

Tuesday, 5th September, 1922

THE
COUNCIL OF STATE DEBATES
(Official Report)

VOLUME III
PART. I

THIRD SESSION
OF THE
COUNCIL OF STATE, 1922 °



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Council of State

The President

THE HON'BLE SIR ALEXANDER MUDDIMAN, KT., C.S.I., C.I.E.

Panel of Chairmen

THE HON'BLE SIR ALEXANDER ROBERTSON MURRAY, KT., C.B.E.

THE HON'BLE SIR MANECKJEE BYRAMJEE DADABHOY, KT., C.I.E.

THE HON'BLE SIR DINSHAW EDULJEE WACHA, KT.

THE HON'BLE SIR ZULFIQAR ALI KHAN, KT., C.S.I.

Secretary

THE HON'BLE MR. H. MONCRIEFF SMITH, C.I.E., I.C.S.

Assistants of the Secretary

MR. W. T. M. WRIGHT, I.C.S.

MR. L. GRAHAM, I.C.S.

MR. S. C. GUPTA, BAR-AT-LAW.

MR. R. CASSON, I.C.S.

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THIRD SESSION, 1922.

COUNCIL OF STATE.

Tuesday, 5th September, 1922.

The Council met in the Assembly Chamber at a Quarter to Eleven of the Clock, being the first day of the third Session of this Council, pursuant to S. 63D (2) of the Government of India Act, and the Honourable the President (the Honourable Sir Alexander Phillips Muddiman, Kt., C.S.I., C.I.E.) took the Chair.

MEMBERS SWORN :

The Honourable Raja Vanganad Vasudeva Raja Avargal, Valiya Nambidi of Kollengode, C.I.E. (Madras : Nominated Non-Official) ; the Honourable Mr. John Perronet Thompson, C.S.I. (Officiating Political Secretary) ; the Honourable Mr. Egbert Laurie Lucas Hammond, C.B.E. (Bihar and Orissa : Nominated Official) ; the Honourable Sir Leslie Creery Miller, Kt. (Madras : Nominated Non-Official).

INAUGURATION OF THE THIRD SESSION OF THE COUNCIL OF
STATE AND LEGISLATIVE ASSEMBLY.

His Excellency the Viceroy with the Presidents of the Council of State and Legislative Assembly having arrived in procession, His Excellency took his seat on the dais.

H. E. the VICEROY : Once again it is my pleasant task to welcome you, the Members of the Indian Legislature, to the labours of a new Session

[H. E. the Viceroy.]

Since I last addressed you, many events of importance to India have occurred. Foremost among these is enshrined in our thoughts—the visit to India of His Royal Highness the Prince of Wales. A year ago in my address to you, I predicted that we might with confidence count on a welcome from India to His Royal Highness, characteristic of the traditional loyalty and devotion of the Indian people to the Royal House, and this confidence found a warm echo in your debates and activities.

It is a source of deep gratification to us now that His Royal Highness has come and gone to feel that our predictions have been justified. In spite of organised attempts to mar the reception on the part of a section of the community, all classes in British India and the Ruling States threw themselves with enthusiasm into the privileged task of welcoming His Royal Highness. His Royal Highness has moved among us, and his visit has demonstrated the loyalty of India to His Majesty the King-Emperor. His Royal Highness captivated us by his great personal charm; he inspired us by his high sense of public duty and by his keen interest in all classes of His Majesty's subjects and in all our activities and problems. We are fortunate indeed in that the great traditions of the British Crown will, in the fulness of time, be continued by him who came to us to know India and to be known by her and who left India with an abiding interest in her welfare.

In the domain of external affairs, the subject uppermost in our minds is the proposed revision of the Treaty of Sevres. I can now add little to the statement I made at Peshawar in April last, save to assure you that every stage in the developments is followed by my Government with keen and watchful interest, and whatever action we can with propriety adopt to lay before the British Government the reasonable aspirations of the Moslems of India regarding these developments, we have taken and shall not fail to take.

It is gratifying to observe that the activities of my Government have not been without effect upon the Moslem population of India who have readily acknowledged and appreciated that my Government have done their utmost to impress the Indian-Muhammadan view upon His Majesty's Government. At this moment negotiations are proceeding with the object of arriving at a solution of this difficult and delicate problem, and it is therefore undesirable for me to discuss the situation. I will only remind you that, as already stated by His Majesty's Government, the representations will be fully considered and due weight will be attached to them by His Majesty's Government in so far as these are compatible with justice, their obligations to their Allies and the adequate safeguarding of minorities. It is most earnestly to be hoped that these efforts of His Majesty's Government and their Allies will shortly result in the complete restoration of peace to the Near East.

I am glad to inform you that cordial relations subsist with all the Powers on our borders. Since I last addressed you a Treaty has been concluded between His Majesty's Government and Afghanistan, and I feel confident that the bonds of friendship between Afghanistan and ourselves will be maintained and grow in strength.

There is peace on our tribal frontier except in Waziristan, and even there I had hoped that the results achieved would enable me to announce to you the winning stage in long protracted operations. Owing to the gallantry of our troops, substantial progress has already been made in the very difficult conditions well known to all who are acquainted with this frontier. But while some of the Wazir and Mahsud tribal sections have entered into satisfactory engagements with us, we have still to secure that complete tribal unanimity and co-operation which alone can effectively maintain peace. Our object in Waziristan is to ensure the security of life, honour and property of those who are entitled to our protection, whilst keeping our expenditure within the narrowest limits commensurate with our purpose.

In dealing with external affairs and our borders, I may refer to the position of Indians in the Dominions and Colonies overseas. The Standing Emigration Committee is now advising the Government of India on all Emigration matters of major importance. Our policy is embodied in the new Emigration Act which received my assent last March. At present emigration of unskilled labour is illegal, except to Ceylon, the Straits Settlements and the Federated Malay States to which the new Act will only apply next March. Deputations from Ceylon and Malaya are with us discussing the details of the proposals which, on the advice of the Committee, we have placed before their Governments, and the Government of the Straits Settlements are embodying in their local legislation the provisions which we are advised to secure in that Colony. I desire to acknowledge the cordial spirit in which Colonial Governments are co-operating with my Government to make conditions of Indian emigration free from all reasonable objection.

The important aspects of the Right Honourable Sastri's mission were referred to by me in a speech I made on the eve of his departure. We have every reason to be gratified by the impression which he has made and by the warm reception extended to him. Mr. Sastri has already been successful in obtaining the removal of some minor disabilities affecting domiciled Indians, and we trust that in course of time on larger questions also, on which ministers cannot immediately extend promises in advance of the mandate of their electorates, the atmosphere of friendly feeling towards India created by his visit may conduce towards the realisation of our reasonable expectations.

My Government have been in correspondence with the Government of the Union of South Africa regarding the recommendations of the Asiatic Inquiry Commission. We have not been able as yet to reach an agreement in principle, but we are still engaged in attempts to arrive at a better understanding. The Union Government by their recent action in suspending the operation of two Ordinances in Natal, have given proof of their desire that most careful and impartial inquiries should be made before any step is taken which is likely to affect the position of Indians in any part of the Union.

In reference to repatriation from Natal, my Government have made careful investigation. No case has been brought to their notice in which repatriation has been other than entirely voluntary.

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The Report of the Deputation to British Guiana has not yet been received. We have the summary of the recommendations of the Fiji Deputation, and their Report will be taken into consideration by my Government as soon as it reaches us. The condition of the sugar industry in those islands gives us cause for apprehension that Indians in Fiji may no longer be able to earn a living wage, and the Government of India are engaged in arranging at the cost of that Colony for facilities for repatriation of all Indians who desire to return.

Conversations are proceeding between the Colonial Office and the India Office regarding the position of Indians in Kenya. The Government of India are carefully watching developments, and I trust a satisfactory settlement of the difficult questions involved may soon be reached.

I note your anxiety in watching the fortunes of our Indian brethren overseas. Let me assure you that my Government have been and will be unremitting in asserting their rights and urging their cause in all parts of the Empire. If I do not say more upon this occasion, I hope you will understand that it is not because I am unmindful of the vast importance of the subject. I shall be in a better position to address you more fully when the result of the pending discussions has been reached and can be announced.

When we turn to matters nearer home, a subject of first importance to us is finance. I need not go into the story of our deficit, but you may be assured that my Government is making every effort to bring about the equalisation of expenditure to revenue. The first step is retrenchment. I have explained to a deputation which addressed me the measures adopted by my Government to attain this object and I feel that they will command confidence. We must now await the recommendations which the Retrenchment Committee will place before us. The results of our loan operations have been encouraging. You will have seen that our Sterling Loan realised 12½ million pounds and our Rupee Loan 46 crores, of which 43 were new money. By the mercy of Providence good harvests have mitigated our grave anxieties on account of the enormous rise of the price of food grains prevailing when I last addressed you. A fall in prices has now occurred, sharper than even the previous rise. This year's monsoon has been, on the whole, favourable and I trust that we may look with hope for a continuance of plentiful stocks and lower prices of the first necessities of life, and that this improvement may conduce to remove economic discontent—so often the root cause of political malaise.

There is a matter to which I may refer as being of special interest to this Legislature. We are making an addition to our machinery. Rules have been framed for the appointment of further Standing Committees of the Indian Legislature to various Departments of the Government of India and for the definition of their functions and their procedure. The duties of the Committees will be of an advisory nature, and I trust that the Departments will find the Committees of real assistance and that the members of the Committees on their part will gain a wider insight into the problems of the administration, and that experience will demonstrate the benefits to be derived from the continuance of this system.

Last year I warned you that you could not expect to garner so rich a harvest of achievement every Session, but with your subsequent record before me, I doubt the correctness of my prediction. Time will only permit me to chronicle a few of your most important achievements ; but the list, even with this limit, refutes the malice of those who belittle the reformed constitution and decry the efforts of those who, like you, believe that only through constitutional methods can the aspirations of the Indian people be fulfilled.

The Press Act of 1910 has been repealed. In this connection I pointed out last year that the repeal of the Act might necessitate the consideration of the form of protection to be given to the Princes against seditious attacks upon them in newspapers published in British India. In the meantime the Local Governments have been consulted, and this question has been closely examined and has been the subject of correspondence between my Government and the Secretary of State. We have decided that we are bound by agreements and in honour to afford to the Princes the same measure of protection as they previously enjoyed under the Press Act which is the only protection available to them ; and a Bill to secure this object will be brought before you in the present Session. This protection to the Princes was first given by the Act of 1910. It is not suggested that it has been abused, and the only reason for its repeal is because in British India we have decided to dispense with the special remedies under the Press Act and to rely upon the general law which is not applicable to the Princes.

The Report of the Committee appointed to examine certain laws conferring extraordinary powers on the Executive has resulted in the repeal of 23 Acts and Regulations supplementing the ordinary criminal law. The Acts repealed include the Defence of India Act, 1915, the Statute known as the Rowlatt Act and part of the Criminal Law (Amendment) Act of 1908. I congratulate you on passing into law last winter Session the Amending Factories Act—a very important piece of social legislation.

You have an arduous programme of legislation before you. Among important measures I may mention a Bill to amend the provisions of the Criminal Procedure Code, which has been under discussion for some years ; the voluminous matter collected has been examined by a Joint Committee, whose report will be before you shortly. Another Bill is that abolishing transportation as a form of punishment. The Indian Mines Act, which is designed to make improvements in the provisions to secure the safety, welfare and efficiency of mineworkers will also come before you. Last year I foreshadowed two other measures destined to benefit the labouring classes of the country. Legislation for workmen's compensation has been advocated by the leading association of employers and employees and the majority of the Local Governments. The proposals have been examined by a Committee, the majority of whose recommendations will be laid before you in the form of a Bill. We hope also to place our considered decisions regarding protection and legal status of trades-unions before you.

Interest naturally centres round the deliberations of the Fiscal Commission. This Commission opened its inquiries in November last and concluded them in July. I believe that the members were unable

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to come to a unanimous decision, and the preparation of the minority note has delayed the submission of the report to Government. It is hoped, however, that copies of the full report will shortly be in the hands of members of the Legislature.

I turn now to Railways. It is only a year since we received the report of Sir William Acworth's Committee. The Assembly took the most important decision regarding railways which has been arrived at for many years in setting aside a sum of 150 crores for the next quinquennium for use on rehabilitation. Railway administrations are now able to look ahead and plan an ordered programme of capital expenditure. The proposal that railway finance should be separated from general finance has not been found at present possible by the Committee which examined the point, but the matter has still to come before the Legislatures. The question of the reorganisation of the Railway Board is under examination. A Central Advisory Board consisting of members of the Legislatures—a different composition from that advocated by the Acworth Committee, but one better suited to our needs and conditions—has been established. It has begun work and will examine many questions connected with railways which must come before you. The question of a Rates Tribunal will soon be ready for the preliminary scrutiny of this Board. We are full conscious of the importance of the Acworth Committee's report, and are pressing the issues raised by it to a conclusion.

You will be interested to learn that since last September considerable progress has been made with the development of the Territorial Force. In addition to the University Training Corps, twenty provincial battalions have been constituted and the numbers enrolled total more than 10,000. Some units have undergone their first training with satisfactory results. General Burnett-Stuart, who conducted the recent operations in Malabar, commented in his farewell order to the Madras District on the good start made by the battalions in that Presidency. While it is too early to judge of the military value of the force, the first steps are certainly encouraging.

Indian candidates continue to be selected for the Royal Military College, Sandhurst, but I regret to say that my Government have cause for anxiety in that so few candidates possessing the necessary qualifications have come forward for selection. In these circumstances, I am gratified to know that the College designed to train Indian boys who aspire to enter Sandhurst has now been established at Dehra Dun. The College was formally opened by His Royal Highness the Prince of Wales last March, and I have subsequently visited it. There are 37 boys under tuition, accommodation for larger numbers is being provided, and the report on the first term's work of the College is decidedly satisfactory.

Air Vice Marshal Sir John Salmond is at present in India to examine and report to my Government upon the Air Force and whether economies in defence expenditure can be effected by increased use of the Air Force in co-operation with our Army for the external and internal protection of India. He has completed his inquiries and has submitted his report which will require most careful study.

I shall not to-day follow the more conventional course of referring in greater detail either to the work accomplished by the Legislature and the Government Departments during the last twelve months or to the proposals to be laid before you by the Government during this Session. I prefer to use this opportunity to consider with you matters of wider import to India and her future, which I know are seriously engaging your thoughts and forming the subject of your discussions. When considering the observations I am about to address to you, I would ask you to keep in mind that I came to India immediately after the initiation of the Reformed Constitution and that I was consequently entrusted with additional responsibilities which had not been laid upon my predecessors. A solemn declaration of policy had been made by His Majesty's Government, the necessary legislation had been passed, and, be it observed, not by one political party, but with the assent of all political parties in England, and the formal ceremonies of the inauguration of the new Legislature had been performed by His Royal Highness the Duke of Connaught on behalf of His Majesty. I came charged with the task of helping to guide India along the road of constitutional progress to the ultimate realisation of her aims in accordance with the declaration of 1917 and His Majesty's proclamation, and under the special directions of His Majesty the King-Emperor contained in the Instrument of Instructions issued to me with my Warrant of Appointment as appears from the following paragraph :

“ For above all things it is Our will and pleasure that the plans laid by Our Parliament for the progressive realisation of responsible government in British India as an integral part of Our Empire may come to fruition, to the end that British India may attain its due place among Our Dominions. Therefore, We do charge Our said Governor General by the means aforesaid and by all other means which may to him seem fit to guide the course of Our subjects in India whose governance We have committed to his charge so that, subject on the one hand always to the determination of Our Parliament, and, on the other hand, to the co-operation of those on whom new opportunities of service have been conferred, progress towards such realisation may ever advance to the benefit of all Our subjects in India.”

That policy remains unchanged, and if any shadow of doubt upon this subject lingered in the minds of any one it should be removed by the statement the Prime Minister recently authorised me to make and which I communicated to the deputation that waited upon me a short time ago. The Prime Minister speaks with the highest authority, for not only is he Prime Minister and the head of His Majesty's Government, and responsible for its policy, but he is the Prime Minister who presided over the Councils of His Majesty's Government when the declaration of 1917 was made and was responsible to Parliament when the Government of India Act, 1919, was introduced and passed.

It is now nearly eighteen months since I arrived in India and assumed the responsibility of my high office, and I need not say that I have watched with a keen and deep interest the progress made by this Legislature and the Legislative Councils in the Local Governments. Almost from the first moment of my arrival I observed that agitation was proceeding with a view to obtaining an immediate or almost immediate extension of the powers given under the new Constitution, which had then been but a few months in operation. As time progressed I learnt that there was an element of doubt, and even suspicion,

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regarding the intentions of His Majesty's Government to fulfil the promises they had made. It seemed difficult to understand that doubt should be entertained regarding promises solemnly made and deliberately expressed in formal documents. I have searched for grounds for these doubts and suspicions and have failed to find any reasonable basis for them. There is no promise that has been broken; there is no pledge that has been violated either by His Majesty's Government or my Government. Within the short period that has elapsed both His Majesty's Government and the Government of India have acted in accordance with the promises and pledges given. Why then is there this doubt? I cannot but think that in the natural desire of India for progress attention has been too much concentrated upon the promises to India, while perhaps insufficient regard has been paid to the language both of the declaration and the preamble to the Statute. It is there stated that the goal is the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government within the Empire. Advance is to be by stages. The time and manner of advance are to be judged by the British Parliament. Their judgment is to depend on the co-operation of the people of India and the development of their sense of responsibility. This is the foundation upon which the future progress of India is to be built. The eventual completion of the structure will take place when the British Parliament is satisfied respecting the essential considerations above-stated. I am putting the position very plainly to you. I feel it is right that I should. You will remember, I trust, that I am speaking in the interests of India of which I am the present custodian subject always to responsibility to His Majesty's Government and the British Parliament. Be assured that I am not the less in sympathy with the national aspirations of India because I survey the situation as I necessarily must, with a knowledge that India's future progress depends both as to time and manner of advance upon the good-will of the British Parliament.

Gentlemen, you have reason to be satisfied with the success you have already achieved in this Legislature during the short period of its existence. In the language recently used by the Prime Minister "there has been a very considerable measure of success" and very able and distinguished Indians have contributed to achieve this result. But this is only one part—although a very important part—of the picture. There is another aspect which I am sure presents itself to your minds at this moment, and I would ask you whether the events in India of the last eighteen months can fairly and reasonably be regarded as assisting the efforts you have made towards realisation of your aims, and whether indeed these events have not proved a hindrance and an obstruction to the progress of India? We have seen the Legislatures and all co-operating in constitutional progress doing their utmost to march forward. I wish this were the whole story; but facts must be faced, and we cannot ignore that a section of the people of India have spared no effort, not only to withhold their own co-operation, but to hinder and intimidate others. They have not stopped short of violence, they have not hesitated to foster antagonism to settled government, to stir up racial hatred and to lead the way back to chaos and

anarchy. The acts of this section during His Royal Highness' visit are too well known to you to require recapitulation ; here in India we know that they do not represent the real views of the Indian people. But can you wonder that they created a deplorable impression upon the British people throughout the Empire notwithstanding the devotion and loyalty of the great majority of the people of India ? The mischief was deliberately done, and in spite of the solemn warning I ventured to give of its inevitable effect upon the British people and the British Parliament.

I have said enough of the past : I now turn to the future. I look with confidence to you for help. If we are to secure the progress we all desire, we must create the atmosphere in which it can develop. There must be respect for law and order and support for constituted authority and for established government. Malign influences which mislead the uneducated masses into excess must be combated. We must see that the objects we are striving to achieve are understood and make appeal to the intelligence of the masses and command their sympathy. We must convince them of the sincerity of our purpose : We must make them feel assured that the first motive of all our actions is their ultimate well-being. You must attempt to diffuse that clearer vision with which you have been gifted. You must help others to share in that wider outlook and in those opportunities for material welfare which you enjoy. Defensive tactics alone will not suffice—We must lead and guide—upwards and onwards.

The task is not easy. It requires application ; it calls for patience ; but it is one which I am confident that your efforts can bring to a successful issue. It is a task in which you may rely on the fullest support of my Government and of the Civil Services, who, in the face of much misrepresentation and hostility, have freely and unsparingly co-operated to work the reformed constitution and continue to labour for its success. They are ready to help you, and they also look for your help.

You hear around you propaganda against the Reforms ; your rights are assailed by misrepresentations ; your privileges and prospects are attacked ; your achievements are belittled ; your aims are vilified. Last year I urged you to counter-action. I impressed on you that the electorate required education. I have the same advice to repeat to you now ; but I repeat it with more force and insistence. For another year has passed and a new election is within sight, and I make my earnest appeal to you in the interests of India so dear to your hearts to lend your influence and authority to help India forward to the attainment of her ultimate aims, to continue the advance which will secure to her, in the fullest degree, the great place that awaits her within the Empire.

The Council then adjourned till Eleven of the Clock on Wednesday, the 6th September, 1922.