution. Perhaps he will kindly reassure me on that point.

THE HONOURABLE MR. DENYS BRAY : Sir, I am sorry if I have not made it plain that I am in charge of the Resolution.

THE HONOURABLE MR. F. G. PRATT : Mr. President, the transfer of Aden to the Colonial Office is a question in which the Government of Bombay is deeply and closely interested. Towards that question the attitude of the Bombay Government cannot under any circumstances be one of neutrality, and I have been authorised to give expression to the provisional views of the Bombay Government at this stage of the discussion on this question. Their position is that they have had very little notice indeed and very little time for the consideration of this question. They have had very little information of the grounds upon which the transfer is being considered. It is also a fact that public opinion, both in Bombay and Aden, has expressed itself very strongly against the proposed transfer. Very strong protests have been recorded by the trading communities of Bombay and Aden, and for these reasons for the present the Bombay Government objects to any change in the *status quo*.

THE HONOURABLE MR. A. H. FROOM : Sir, being a commercial man I regard this question chiefly from the commercial point of view, but I am not unmindful of the great importance of Aden as a port on one of the most important sea-ways of the Empire. Its commercial importance arises from the fact that, since having been declared a free port in 1850, it has attracted most valuable trade between Aden and Arabia and Africa, formerly monopolised by certain Red Sea ports. This trade and

[Mr. A. H. Froom.]

others are chiefly in the hands of enterprising Indian merchants. Its total value in imports and exports amounted last year to some 17½ crores of rupees.

The chief argument in favour of the retention of the administration of Aden by the Government of India—an administration, by the way, which does not include political control—is that Indian merchants have acquired landed and house property in the Settlement, have built up such trade as Aden possesses and not unnaturally desire to remain under the Government of the country of their birth. This point I am ready to concede.

I think the Honourable Mover likened the relations of India and Aden to those of a happy married couple—a married couple which had lived happily together for something like 50 or 100 years

The HONOURABLE MR. PHIROZE C. SETHNA : It was not my own : it originated with Mr. Winston Churchill.

The HONOURABLE MR. A. H. FROOM : Oh ! it originated with Mr. Winston Churchill. Well, I presume Aden would be regarded as the weaker vessel and therefore the wife—or one of the wives—of India. I cannot say that the husband has treated this particular wife very well. I would ask the merchants of Aden what have the Government of India—or the Government of Bombay—done to foster their trade, and what is Government likely to do to foster it in the future ? The Indian Government has its hands full, more than full with the affairs of this country, and it is likely to have its hands full for many years to come with little or no spare time to divert to commercial interests of a small Settlement, some 1,600 miles away from Bombay. The Governor, or rather the Resident of Aden, has always been a soldier, necessarily, possibly, because of its strategical position, though I question this. But can we expect a General Officer, however capable in the profession in which he has been trained, to dive into commercial problems, to help in the guidance of commercial enterprises, or to possess the special qualifications for the civil administration which devolves entirely upon him without skilled civil advisers. The administrative apathy of the Aden Government is in striking contrast with the energy displayed by our French friends on the western side of the Strait of Babelmandeb.

In the interests of the Aden merchants, I should like to see the Settlement transferred to the control of the Colonial Office. We have heard the Honourable Mover explain away the Resolution which was passed by the Aden Chamber of Commerce. I cannot understand why on that occasion, the meeting, which appears to have been one of the greatest importance for a period of many years, should have been so sparsely attended as the Honourable Mover suggests it was. I wish he had been able to give us the numbers. Anyhow they passed a Resolution proposing the transfer of Aden to the Colonial Office, and their reason for this sudden change of face is somewhat difficult to explain, unless it has been brought about by the discussion which has been very much in prominence recently as to the status of Indians in another country. As I have said, I should like to see the Settlement of Aden transferred to the control of the Colonial Office, raised to the dignity of a Colony and under the rule of a local Governor trained in the school of Crown Colony Administration. In this way only shall we see Aden's commercial and political expansion. As pointed

out by the Honourable Mr. Bray, Honourable Members are doubtless aware that the military control is subject to appreciable influence from the War Office, that the political control of Aden will greatly be influenced by the Middle East Department of the Colonial Office, and that the third control should be under the Government of India, can only introduce a lack of cohesion and co-operation between the various departments which would not arise if the whole of the administration of Aden were in the hands of the Home Government. A bright example of the progression of a settlement in the hands of a capable and vigorous administration is before us in Singapore which advanced by leaps and bounds in political and commercial importance under the guidance of successful civil and colonial Governors. I am in thorough accord with the Honourable Mover of the Resolution as regards the paramount importance of the Indian merchants at Aden. I am not aware that the interest of these merchants—in many cases the same houses—have suffered in British Somaliland since the administration of that territory was transferred from the Indian to the British Government, I think, in 1898. The Honourable Mover and the Honourable Mr. Bray have referred to the assurances given by Government regarding the transfer of Aden. I will not therefore repeat those assurances. They have again been referred to in another place by the Honourable Dr. Sapru, and I think that the Members of this Council should feel satisfied with these oft-repeated assurances, assurances down on paper and reported several times.

In my opinion, it is desirable both in the interests of commercial development and of Imperial defence that Aden should pass to the control of the Home Government, and I am unable to support the Resolution before us.

At the same time I do not ask the Government of India to agree to any transfer which is not satisfactory to Indian interests generally and to commercial interests in particular. I should deprecate Government accepting heavy financial liabilities on the Indian budget for an administration over which they have no control. Apart from the question of finance, there are many other considerations involved, particularly the present somewhat vaguely defined policy of the Middle East, and the whole question of Aden appears to me to be one which might well wait until matters relating to Egypt, Arabia and the Gulf assumed a more settled aspect.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I consider Aden to be one of the portions of Bombay. It is only removed to just on the other side of the Indian Ocean. If it was a question of mere distance, Government has taken over Burma which, I think, is perhaps at a greater distance than Aden from Bombay. In the same way, Government have taken Baluchistan which once used to be a portion of Persia, but as India is called an Empire in Asia, it seems advisable that these small places in Asia should come under the control of the Indian Government. As we are orientals the Government of India knows the habits and customs of the people of this side as they have been with us for a long time and have ruled us so well. I think it is much better that Aden should remain with the Indian Government, because they know the sentiments of the Arabs, and they will of course be much more happy. If Aden is given to Arabs, that is quite a different thing. But as long as Aden is retained under the British Government, it is just as well if it was under the Government of India. Allusion was made during the debate to Mesopotamia but that was never a place which was considered to be absolutely English. It is nothing like Aden. It has only now been taken under the British protection,

4-36 P.M.

[Colonel Sir Umar Hayat Khan.]

Then, Sir, it has been said that the administration of Aden during the war was broken up. What was not broken up during the war? Most of the things of the past when they were tested during the war were found to contain some defects.

Then it has been said that some paper said one thing one day and the same paper said another thing another day. There is no question of the criticisms and opinions of a paper. The whole question is whether the people of Aden and whether the Indians there like to be under the Indian Government or not.

Then, Sir, it has been argued that in Aden Indians predominate amongst the Foreigners, but it has to be considered whether the Arabs want to remain under India or under the Colonial Office. I think, Sir, they would like to remain with India.

Then, Sir, it was objected on the ground of expenditure. If the expenditure was anything as an obstacle, then we are spending so much on our frontier near Peshawar, etc. Well, if that was objected to, would any one say, 'We are tired of it; let us give away that portion to the other side.' Of course not. A lot of money is being spent on other Frontiers.

Then, Sir, directly we heard our Honourable friend say that it should become a colony we are so frightened of the name of Colony that we do not want it to be such. It is said, Sir, that if you finish all the work of the land, then it will be time to think of the sky. If, Sir, our claims in the other colonies are well settled, we will think it a proper time to let Aden become also a colony. Well, Sir, I think you have heard how some English people like Aden. There is an air called 'The Barren Rocks of Aden.' That shows how English people who have been exiled there think of Aden themselves. Then, as to the claims of Indians, Sir, there has been what is called Aden troops. Now Aden troops are all Indian, the whole of it, and hitherto since a very long time naturally Aden was more or less guarded, except the artillery, by Indian troops. Many of them have done very good work there. One of my relations, Sir, who got his first prize for best man at arms at Delhi during Coronation Durbar, was killed there fighting. He killed four, but the fifth killed him. Another relation who was one of the strongest of men, and could carry a horse, was also killed there when trying to save an Arab who was wounded. There are many others like them, Sir, who have fought there and died. I think we have a right to have Aden as a portion of India. Then, Sir, we have seen that if things are transferred to England, lots of English people will go out there. This will be very expensive and who will have to bear the expenses? I think as there are so many Indians there they naturally would have to be taxed more so as to be able to run the Colony. I have passed many times through Aden, Sir, and what I have seen is that the best managed and the best run firms have been those mostly of Parsis who have gone from Bombay.

Then, Sir, with Aden, as it is said, Somaliland is more or less wedded. I had the honour, Sir, to have my first baptism of fire in that place and I spent about two years there. That is a country which is very well suited to Indians.

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The HONOURABLE THE PRESIDENT: Order, order. Do I understand that the Honourable Member is referring to Somaliland? If so, will he confine himself to Aden.

The HONOURABLE SIR UMAR HAYAT KHAN: I only brought it in Sir, because it has always been said that both administrations will remain in one and the same hands. I think it was said that they were wedded together—I may have misunderstood it. But it has always been from the beginning intimately associated with Aden. The General in charge of the troops at Aden was always in charge of the whole of that portion called Somaliland. If that is not the case, of course I will drop it.

With these remarks, Sir, I very strongly support the Resolution for the retention of Aden which I think all those, specially the soldiers who had to do something with Aden, will never like it to be given away to someone who has not taken the trouble to retain and defend it.

The HONOURABLE SIR DINSHAW WACHA: SIR, I am strongly in favour of the Resolution of the Honourable Member, and in supporting it I will say this, that I am not speaking without the book so far as I am personally concerned. For my own family had been merchants there years ago, and my uncle was one of the very first to go to Aden when the Settlement was formed, and took an active part in the trade there. My father also traded there, and I as a lad of 18 was sent there to learn the business of the firm. I know a great deal about Aden since 1862 to date, and I have kept myself in touch about that Settlement. So Honourable Members will understand that I am not speaking without the book. I do not go into the history of Aden, how it was captured by Captain Haines, and all that happened soon after its acquisition. During the Mutiny, Aden was a most important place because the General Commanding it, who was also the Political Resident, rendered eminent service to India by sending back soldiers from the Cantonment and by helping the Government of India, in other ways, specially in obtaining mules from Mauritius. My father had something to do with the supply along with two other contractors. The mules were brought down from Mauritius to Aden and thence sent out to India. However, Sir, that is a different story. As I have just stated I know a great deal about Aden. Long, long years before 1839, there were Indian residents and Indian merchants at Aden then under the Swoy of the Sultan of Lahej. This can be learnt from the history of Aden written by Captain Playfair, who was afterwards Political Agent at Zanzibar, and later Consul General of the British Government in Algeria. Thus it will be evident that Aden was colonised purely by Indian traders who went there about 150 years before Aden was captured. I knew personally, when at Aden, of a Hindu firm of long standing even in 1862. At that time it was 150 years old and carried on business in the name and style of Vierchand Amichand. There were several other Hindu firms whose names I have forgotten. So that practically Indian merchants traded at Aden long before it became a British Settlement. Apart from this, I will say that Aden has throughout been maintained by the Government of India. And I may say that it has been really dominated and, of course, administered by the Bombay Government. The Government of India have had very little to do with the administration except perhaps as regards matters demanding their sanction, principally those relating to the Army Department and in other cases of the Secretary of State. But the Governor of Bombay has the privilege, apart from the Government of India, to communicate directly with the Secretary of State. He does so even to-day. For the past 80 years that Aden is under the administration of Bombay, no complaint has ever been made of this bugbear of Army expenditure which has been for the first time dragged in as a plea for the transfer to the Colonial Office,

4-44 P.M.

[Sir Dinshaw Wacha.]

Mr. Bray was of course asked by my Honourable friend, Mr. Sethna, as regards the expenditure in years gone by. I ask the same question to Mr. Bray or any Member who responds here for the Government of India. 'What has been the average Military expenditure of Aden from 1839 to 1915?' This question of the transfer of Aden to the Colonial Office has arisen only since this late war, say since 1915. They seem to have discovered very late in the day that the Settlement of Aden might be better managed commercially and politically by the Colonial Office than by the Indian Government which has had experience of 80 years! I should like to put before the House here, whether a Government which has been 80 years administering the Settlement is not better informed and more capable of managing it than the Colonial Office which knows next to nothing about it except here and there.

Then, there is another point to be considered. My friend, the Honourable Mr. Froom, told you that if the Colonial Office takes charge of it the development of Aden commercially and politically may be very great! Now, I say, Sir, that this is the great bugbear held up before you in order to support his own opposition to the Resolution. What is Aden? It is a barren rock. It cannot grow a single tree. There are no trees there. When the trees were planted they all withered as I saw myself. It has no rainfall and the water is supplied from the brackish wells or sea water condensed. Again, Aden derives all its daily supplies of forage, food and aught else from Lahej, which is some 12 miles distant. Every day some 4,000 to 5,000 camels come laden with supplies. Practically, Sir, Aden is a barren rock and would have remained a barren rock up to this day, but it is entirely due to the native Arab and the Jewish merchants in combination with the Indian settlers that Aden is such a prosperous Settlement. Again, the Honourable Mr. Froom compared Aden to Singapore! People forget what is Singapore. Singapore is not a barren track like Aden. Singapore is a fertile place, where there are rich minerals, particularly tin. Then there are palm and date trees there and many other agricultural products for export. Of course, a Colonial Governor is there from the commencement of the acquisition of that Settlement. Each in turn has naturally developed the place. Every Governor of Singapore has gone on improving it and making it prosperous. But similarly I should say every Political Resident at Aden in the interests of that Settlement has done a great deal for the development of Aden as a commercial sea-port, let alone its military importance. Singapore is a first-rate station in its physical aspects and cannot be compared with the burning crater of Aden; and if the Honourable Mr. Froom thinks that Aden could be made as prosperous as Singapore, then I absolutely deny that proposition. There are the physical qualities of Aden to be taken into consideration. My own uncle took away from Bombay, soon after Aden was settled, buglows after buglows of red earth to have a green garden for the recreation of a few Parsis there, between 1840 and 1850. The garden after much effort and expenditure grew some greenery, and it is still known as Merwanbag. It could grow nothing except some shrubbery. Everything green withers there. There are two very big tanks originally built by the Turks which were repaired and made impermeable to hold water. But whence the water could be had? There is not even half an inch of rain after seven or ten years. That is the physical condition of Aden. I think the Government of Bombay have made very great improvements; and in these they have been cordially supported by the

Indian merchants and the Jewish settlers. The fact is, Sir, that the Bombay Government having cooked the dish, the Colonial Office now under specious pretence wants to appropriate it. This is the correct way to look at this cool proposal. The Honourable Mr. Bray has spoken something about sea frontier there. Who were the first navigators in the Red Sea and in the Indian Ocean? Read the history of the Indian Navy which was created years even before 1839 by the East India Company. There are records in the Bombay Secretariat and in the Library of the Royal Asiatic Society in Bombay which will inform you that many a distinguished officer of the Indian Navy had for years explored the whole of the Indian Ocean, probed and probed it to make navigation safe from Bombay to Suez. It was owing to their explorations and hydrography that the Peninsula and Oriental Company navigates its vessels to-day so securely. It is a fact, and I challenge any one to contradict it. This is the situation. I have given you only a glimpse of the past history of Aden, because I have read a great deal about it and known it by personal residence for a time. I had myself been there. Members of my family had been there. No valid or cogent reason has been urged by the Honourable Mr. Bray to show that Aden ought to be transferred to the Colonial Office. He talked of a "Sea frontier." How much has India paid for it during the last 80 years? We are still paying all the cost of the Indian Marine which is doing valuable military service. How is Aden to be defended? By whom? Let Mr. Bray answer. I am sorry that, so far as Mr. Bray, is concerned, I am very much disappointed with his speech to-day. I thought he would certainly make out a strong case in order to enable this House to see whether the motion of my Honourable friend should be accepted or rejected. He did nothing. He was officially talking in exaggerated terms of the threatening condition prevailing in the Middle East, conditions which might imperil Aden and that other Settlement known as Somaliland Protectorate. It is there for the last 20 years only. Somaliland was a separate territory, and it came under British protectorate because the Italians came up to Masowa and started their own colonisation in Abyssynia, and in order to stop the Italians coming down South that Somaliland was proclaimed a Protectorate and linked with Aden. Gentlemen, I can go on speaking for another two hours but *Cui bono*? But I do say this that one of the vaguest of vague and most specious reasons has been trotted out for us on behalf of the Colonial Office which has ample work already cut out for it. Why should it hanker after Aden? Why should the Government of India transfer it to its control? Nothing could be worse than this proposal. The Colonial Office have not made out any case whatever, and I hope that the Government of India will think twice and thrice before taking the step, and the Government of Bombay's contention that Aden should be retained under their control should be firmly upheld. The expenditure on the military forces at Aden, supposing it is 50 lakhs, is but a fleabite compared to the expenditure on the frontier and the military expenditure for this year swelling to the appalling figure of 62 crores. What is 50 lakhs to 62 crores? Nothing. Who is threatening Aden at present? Nobody. I know that Aden was threatened in 1859, and what happened? The English were alarmed lest the French should seize Perim, and Perim is even a better strategic place than Aden, and if Perim is very well fortified under strategic conditions, I think Perim can stand fast any number of inimical vessels coming from the Suez side. Even at Perim the Political Resident of the day gave my father a monopoly of the supplies there. Therefore, I do say that politically and commercially

[Sir Dinshaw Wacha.]

Aden should never be divorced from the Government of Bombay or the Government of India. I need not say more on the subject. I think my Honourable friend, Mr. Sethna, will be able in his reply to answer the feeble case made out by Mr. Bray. But I may tell this Council that there never was a more inequitable and unfair proposal made to transfer Aden from the Government of India. It is in short a scandal.

The HONOURABLE MR. E. M. COOK : I do not wish to speak on the merits of the Resolution, but it seems to me that there is some uncertainty as to how much Aden is actually costing us. 4-58 P.M. I am not sure that I can entirely dispel that uncertainty so far as past years are concerned; for we do not keep up a *pro forma* account of Aden expenditure. One has to pick out the figures from various heads and get them from various accounts offices. Moreover, for the last five or six years the cost of Aden has been mixed up rather inextricably with what are known technically as the "Aden Operations." I think possibly it will be sufficient for the Members of this Council if I give them one or two figures from the current year's Budget. I find that in the current year we shall probably be spending roughly 70 lakhs on military expenditure. Of that 70 lakhs, about 10 lakhs will be recovered from the Home Government as the result of certain adjustments between them and us; so we may say that the net military expenditure on Aden will be 60 lakhs. As regards the civil revenue and expenditure, this has varied a good deal in the past; but according to the Budget figures of the current year, I do not think there will be a lakh's difference between revenue and expenditure; possibly the expenditure might be slightly in excess of revenue....

The HONOURABLE SIR DINSHAW WACHA : May I ask if this current military expenditure includes or does not include the new fortifications?

The HONOURABLE MR. E. M. COOK : It does not include fortifications nor any extraordinary military works expenditure that may have been incurred.

The HONOURABLE SIR DINSHAW WACHA : If you will allow me to say one or two words.....

The HONOURABLE the PRESIDENT : Order, order.

The HONOURABLE MR. E. M. COOK : I was saying that civil revenue and expenditure almost balance each other. Taking the military expenditure at 60 lakhs we have to deduct from that £72,000, which is what the Home Government pays us on account of Aden. If you turn that £72,000 into rupees at *1s. 4d.* it is just over 10 lakhs and at *1s. 6d.* it is about 8½ lakhs.

The net result is that, so far as I can make out, in the current year Aden will be costing us roughly Rs. 50 lakhs,—and I think I ought to add that that must be regarded as the minimum.

The HONOURABLE MR. LALUBHAI SAMALDAS : Sir, when I followed the speech, the very lucid and very clear speech, 5-2 P.M. of the Honourable Mr. Denys Bray, I thought I would be convinced that the Government of India had some real cause why, as I believe, it has practically agreed to the transfer of Aden to the Colonial Office. Unfortunately, neither from his speech nor from the speech of the Honourable Mr. Froom can I find any justification for this action except what my friend, the Honourable Mr. Sarma, spoke about my suggestion that the control of Kenya should be transferred to the Government of India. He said I must have made that

suggestion while in a mood of pessimism. It looks as if it was purely in a mood of pessimism that the Government of India was going to agree to transfer Aden to the Colonial Office and thus commit *Harikari* to use the word of the Honourable Mr. Hammond. I hope the Government of India will have more optimism than that, and I hope they will support us in our just demand. At the same time, I am grateful to the Honourable Mr. Denys Bray for saying that he was going to muzzle not only the front Government bench but also the back benches on this question.

5-3 P.M. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I have been following the arguments that have been put forward for and against this Resolution. I understand, from my friend, the Honourable Mr. Cook, that as far as the civil administration of Aden is concerned, the revenue and the expenditure balance each other. Then in that case, Sir, I see that it is only a question of sentiment rather than of anything else. But in India sentiment is a great thing, and that sentiment ought to be respected. Our experience in East Africa shows that the plight of Indians is very bad, and India is afraid that in case the administration of Aden is transferred to the Colonial Government, the plight of Indians may become equally bad there. Aden is a part of the British Empire, and as Mesopotamia and Arabia have come under the British mandate, I think, Sir, the military expenditure of Aden ought to be shared by those Governments. It is said that the military expenditure of Aden is rising. Of course, Sir, military expenditure is quite uncertain, and we cannot base our forecast on these things. It may be more, or it may be less, in the coming years. But as India opened out all these markets, in the West, I mean in Aden, Sohaliland and East Africa and elsewhere, their claim to administer Aden should not be ignored: and for all these reasons, Sir, I am strongly of opinion that the administration of Aden should not be transferred to the Colonial Office, and so I strongly support this Resolution.

6-6 P.M. The HONOURABLE MR. SHAFI: Sir, I trust my Honourable and venerable friend, Sir Dinshaw Wacha, will pardon me when I say that he entirely misunderstood the position taken up by my friend, the Honourable Mr. Bray. In saying that he was disappointed with the speech delivered by Mr. Bray, and that the Honourable the Foreign Secretary had adduced no reasons justifying the proposed transfer of Aden, I must say the Honourable Sir Dinshaw Wacha entirely misunderstood the position. The Honourable Mr. Bray clearly stated that the position of Government with regard to this Resolution was one of benevolent neutrality. He did not justify, or advocate, the proposed transfer of Aden to the Colonial Office. Now, in military and diplomatic language, the meaning of the expression "benevolent neutrality" is very well understood. Bearing in mind the meaning of that expression, I can assure the House that the Government of India will take note of the opinions expressed in this House by various Members representing different interests. They will note the fact that Indian sentiment, according to the various speakers, is entirely opposed to this transfer. They will also take note of the fact, which has been positively stated by the Honourable Mr. Sethna and is endorsed by the Bombay Government, that local opinion in Aden as well as in Bombay is also opposed to this transfer. They will further take note of the fact, stated by the Honourable Rai Bahadur Lala Ram Saran Das, that, in view of the position which Indians at present occupy in different parts of Africa—parts that are under the control of the Colonial Office—Indians would prefer that Aden,—their brethren,

[Mr. Shafi.]

their countrymen, residing and trading in Aden, should remain under the control of the Government of India rather than that Aden should be transferred to the control of the Colonial Office. All these sentiments which have been expressed in the various speeches delivered by Honourable Members to-day will, the House may rest assured, be carefully borne in mind by the Government of India. The Government of India have not yet pronounced in favour of this transfer, and until they do, no Honourable Member has any right to assume that they are in favour of that proposition. Their position is, as announced by the Honourable the Foreign Secretary, one of benevolent neutrality towards the Resolution moved by the Honourable Mr. Sethna. They prefer to leave this Resolution to the vote of the House. The official Members will take no part in the voting, and Government will undoubtedly pay due regard to the final verdict of this House upon the Resolution moved by my Honourable friend.

There was one observation in the speech of the Honourable Mr. Froom with reference to which I should like personally to say a few words. He said that the hands of the Government of India were full with Indian affairs and in consequence the commercial affairs of Aden had not been so well looked after as they might have been. Well, I believe the hands of the Colonial Office are not less full with affairs than those of the Government of India. That argument, I believe, will carry no weight whatever with those who know how busy, how anxiously busy the Colonial Office is with affairs in the Near East, the Middle East, the Colonies—and in fact in various parts of the globe. That is the position, as I have stated, of the Government of India with regard to this Resolution, and the Resolution is to be left to the vote of the non-official Members.

THE HONOURABLE MR. PHIROZE C. SETHNA : Sir, I will not take up much time of the Council, but will endeavour to reply as briefly as possible. In the first place, I will deal with the speeches of the Government Members.

I, Sir, am not disappointed with the speech of my friend, the Honourable Mr. Denys Bray, as is my friend Sir Dinshaw Wacha. I prefer to divide the Honourable Mr. Bray's speech into two parts. In the first part, he was very sympathetic, right up to the point where he told us that the attitude of the Government of India was one of benevolent neutrality, and what that benevolent neutrality means the Honourable Mr. Shafi has still further amplified by the explanation that he has just given us. We are thankful to the Honourable Mr. Bray, as also to the Honourable Mr. Shafi, for the assurance that not only the Government Members will not vote, but that the Government of India are prepared to endorse the verdict of the House on this Resolution.

THE HONOURABLE MR. SHAFI : To pay due regard, I said, not to endorse.

THE HONOURABLE MR. PHIROZE C. SETHNA : I accept the correction. Although this matter of the transfer of Aden has been so long before the country, the Government of India have never come forward to tell us what their own intentions are, and after hearing the Honourable Mr. Shafi, it is clear they have not yet made up their minds. Therefore, this Council will be more than pleased if by the Resolution it passes, it will help the Government of India to make up their own minds,

I said I was very thankful for the first half of the Honourable Mr. Bray's speech. I cannot say the same for the second half, for it would appear from his remarks in the latter part of his speech that he did try to make out a case for the proposed transfer. First of all, Sir, he said that Aden was not a part of the sacred soil of India. I admit it is not, but I submit that Indians have worked there so long and worked so well under the Government of India that they do not want the connection severed in any way whatsoever. Again, the Honourable Mr. Bray doubted very much whether the Arab population would support the Indians. I think I made it clear in the course of my opening remarks that, in support of the memorial which the Indian traders addressed to the Government of India, not only the Arabs but also the Jews held meetings and passed Resolutions to the effect that they were entirely in agreement with the views of the Indian traders.

THE HONOURABLE MR. DENYS BRAY: May I rise, Sir, to make a personal explanation? I expressed no doubt whatsoever about the accuracy of the Honourable Member's statement that the Arabs are to-day on the Indian side. I only ventured to express a doubt as to whether they would remain so in the future.

THE HONOURABLE MR. PHIROZE C. SETHNA: The future, Sir, is in the lap of the Gods. I am content with the present. I am concerned with what is happening there just now. The Honourable Mr. Bray pointed out that the Arab population is large. I admit this. The Arab population is half the population of Aden. That supports my contention that the Arabs, the Jews and the Indians form together 75 per cent of the entire population of Aden.

Then, an important point was made in regard to the serious burden on Indian resources. I quoted the Honourable Dr Sapru, according to whom Rs. 24,50,000 was the annual cost, of which Rs. 10,80,000 was contributed by the Home Government, which exactly corresponds to the sterling figure @ 1s. 4d. exchange of £72,000 quoted by the Honourable Mr. Cook. The Honourable Dr. Sapru did not say that during the last few years that expenditure had increased. The Honourable Mr. Cook says that this year the expenditure is 60 lakhs, and my friend the Honourable Sir Dinshaw Wacha put a very pertinent question and I also interrogated by asking for the last how many years has the administration of Aden by India run into figures of 50 to 60 lakhs. I contend, Sir, that if this figure reached half a crore, it must have been during the war, and previous to the war the average which was quoted by the Honourable Dr. Sapru must have been maintained, and I shall be glad to know if my Honourable friend, Mr. Cook, is in a position to contradict that statement.

Then, Sir, another important point is this. The Honourable Lala Ram Saran Das has pointed out that the revenue and the expenditure of the civil administration of Aden nearly balance themselves. Therefore, there is no loss to India in the civil administration. Assuming that 50 lakhs per annum is the cost of the military expenditure to India, will my Honourable friend, Mr. Cook, as also my Honourable friend, Mr. Denys Bray, give an assurance to this House that, if Aden is transferred to the Colonial Office, India is to be exempted from the payment of this amount or whatever may be the cost of the military expenditure? This is the crux of the question, and it has already been answered by the Right Honourable Mr. Winston Churchill in the House of Commons—I may be permitted to repeat what he said. He said that whilst India was

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generous enough to offer to the Colonial Office the port of Aden, he was not prepared, in the interests of the British tax-payer to take over Aden unless India was prepared to bear its portion of the burden.

My Honourable friend Mr. Bray says that Aden must now be considered along with the Hinterland, and along with other parts of Arabia, and we must not forget those notable gentlemen whose names according to him are so unpronounceable. If Mr. Bray could give us the assurance that because of the necessity of Aden to those parts the Colonial Office and the Home Government were going to exempt India from the payment of the burden of 50 lacs or whatever the amount will be, it will be a different proposition—a proposition which we would have to consider seriously. So long as India is not relieved of this burden, it is positively unfair to suggest the severance of Aden from India.

Then I come to the speech of my Honourable friend Mr. Pratt. I think the Bombay Members have every reason to be thankful to His Excellency Sir George Lloyd's Government for the very strong stand they have taken and for asking their representative on this Council to support this Resolution. If the Government of India have any doubts in the matter, they cannot do better than follow the advice of the one Province in India which can speak authoritatively on this subject, and that province, Sir, is of course the province of Bombay.

My Honourable friend, Mr. Froom, has already been answered by some of the other speakers. One reason why he approved of the transfer was that the Government of India had its hands very full. The Honourable Mr. Shafi very rightly retorted by pointing out that the Colonial Office had its hands equally full, if not more so. Then Mr. Froom observed that India was 1,668 miles away from Aden. The reply to this is that if India is 1,668 miles from Aden, Aden is 4,500 miles from the Colonial Office, and the Colonial Office cannot therefore be better able to look after Aden's affairs. I hear my Honourable friend laughing. He evidently thinks the Colonial Office will be better able to look after colonies, no matter however far removed. If the Home Government thinks so, at the worst let its military administration be transferred, but what we want is that the civil administration of Aden at least continues under India.

The Honourable Members on the Government Benches have promised that, if this Resolution is supported by this Council, they will take it to be the sense of the country. I hope, therefore, that, as promised by the Honourable Mr. Shafi, the Government of India will try to help the Home Government and communicate to them the intentions of this Council and of India.

The Resolution was adopted.

RESOLUTION *RE* PURCHASE OF STORES IN ENGLAND.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I beg to move the Resolution which stands in my name, namely:

5-22 P.M.,

'This Council recommends to the Governor General in Council to send instructions to the High Commissioner in England that, at the time of placing orders for materials required in India by Government, he should put them in the cheapest market for materials of the same quality.'

Sir, at this fag end of the day I am not going to inflict a long speech in placing this Resolution before the House. Moreover, a similar Resolution has been accepted by Government in the other House, and I am given to understand by the Honourable Member in charge that Government is prepared to accept this Resolution as it is. Therefore, I am not going to make any speech, but I would merely ask him to accept it.

The HONOURABLE MR. PHIROZE C. SETHNA : Sir, in spite of the very short speech which my Honourable friend, Mr. Lalubhai Samaldas, has thought right to make in favour of his Resolution, I intend to say a few words, because of what information I have obtained in regard to this question. The Railway Committee's report has just been published in England, and so far we have only had a summary of their findings.

5-23 P.M. The Railway Committee held its sittings in London in the months of May, June and July. I may inform the Council that I happened to be present in England at the time, and I have had more than one discussion with more than one Member of the Railway Committee, and I reveal no secret when I say that my friends were distinctly of opinion that the manner in which these purchases are made in England is most detrimental to the interests of India ; that the interests of India were absolutely ignored, and that it is the interest of the British manufacturers that is primarily looked after. This, Sir, will be shown in the report, but the Members of the Railway Committee with whom I have had discussions will, I am sure, bring forward their suggestions very forcibly before this country to improve the state of affairs in noe way or another.

I quite understand that charity begins at home. Our first duty is to effect these purchases in India, if possible. Not only so but, I go further and say that we should have factories in this country to manufacture these particular articles, and it should be the duty of Government to help these factories so that the purchases may preferably be made in India. Next to that I admit that, on account of our connection with Great Britain, we should certainly have articles of British manufactures, if the difference in prices is not to an extent as has been allowed and is being allowed by the Stores Department in England. Sir, on his own admission Sir William Meyer has said that he has allowed a gap of 10 per cent. That is to say, if the British manufacturer quotes as much as 10 per cent. higher than other manufacturers, the High Commissioner is prepared to give him up to 10 per cent more, to the detriment of the Indian tax-payer. Is this at all fair I asks ? I can quite understand that if the difference was small, say about 2½ per cent., we certainly should vote in favour of the British manufacturers.

I may say that because of our connection with Great Britain, Indian capitalists in this country do give such preference to British manufactures, and I may quote the instance of my Honourable friend, the Mover himself. My Honourable friend is the Chairman of a sugar company, to which he referred in this Council some days ago in the course of the discussion on the Resolution brought forward by my Honourable friend, Sardar Jogendra Singh. I happen to be, Sir, a co-director with him on the Board of that company. Only five weeks ago we had the placing of a large order for machinery for that sugar factory, and which order ran into some tens of thousands of pounds sterling. The Board was actuated by the motive, that if the machinery was as good as that offered by the manufacturers of other countries, and it

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generally is, to place the order with the British manufacturer even if his quotation was somewhat higher. The difference was a small one and we did place the order with a British firm. If, on the other hand, the manufacturer of another country was able to offer equally good machinery but at a considerable difference in price, we would not have acted in the interests of our share-holders if we had given the order, notwithstanding, to a firm of British manufacturers. This is exactly what should be done by the Stores Department in England, but which, I am sorry to say, is the exception and not the rule. In fact, the manner in which they are effecting these purchases ought not to be tolerated for a day longer. Look at the amount, Sir, that is being wasted,—positively wasted. We have been told that last year the amount spent by them was 17 million sterling. My friends on the Railway Committee inform me that, if according to the High Commissioner the difference was only 10 per cent., they verily believe that in many cases the difference is much larger, and I contend that the average savings would not be less than 10 per cent. What does this 10 per cent mean on 17 thousand pounds sterling? It means nearly 2½ crores of rupees.

Sir, the other House is trying to cut down and retrench expenditure at Budget time by not permitting to spend a few hundreds here and a few thousands there, or perhaps a lakh or two in some item. All the savings they so effected are a mere bagatelle as compared with the savings that we can effect in the purchases of our Railway stores, and this is a matter to which I would earnestly plead to my friends on the Indian Legislature to devote their very serious consideration. It is not a matter to be lightly disposed of. As I said, Sir, it is a matter involving about 2½ crores a year—nay it might be even very much more and requires thorough investigation.

We have been told by Sir William Meyer in his evidence before the Railway Committee which has been recorded in our proceedings of the 5th September in answer to a question put by my Honourable friend Mr. Lalubhai Samaldas, that he is quite prepared to respect Indian sentiments and go to the cheapest market. Well, Sir, he is a strong man, but he has vested interests around him and they are so great that he cannot overcome them. Sir, may I ask, if self-governing Colonies like South Africa or Australia or Canada would for one moment allow themselves to be treated in this fashion by the purchasing agents in England? Does Canada go to the British manufacturers if the foreign manufacturers, say American, quote less for the same article? They certainly do not. Why should India be compelled to do so, and why should not the interests of the Indian tax-payer be safeguarded by the very persons who are paid to see that Indian money is not wasted? I trust, therefore, that this Resolution will be accepted.

I may also state here what was mentioned to me by one of the members of the Railway Committee. He urged upon the Director General of Supplies to try and prevail upon those British manufacturers with whom we placed large orders to admit a few Indian apprentices in their factories. I have before me copies of certain letters in reply to this proposal—I will not trouble the House by reading them. First of all is a letter from the Director General of Stores, Mr. Collier, dated the 1st June 1921. His answer with regard to admitting Indian apprentices, to say the least, is evasive. He relies upon the previous minutes of his department, minutes by Mr. Fry, Sir Alexander Rendel and Mr. Butler. All these, I say, are evasive and they try to throw cold water on

the proposal, and that, in spite of the fact that that member of the Railway Committee whom I have referred to had pointed out that, so far as he knew, whenever in the past Japan placed large orders for machinery with manufacturers in England, they made it a condition precedent that so many Japanese apprentices should work in the factories. One of the arguments which the Department advances is, that the Trade Unions objected to Indian apprentices. It seems strange, Sir, that Indian apprentices should be objected to and the Japanese apprentices be allowed by the manufacturers and the Trade Unions in England.

It shows clearly that India has been treated in this matter as a step-daughter, and the sooner this position is altered the better.

Sir, I know that the hour is getting late. I will not detain the Council longer. But to me it seems that the best way to solve this difficulty is to see that hereafter the office of High Commissioner is filled not by an Englishman, but by an Indian of very considerable business experience. He alone will look after the interests of the country as perhaps the best Englishmen available cannot, and I therefore intimate to my Colleagues here that in due time, namely, before the expiry of the term for which Sir William Meyer has been appointed, I shall certainly bring forward a Resolution in this House so that the Government of India may be asked that the next appointment to the position of High Commissioner in England be made of an Indian of considerable business experience.

THE HONOURABLE THE PRESIDENT : The position has developed in rather a curious way. I was led to believe that by consent this Resolution would have passed this House without any discussion. We have all listened to the powerful speech made by the Honourable Mr. Sethna which, of course, he was quite entitled to make, but I do feel that it is possible that Government may be under some natural surprise at the turn the debate has taken. I am quite prepared, if the Member of the Government in charge so desires, to adjourn this debate now in order that he may have an opportunity of considering before he replies. I understand he was under the impression that the Honourable Mr. Lalubhai Samaldas was to move his Resolution and that the Council was likely to support it without debate.

THE HONOURABLE MR. H. A. F. LINDSAY : I should like to take advantage of that opportunity, Sir.

THE HONOURABLE THE PRESIDENT : In these circumstances I will adjourn the debate and I will also adjourn the Council till 11 O'clock to-morrow in this Chamber.

THE HONOURABLE MR. PHIROZE C. SETHNA : Can I be told whether this Council will resume this debate at 11 O'clock to-morrow ?

THE HONOURABLE THE PRESIDENT : I think to-morrow is an official day. If so it will go first in the list on the next non-official day. I think on the 29th.

The Council adjourned till Wednesday, the 27th September 1921 at 11 O'clock.
