

Monday, 26th February, 1923

# COUNCIL OF STATE DEBATES

(Official Report)

VOL. III, PART II

*(24th January, 1923 to 27th March, 1923)*

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THIRD SESSION

OF THE

COUNCIL OF STATE, 1923.



DELHI  
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# COUNCIL OF STATE.

Monday, the 26th February, 1923.

The Council assembled at Metcalf House at Eleven of the Clock. The Honourable the President was in the Chair.

## QUESTIONS AND ANSWERS.

### TRAFFIC INSPECTORS ON NORTH-WESTERN RAILWAY.

150. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is it a fact that on the North-Western Railway there are, in the Transportation Section, 42 Traffic Inspectors out of whom one post is permanently held by Indian and two posts temporarily? Is it also a fact that the two Indians holding the posts of Traffic Inspectors temporarily are likely to revert to their substantive appointments in the near future?

The HONOURABLE MR. D. T. CHADWICK : The present position is as stated by the Honourable Member. The men serving temporarily as Inspectors are unlikely to revert unless, on grounds of economy, it becomes necessary to reduce the sanctioned cadre of Traffic Inspectors.

### TRAFFIC INSPECTORS ON OUDH AND ROHILKHAND AND EASTERN BENGAL RAILWAYS.

151. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will the Government kindly state how many of the posts of Traffic Inspectors, Transportation Section, held by Indians are held by them permanently and temporarily in the Oudh and Rohilkhand Railway and Eastern Bengal Railway, respectively?

The HONOURABLE MR. D. T. CHADWICK : The number of posts of Traffic Inspectors, Transportation Section, held permanently by Indians on the Oudh and Rohilkhand Railway and Eastern Bengal Railway is 11 and 2, respectively. There are no Indians holding such posts temporarily on these railways.

### TRAFFIC INSPECTORSHIPS HELD BY EUROPEANS, ANGLO-INDIANS AND INDIANS.

152. The HONOURABLE RAI BAHADUR LALA RAM SARAN DASS : (a) Will the Government kindly state what number of posts of Traffic Inspectors in the Commercial Section on each of the North-Western, Oudh and Rohilkhand and Eastern Bengal Railways are held by Europeans, Anglo-Indians and Indians, respectively?

(b) How many of these posts are held by Indians permanently or temporarily in each of these three Railways?

(c) How many of the Indians holding the posts of Traffic Inspectors on each of these three Railways are engaged in clerical or ministerial work?

The HONOURABLE MR. D. T. CHADWICK: (a) (b) and (c). A statement is laid on the table.

*Statement showing the number of posts of Traffic Inspectors, Commercial Section, on State Railways by communities.*

Railways.	Europeans.	Anglo-Indians.	INDIANS.		Number of Indians engaged on clerical or ministerial work.
			Permanent.	Temporary.	
North-Western Railway	...	1	16	...	...
Eastern Bengal	6	4	8	...	...
Oudh and Rohilkhand Railway	1	...	15	...	1

#### NORTH-WESTERN RAILWAY BUNGALOW ACCOMMODATION.

153. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state how many Indians of the superior staff on the North-Western Railway were refused bungalow accommodation on the Mayo Gardens Railway Colony, Lahore, and how many have been given this accommodation? Will Government kindly state the grounds on which this bungalow accommodation was refused to Indian members of the superior Railway staff?

The HONOURABLE MR. D. T. CHADWICK: Government understand that four Indian officers of the North-Western Railway applied for house accommodation at the Mayo Garden Colony at a time when only a few houses had been built and the Agent in considering the allotment of these houses gave the preference to European officers on the ground that it is very much more difficult for European officers to obtain accommodation of that type in Lahore than for Indians.

Recently a house was offered in this Colony to an Indian officer but he refused it.

The HONOURABLE SAIYID RAZA ALI: May I put a supplementary question, Sir? Are Government prepared to state what led this Indian officer to refuse to take the house offered?

The HONOURABLE MR. D. T. CHADWICK: I am not aware of the reasons.

The HONOURABLE SAIYID RAZA ALI: Was it by way of protest that he refused to take it?



The HONOURABLE MR. D. T. CHADWICK: The house was offered to him genuinely and if he declined it he declined it. That is all I know. What prompted him to do so I have no information.

The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I understand that four Indian officers had applied . . . .

The HONOURABLE THE PRESIDENT: If the Honourable Member likes, he may put a supplementary question, but I cannot allow him to make a statement.

The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Was the house that was refused by that Indian officer offered to any of the other three Indian officers?

The HONOURABLE MR. D. T. CHADWICK: I should have to make inquiries about it. I do not know whether there were any other Indian applicants for the house.

STATE RAILWAYS, INDIANS IN SUPERIOR POSTS.

154. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is it a fact that as far back as 1913 the Public Services Commission recommended the employment of Indians to the extent of 50 per cent. in Superior Engineering as well as Revenue establishments of the State Railways?

The HONOURABLE MR. D. T. CHADWICK: The recommendations of the Public Services Commission were:

*Engineering.*—That recruitment should be based upon a distribution of posts between the Europe-recruited and the India-recruited branches of the Department, so that the proportion of appointments in the Superior Service open to Statutory natives of India would ultimately be raised to 50 per cent.

*Traffic.*—The larger employment of Royal Engineer officers in order to maintain a nucleus of officers imported from Europe. The rest of the staff should gradually be recruited in India from among Statutory natives of India.

*Stores.*—Recruitment in India should continue.

*Traffic and Stores.*—Indians should be appointed in at least 50 per cent. of the vacancies in the State Railways for which recruitment is made in India.

*Locomotive Carriage and Wagon Department.*—No recommendation as to the proportion of Indians to be employed was made. But the Commission advocated the training of India-recruited staff—both subordinates and apprentices—to fit them for promotion to, and appointment to, the Superior Establishment.

The HONOURABLE SAIYID RAZA ALI: Are Government in a position to state as to what is the proportion of posts held by Indians in the Engineering, Traffic, and Stores Departments referred to in the reply by the Honourable Member?

The HONOURABLE MR. D. T. CHADWICK : That covers all the State Railways. I have not that information, but I will certainly collect it as far as I can for the Honourable Member. It covers, as I have said, several Railways.

#### ADMISSION TO BOMBAY GOVERNOR'S LEVEES.

155. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : (a) Has the attention of Government been drawn to the Notification No. 2377, dated 11th December, 1922, issued from the office of the Military Secretary to His Excellency the Governor of Bombay and published in the Bombay Government Gazette (Extraordinary) of the same date, giving a list of officials and non-officials entitled to private entree at Government House and at the Governor's Levees ?

(b) Have Government noticed the omission in the list of persons who are members of the Central Legislature either the Council of State or the Legislative Assembly ?

(c) What action does the Government of India intend to take in this matter ?

The HONOURABLE MR. J. CRERAR : (a) and (b). Yes.

(c) The Government of India do not propose to take any action.

The private entree list of His Excellency the Governor of Bombay is a matter entirely for his personal decision.

#### RELIGIOUS AND MORAL EDUCATION IN GOVERNMENT SCHOOLS AND COLLEGES.

156. The HONOURABLE LALA SUKHBIR SINHA : With reference to the reply of the Honourable the Education Member to my Resolution, moved on 15th September, 1921, on the introduction of religious and moral education in Government schools and colleges, will Government be pleased to state—

(a) what action Local Governments have taken in the matter when the Government of India had removed the embargo imposed on the introduction of such instruction ;

(b) whether any Local Government has made any rules on the subject and, if so, to put a copy of them on the table ;

(c) in what schools and colleges such instruction has been introduced and with what result ?

The HONOURABLE MR. M. S. D. BUTLER : (a) to (c). It was explained by the Honourable the Education Member, in the course of the discussion referred to in the question, that the matter was now one in which the Local Governments could adopt such line of action as they thought fit. In the circumstances the Honourable Member should seek for the information he desires from the Provincial Governments.

#### RELIGIOUS AND MORAL EDUCATION IN JAILS.

157. The HONOURABLE LALA SUKHBIR SINHA : Has the committee on jail administration recommended the introduction of any religious and moral education in district jails and, if so, in what terms and what action has been taken in that direction and with what result ?

The HONOURABLE MR. J. CRERAR: The attention of the Honourable Member is invited to the recommendations of the Jails Committee contained in section V of Chapter XI of their report and to paragraph 13 of the Home Department letter No. 104, dated the 4th April 1921, which was laid on the Table of the Assembly on the 16th of September, 1921 (pages 272-277 of the Assembly Debates, Volume II, No. 4). The Government of India, while attaching great importance to the Committee's recommendations, were of opinion that the methods by which effect could be given to them must be defined for each province by the Local Governments concerned. The matter was therefore left to them to deal with under their rule-making powers. The Government of India understand that in some provinces action has already been taken. Financial stringency, however, in many provinces prevents the employment of paid teachers and consequently reliance has to be placed to a large extent on voluntary workers.

HORSE BREEDING STANDS.

158. The HONOURABLE LALA SUKHBIR SINHA: Will Government be pleased to state—

- (a) the districts in the United Provinces where horse breeding for military purpose is carried on and the number of studs provided there by the Military Department;
- (b) for what reasons the number of studs has been reduced from 18 to 3 in the Muzaffarnagar district?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) The districts in the United Provinces in which horse-breeding is carried on by the military authorities and the number of stallion stands (not "studs") allotted to each district are as follows:—

	Number of stands.
Meerut . . . . .	6
Bulandshahr . . . . .	5
Muzaffarnagar . . . . .	3
Aligarh . . . . .	4
Total . . . . .	18

(b) The number of stands in the Muzaffarnagar district has not been reduced from 18 to 3. It will be observed from the reply I have just given that there are only 18 stands in all the four districts.

AGRICULTURAL BULLOCKS AND MILCH COWS.

159. The HONOURABLE LALA SUKHBIR SINHA: With reference to the statement made by the Honourable the Revenue Member in reply to my Resolution, moved in the Council of State on the 19th September, 1922, regarding the appointment of a Commission to make inquiries into the condition of agricultural bullocks and milch cows, will the Honourable Member be pleased to state—

- (a) what action he has taken not to allow the Local Governments to rest idle in this respect, as far as it lies in the power of Government of India, and what movement Government of India has made in the desired direction;

- (b) what action, if any, the Local Governments have taken in the matter of providing grazing lands in their respective provinces ;
- (c) what action has been taken to improve the condition of fodder ;
- (d) what efforts are being made to improve the number and condition of agricultural bullocks and the condition of milch cows ;
- (e) what action Government has taken or proposes to take in stopping the Burma meat trade, as has been passed by the United Provinces Legislative Council and the Central Provinces Legislative Council ;
- (f) has the Government of India received a copy of the proceedings of a meeting held in Calcutta on the 23rd September 1922, for the preservation of cows in India, as well as a circular letter, dated 24th June 1922, from the Honourable Sir John Woodroff, on the question of preservation and providing of grazing land by legislation for the cattle ; if so, what action Government has taken or proposes to take in the matter ?

The HONOURABLE MR. B. N. SARMA : (a) A copy of the speech delivered by me in the Council of State on the 19th September 1922, in reply to the Honourable Member's Resolution referred to was forwarded to all Local Governments for information and such action as they might deem necessary to take, with the remark that the Government of India fully realised that the cattle problem was beset with many difficulties—financial and otherwise— but that, as the improvement of the breed and number of cattle was of paramount importance in an agricultural country like India, they hoped that Local Governments would devote as much attention as possible to the development of this branch of activity.

(b), (c) and (d). The Government of India have no information on the subject.

(e) The Government of India have not taken any action in the matter nor do they see their way to take any action in the manner suggested.

(f) The reply to the first part of the question is in the affirmative. As regards the second part, the Government of India have not taken any action, beyond that referred to in (a) above, nor do they propose to take any further action, in the matter.

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#### BILLS LAID ON THE TABLE.

The SECRETARY OF THE COUNCIL : Sir, in accordance with Rule 25 of the Indian Legislative Rules I lay on the table the Bills which were passed by the Legislative Assembly at its meeting held on the 24th February, 1923. They are :—

(1) A Bill to provide for the creation of a fund for the improvement and development of the growing, marketing and manufacture of cotton in India.

(2) A Bill to consolidate and amend the law in British India relating to official secrets.

## RESOLUTION *RE* RECOMMENDATIONS OF COMMITTEE ON INDIAN ARMS RULES.

The HONOURABLE LALA SUKHBIR SINHA (United Provinces Northern : Non-Muhammadan) : Sir, after making a few brief observations on the whole Resolution\* I will request your permission to move it clause by clause.

The HONOURABLE THE PRESIDENT : With reference to that I would point to the Honourable Member that his Resolution is of an omnibus character and it might very well form the subject matter of several Resolutions. I will allow him to move it clause by clause but he must not imagine that he can take half an hour on each clause (Laughter). The time permitted for his speech on a whole Resolution is 30 minutes and he must bear this in mind. I shall put each clause of the Resolution separately and then put the Resolution as amended.

The HONOURABLE LALA SUKHBIR SINHA : Thank you, Sir, I assure you that I would not take more time of the Council than is necessary. In 1878 when the Arms Act was passed there was a great deal of discontent in the country. From that time till now people have been asking Government from time to time to repeal the Act or to modify it in such a way that more arms could be kept by the people. In 1918 in the old Imperial Legislative Council this question was brought up for discussion and a committee was appointed to modify the rules of 1909. That committee made some rules which were accepted by the Government and notified in 1920. In those rules many of the old exemptions, that is exemptions enjoyed by the people, were taken away. For instance, the Members of the Imperial Council as well as Provincial Councils were allowed no exemptions and all Magistrates were deprived of that right which they had before 1920 and so on. From that time the matter has been brought before the Government in this Council as well as in the Assembly on different occasions. I moved two Resolutions in this Council to exempt the Members of the Imperial as well as the Provincial

\* " This Council recommends to the Governor General in Council to give immediate effect to the recommendations of the majority report of the Committee on Indian Arms Rules with the following alterations :

1. That in paragraph 3, entry 1 (a), the Members of the Provincial Legislatures should also be exempted;
2. That in entry 6 (g) :
  - (a) All zemindars, who pay Rs. 3,000 or over as land revenue in the Agra Province, should be exempted;
  - (b) that heads of joint Hindu families, who pay Rs. 3,000 or upwards as land revenue, should also be exempted and the adult male members on the analogy of the entitled class be considered as belonging to it.
3. That entries 11, 11 (a) and 11 (b) be retained and all future title-holders, etc., should also be exempted.
4. That in paragraph 4 all Magistrates, stipendiary or honorary, Honorary Munsiffs and Honorary Assistant Collectors and other gazetted officers should be exempted.
5. That in paragraph 5, no restrictions be placed on the possession of firearms by exemptees who should be required to have them registered.
6. That the following be included in the entitled class :
  - (a) All Members of the Imperial as well as Provincial Councils;
  - (b) Barristers, Pleaders, Vakils of High Court of 5 years' standing;
  - (c) Professors, Readers and Lecturers at Colleges affiliated to an Indian University;
  - (d) M. As.;
  - (e) B. As. of seven years' standing."

[Lala Sukhbig Sinha.]

Councils and Honorary Magistrates and some others. That Resolution was carried in March 1921. Again in the Assembly a Resolution was moved by Baba Ujagar Singh Bedi in February 1922 and that was adopted. A Committee was appointed to amend the Rules of 1920. That Committee has made a report which now is under discussion. The report of the Committee will now be laid before the Government for final orders. Before any Government order is passed I took the opportunity to bring the whole question before this Council for discussion. In that report certain changes have been made for the better. For instance, they have extended the right of exemption to Members of the Imperial Council and they have increased the entitled class. They have reduced the fees and they have allowed more arms to be given to tenants for the protection of crops and they have removed the limit of ammunition also to some extent. But still there are many objections that can be made and I have put them forward in this Resolution. In this country the limitations about keeping arms are much limited and we, as loyal subjects of the Government, especially at this time when we are getting reforms and progress all round, are entitled to ask the Government either to repeal the Arms Act of 1878 altogether or to modify the rules in such a way that men of status, men of position, men of education may have a chance of keeping arms for their own use. I think nobody here will disagree with me when I say that by keeping arms you can cultivate martial habits and therefore the people of this country by keeping arms will be a better fighting nation. In the late great war it was shown that the Indian people could not serve the Government as much as they ought to have done. They were sent as labourers, more than fighting people as they ought to have been. Therefore on these general lines I have brought this Resolution before this Council for consideration and now, Sir, with your permission I shall move the Resolution clause by clause so that Honourable Members may have a chance of expressing their opinion on any clause that they like. My first clause runs as follows :—

“ That in paragraph 3, entry 1(a), the Members of the Provincial Legislatures should also be exempted.”

The majority report of the Committee has recommended that Members of the Council of State and the Assembly should be exempted, but not those of the Provincial Councils. I see no reason whatever why Members of the Provincial Councils should not have the same right as Members of the Council of State and Assembly. Before 1920 all those Members had the privilege of exemption and I think that privilege should be allowed to continue. Therefore I move clause No. 1 of my Resolution :—

“ This Council recommends to the Governor General in Council to give immediate effect to the recommendations of the majority report of the Committee on Indian Arms Rules with the following alterations :

1. That in paragraph 3, entry 1(a), the Members of the Provincial Legislatures should also be exempted.”

The HONOURABLE THE PRESIDENT : It will be convenient if I explain the course which I propose to adopt in dealing with the Honourable Member's separate clauses in which he proposes amendment of the report. We will dispose of each clause in turn, so the Council can discuss each as a separate point. When the clauses have been discussed and decided on separately, then, if any Honourable Member wants to go back to the general discussion, he can do so ;

and this will give Honourable Members an opportunity of expressing their views on the majority report. The question now open to discussion by the Council is that clause 1 stand part of the Resolution.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN (West Punjab : Muhammadan) : Sir, I stand to oppose this particular clause. My first objection is that these Councils will always exist for three years, and then these Members will be replaced by fresh ones. If a man has got the privilege of keeping arms for three years and after that the arms are taken away from him, he will be angry and it may create trouble. Then there is another thing, Sir, namely, that we are always threatened by non-co-operators. Now they may try to send in sweepers and all sorts of menials, and we do not know what men they will try to send in the next time ; they may send up perhaps *badmashes* entered in Register No. 10 or such people, I do not know. I think therefore that giving a license without any discretion would be a very great mistake. Of course, Sir, there is one exception ; if the President chooses the proper man, and not all the Members, then it will be all right, because it is not every one who comes into the Councils that should be in possession of firearms. Then, Sir, if each and every man is allowed to get arms, perhaps they will terrorize people just as such people are doing in some other countries ; and they may be coming with a pistol into the Council and simply fire at anyone they dislike. There is another thing. There are certain people who are already trying to enter certain Councils who have been in the habit of taking *rasa*, which means that he takes stolen property in the shape of cattle. If such men can come in and they also have the privilege of getting firearms, I think it is wrong for the Administration to allow the concession. In my opinion whenever a Member applies for a license I think the Deputy Commissioner or the police officer or the tahsildar or some other responsible official who actually knows what sort of person he is who wants a license ought to be consulted, and I think the wholesale giving of arms to a class is absolutely wrong in principle. So I oppose this particular motion.

The HONOURABLE SIR MANECKJI DADABHOY : Sir, I think that this is a Resolution of such a complicated character and involving such invidious distinctions that the less said the better. One point, however, I wish to bring to the notice of this Council and of the Honourable mover of this Resolution. As I understand, the real motive underlying the framing of the revised rules under the Arms Act was to place as far as possible both European and Indian subjects of His Majesty in British India on a footing of equality and to avoid as far as possible invidious distinctions in the administration of the Act. It is a matter of a very delicate nature and I am aware that a lot of heart-burning and discontent has been caused in the past, and I hope this Council will try to obviate any further heart-burning on this subject by not discussing at considerable length the various qualifications which entitle a person to exemption under the Arms Act. It is our duty to bring its operation into accord with the original intention of the Legislature in revising the rules to avoid heart-burning and to make exemptions as few as possible. As regards this particular exemption which is now for the consideration of this House, I give my unqualified support. I think if the Honourable Members of the Imperial Legislature are to be exempted, it is only due to Members of our Provincial Councils that a similar exemption should be extended to them. It would cause no hardship. We are all now endeavouring to obtain Provincial autonomy as far as possible, and I think that the status of our

[Sir Maneckji Dadabhoy.]

Legislatures in the Provinces should also be enhanced; and so far as that part of the Resolution is concerned I do not see any objection, and I think this Council will readily accord its sanction. When the other parts of the Resolution come up for discussion before this Council, probably the Honourable Member will find me at variance with him in many respects, but I do hope that so far as this portion of the amendment is concerned, it will commend itself to the Council.

The HONOURABLE MR. J. CRERAR (Home Secretary) : Sir, before the Council proceeds further to the examination in detail of the various clauses of my Honourable friend's Resolution, it may perhaps be convenient if, with your permission, I give some indication to the House of the general attitude of Government towards the report of the Committee. I confess that when I received notice of my Honourable friend's Resolution I felt some sense of embarrassment owing to the fact that it raised so many issues of detail. If my Honourable friend's Resolution had confined itself to more general questions of principle, if it, in fact, had raised substantially one definite issue, I think that possibly the attitude of Government towards it might have been different. The House is aware that the proposals which my Honourable friend seeks to modify are proposals laid before Government by a Joint Committee of both Chambers who very carefully considered the history and the present situation of the Arms Act and the rules thereunder and have made recommendations, some of a very comprehensive character, which will I think go very far to secure what my Honourable friend Sir Maneckji Dadabhoy indicated as being a very undesirable result, namely, the appeasement and abatement of the heart-burning and discontent which several of these provisions have unquestionably created. The Government of India have taken the Committee's report into very careful consideration, and subject to inquiries from Local Governments and other authorities concerned, they hope to be able to carry out the main recommendations of the Committee: it must be realized, however, that all these questions closely affect Local Governments, who are in charge of the detailed administration of the Rules, and the Government of India, therefore, cannot commit themselves in detail until they have consulted them. But their provisional study of the question leads them to believe that effect can be given to the great bulk of the recommendations. With these preliminary remarks, Sir, I will deal with the clause of the Resolution which is now immediately before the Council. On the question on which a decision has now to be arrived at by this House, the Government of India have the recommendations of the Committee before them and they recognize that it involves a delicate question on which they will be glad to have the views of the nonofficial Members of this House. While there are many points in the Honourable Member's Resolution and even in its preamble to which I shall have to take exception at a later stage, on this particular point I desire to say that the Government do not intend to interfere in the debate but will be very glad to have an expression of the sense of the House.

The HONOURABLE KHAN BAHADUR NAWAB MOHAMED MUZAM-MILLULLAH KHAN (United Provinces : Nominated Non-Official) : Sir, in view of ever increasing anxiety of my Honourable friend the mover for rearming our country, I very much regret that I had not an opportunity of proposing an amendment to the effect that the whole Arms Act may be withdrawn, in order to save the time of the Council and avoid the trouble



of my Honourable friend in proposing such a very wide amendment. It would be more simple if the whole Act was repealed and every man was free to get arms. But as it has been ruled from the Chair that we must proceed clause by clause of this Resolution, I regret very much the omission by the Honourable mover of the many classes of the people who are much more anxious to get free of the operation of this Act than those mentioned in this clause. Why not all the Doctors of Law, the Doctors . . . .

**THE HONOURABLE THE PRESIDENT:** The Honourable Member must confine himself to the amendment under discussion and not stray from the point.

**THE HONOURABLE KHAN BAHADUR NAWAB MOHAMED MUZAM-MILLULLAH KHAN:** Very well, Sir. About this clause the first thing is that the tenure of office of Members of the Provincial Councils is only a few years, and it means the same thing as feeding a man for one day and next day refuse to give him food; it means that you will exempt him for the term of his office and then if he is not re-elected he will feel disgraced because he was exempted for a few years and then the exemption is removed. If, on the other hand, such a Member is exempted for life, it means that with each succeeding term of the Councils more and more men will be exempted. Every law is based on some principle. If there is any principle underlying this law, there must not be so many exceptions as there are already so many in existence. Besides, the Local Governments have power to exempt any man or class of men they think fit; and if the Local Governments want to exempt the Members of their Provincial Councils, they can do so at any time. But for the Government of India to pass a general order of this kind does not seem fair or advisable. With these words, Sir, I oppose the whole Resolution and this clause of it particularly.

**THE HONOURABLE SAIYID RAZA ALI (United Provinces East: Muhammadan):** Sir, the retention of privileges by any class does not commend itself to me, because such retention necessarily implies that there are considerable sections of the population which have no share in those privileges. The whole policy underlying the administration of the Arms Rules has been subjected to hostile criticism for many generations. The Government of India modified these Rules in 1919, and I am glad to say that the tendency shown then was to curtail the sphere of exemptions to a considerable extent; but unfortunately very large exemptions were still retained which, not unnaturally, led to an agitation on the part of those whose privileges had been taken away, and, as has been pointed out by the Honourable mover, the result of that agitation was the appointment of a Committee in 1922 whose report is before this House.

Sir, the Committee itself admits that the ideal arrangement would be to do away with all exemptions and to allow people to possess arms or firearms as the case may be only by taking out licenses. But the Committee proceeded to say that that counsel is a counsel of perfection and it is not possible to give effect to it. As has been pointed out by one of the dissentient members who has written a careful minute of dissent, if the Government of India took its courage in both hands it would be possible indeed to act upon what is called the counsel of perfection. All the same, Sir, I must say that whether it is possible or not to do away with all concessions and exemptions, to me it seems that it is highly undesirable to further extend the scope of those privileges.

[Saiyid Raza Ali.]

As I have pointed out, the very retention of privileges implies that there are large numbers to whom those privileges are denied. It follows therefore that unless you extend your exception to such an extent that the exception becomes the rule and the rule the exception, namely, unless you practically place arms within the reach of every respectable man, the policy of adding to exemptions is not one that would recommend itself to any man who had the good of his country at heart.

After these remarks, Sir, I will at once proceed to the clause which is immediately before the House. I entirely dissociate myself, Sir, from the light-hearted manner in which a previous speaker has dealt with this subject. It is not for us to speak with levity of Members of Provincial Councils. They are persons in fact on whom greater responsibility under the Government of India Act is laid than, at any rate, on Members of this august assembly. So far as the clause which recommends the extension of exemptions to Members of the local Legislatures goes, I find, Sir, that the position taken up by the Committee was the weakest. On referring to the Committee's report, Honourable Members will find that there is no marshalling of facts, no weighing of arguments, no attempt to come to reasonable conclusions or to formulate deductions, but a tendency to arrive at dogmatic decisions which is wholly unjustifiable. The entire question has been dealt with by the Committee in four lines, and those four lines read as follows :

"We would include Ministers and Members of the Imperial Legislature during their terms of office and Privy Councillors. The Committee by a majority do not recommend a similar concession to Members of the Provincial Legislatures."

That is the whole reasoning that the collective wisdom of this Committee has brought to bear upon this subject. I need hardly say that dogmatic as it is, there is no attempt whatsoever at reasoning in this passage. For obvious reasons the case of the Members of the two Chambers of the Central Legislature stands so far as I am able to judge on the same footing as the case of the Members of the local Legislatures. One of the previous speakers tried to distinguish and pointed out that the difficulty was that the term of office of those mortals, the Members of the local Legislatures, extends only to three years and no more. May I point out that similar is the term of office of the Members of the Legislative Assembly, whereas in the case of those immortals, the Members of this august Chamber, the term extends to five years. So that the same difficulty that the Government will have to face in the case of local Legislatures will appear in exactly the same manner in the case of the Assembly and after two more years, namely, on the expiry of five years, in the case of this Chamber. I submit that, whether it is a good thing or not to retain these privileges,—and so far as I am concerned, I am quite free from doubt on that point,—if it pleases Government to make exemptions, those exemptions should be based on some solid principle. In the two cases I have pointed out, the Committee have tried to make a distinction where no difference, in fact, exists, and therefore, I hope sincerely that this part of the Committee's report will not commend itself to Honourable Members. If this House sets its face against this clause embodied in the Resolution of my Honourable friend, I doubt not it will be a case of every man for himself and God for all. Here is a Committee consisting of certain Members of the two Chambers of the Legislature and the first recommendation of that Committee is that the two Chambers should be exempted from the operation of the Arms

Act. The spirit underlying that recommendation is contagious, and I doubt not that in course of time every local Legislature will proceed to appoint a Committee and end-by voting that that Legislature should be exempted.

The HONOURABLE THE PRESIDENT : The question is that clause 1 stand part of the Resolution.

The motion was adopted.

The HONOURABLE LALA SUKHBIR SINHA (United Provinces Northern : Non-Muhammadan) : I beg to move :

“ That in entry 6 (g) :

- (a) All zemindars, who pay Rs. 3,000 or over as land revenue in the Agra Province, should be exempted;
- (b) That heads of joint Hindu families, who pay Rs. 3,000 or upwards as land revenue, should also be exempted and the adult male members on the analogy of the entitled class be considered as belonging to it.”

Sir, this matter has been in dispute for many years, especially in the United Provinces where all the taluqdars as a class have been exempted without any regard to the amount of land revenue paid by them, while in the case of zemindars it has been ruled that those who pay Rs. 20 000 or more will be exempted but not those who pay less than Rs. 20,000. In the case of the Punjab also this difference has been under discussion and the Arms Act Committee also considered this question. The Committee have said that the Local Governments have different views and that enquiries should be made into this question as a whole, especially in the Punjab, the United Provinces and the Central Provinces. Many meetings of the zemindars have been held in the United Provinces and they have all along recommended to Government that those zemindars who pay Rs. 3,000 or upwards as land revenue should be exempted from the operation of the Arms Act on the ground that Rs. 3,000 as land revenue is a sufficient amount to show that the man is a man of position and status.

In the case of joint Hindu families, at present the rule is that neither the head of the family nor any major member thereof will be exempted unless the land revenue is not less than Rs. 20,000 in the case of every member of the family. I think this rule is a very hard one. If a joint Hindu family consists of three members and all of them pay Rs. 30,000, none of them will come under this rule, and neither the head of the family nor any member thereof will be exempted. I beg to propose that if a joint Hindu family pays Rs. 3,000 or more as land revenue, at least the head of the family should be exempted. Therefore, I move this clause 2 of the Resolution.

The HONOURABLE MR. J. CRERAR (Home Secretary) : I must oppose this clause. In doing so I propose to make one or two general observations on the principle of exemptions. The Committee which examined this question came to the conclusion that the principle of exemption as a whole was an undesirable principle and in that view the Government of India entirely concurred. It will however be evident to the House that this is not a matter which can be summarily disposed of by a stroke of the pen. Exemptions have been in operation in India now for many years. Certain persons and certain classes of persons have enjoyed those exemptions, and their immediate removal would undoubtedly cause a degree of discontent and heart-burning disproportionate to any advantage gained by an increased element of uniformity. The policy of the Government of India in this matter coincides entirely with that of the

[Mr. J. Crerar.]

Committee. While exemptions are in themselves things undesirable, they will have to be removed gradually. Now, I object to my Honourable friend's proposition under this clause on that general ground. I also object to it on another of an equally practical character. The Committee recognised, as the Government of India recognise, that the term "zemindar" is a term neither very precise nor very definite. In the varying circumstances of the various provinces of India one particular formula would not be equally applicable to all those areas. The Committee therefore came to the conclusion that this was a matter in which the Local Governments particularly concerned should be consulted before the Government of India arrived at any definite conclusion. The Local Governments are being consulted in this matter and I think the House will agree that it is eminently a matter in which the Local Governments should be consulted before any final decision is arrived at. Therefore, without prejudice to the further consideration of this question and the formulation of some more definite method of including gentlemen of this class in the list of exemptions, I must oppose this portion as being at present premature.

With regard to the second portion of the clause, I must also oppose it. I think the House will agree that exemption is essentially a personal matter, it is a personal and individual matter. It would be anomalous that because the personal law of a particular community involves the custom of joint family property, that fact should be taken into consideration as relevant in coming to a decision on a matter which is purely personal and individual. The House will differ as to whether it is desirable that any one should enjoy a privilege of this kind at all, but I think I have given some reasons why, as a practical proposition, it is desirable that the restriction of the privilege of exemptions should be proceeded with gradually. On these grounds I must oppose this portion of the Resolution.

The HONOURABLE LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : I beg to propose the amendment which stands in my name and which reads as follows . . . .

The HONOURABLE THE PRESIDENT : The Honourable Member had better move the second part of his amendment first.

The HONOURABLE LALA RAM SARAN DAS : I move :

"That all zemindars or the heads of the joint Hindu families who pay land revenue of Rs. 1,000 or over in the Punjab and Rs. 3,000 or over in all other provinces of India should be exempted and the adult male members on the analogy of the entitled class be considered as belonging to it."

Sir, I cannot see any reason why the Honourable mover of the Resolution has altogether excluded from this privilege the great commercial and industrial classes. They have got an equal stake in the country and so they ought also to be given the privilege of exemption which the Honourable mover seeks for landlords and big zemindars. With these few words I commend my amendment to the Honourable House.

The HONOURABLE THE PRESIDENT : I asked the Honourable Member to move the second part of his amendment, relating to income-tax.

The HONOURABLE LALA RAM SARAN DAS : Very well. Part 2(b) of my amendment reads as follows :

"That those persons or heads of joint Hindu families who pay income-tax on an income of Rs. 20,000 or over should be exempted and the adult male members on the analogy of the entitled class be considered as belonging to it."

I move this amendment and commend it to the acceptance of this Honourable House.

The HONOURABLE MR. J. CRERAR: I think it will be apparent to the House that, for the reasons I have already urged, it is equally impossible for me to accept this amendment. I do not propose to deal with this matter at any very great length and I will simply say this. The Committee themselves recognised the undesirability of the privilege of exemptions. That view has been fully accepted by the Government of India and my Honourable friend's proposition would undoubtedly result in an enormous extension of this privilege of exemptions. It has this further disadvantage that while, as I have said on a previous portion of my Honourable friend's Resolution, the exemption enjoyed is in all essentials an individual and personal privilege, the terms of my Honourable friend's proposition would make it general and indeterminate in its scope in the case of a particular community. On both these grounds I oppose this motion.

The HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : General) : Sir, I also oppose this amendment on grounds entirely different from what the Honourable the Home Secretary has urged. I quite endorse what the Honourable the Home Secretary has stated, that the Resolution involves an invidious distinction and the matter of exemption is always a question of personal qualifications more than anything else and it is on these grounds that a Resolution of this character ought not to be encouraged. Apart from that there is the impracticable character of the Resolution itself, both the amendment as well as the original Resolution are wholly impracticable. My Honourable friend wants to confer on the head of a joint Hindu family a somewhat larger status. Conceding for a moment that Government agrees to give the exemption to the elder male member of the family as my friend contemplates, what is going to happen immediately a partition takes place in the family? Under the law as it stands any adult coparcener in a Hindu joint family can demand partition of the family estates at any time and if that be the existing law, what will the Government do—immediately disqualify the elder member whose name stands on the register of exemptions and remove his name? Would it not be an indignity for the family? Would it not be unworkable in practice? Would it not to a certain extent discourage partition or encourage the elder member of the family to put obstacles in the matter of partition? Most of the lawyers know and public opinion has declared that the joint Hindu family system is a curse and has many drawbacks and disadvantages. Are you going to append one more disadvantage to the Hindu joint family system by conferring a precarious and unsubstantial exemption of this character which can be set at naught at any time. Surely my friend as a Hindu knows that often disputes arise between coparceners and would not the head of the family bring to bear undesirable pressure on the junior members of the family who desire partition and try and retain them into the closure of the joint family? From the Government point of view there is another substantial difficulty. Is Government going to make these clerical changes constantly in the registers merely because partition and reunion take place from time to time in the family, remove the elder member from the register and then bring him again under the category of the exempted? I think the whole idea is impracticable and ought not to be supported. It is for these reasons I oppose this part of the Resolution.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN (West Punjab : Muhammadan) : Sir, I oppose this amendment on a different score. A limitation has been fixed on the amount of money which the male members of the joint family must have so as to be able to obtain license. There may be four, five or forty members. So there will be inequality when money is divided into individual members. When the money is distributed into bigger and smaller sums, how is equality going to be kept? As there will be always inequality, I oppose this amendment.

The HONOURABLE SAIYID RAZA ALI (United Provinces East : Muhammadan) : The whole scheme of my friend, the Honourable mover, is based on a distrust of the executive which will be charged with the administration of the Act. I for one take the view that it is not the letter of the law which counts but the spirit in which that law is administered. The whole solicitude for getting as many exemptions as possible goes to show that we are not yet free from doubt that the rules will not be administered in a manner which would be a reminder of the times gone by. Now not much depends on the list of exemptions that can be incorporated in the rules. We should try to have the rules administered in such a manner that every man who deserves to have a fire-arm or an arm should get it.

Now I think it will be bare justice to acknowledge here that the majority report, though by no means very liberal in its scope, yet has made recommendations which if carried out in a liberal spirit, will remove most of the grievances that are the subject matter of the clause embodied in the Resolution of my friend. On this point, Sir, the Committee have made four recommendations, and if all these are accepted by Government and carried out liberally, I think that will make it unnecessary for my Honourable friend or gentlemen of his way of thinking to insist on an enlargement of exemptions. Now the four points laid down by the Committee are that every man who pays Rs. 500 as land revenue or pays any income-tax or is in receipt as a Government servant of a salary of Rs. 100 or pays Rs. 100 in road or public work cesses, is entitled to have a license, and in the case of such a man it should not be open to the District Magistrate to say, 'No, I will not give you a license till I institute an enquiry and as a result of that enquiry I am satisfied that you are a desirable man.' I must say, Sir, that the recommendations of the Committee, though they do not go as far as some of us should have liked, are liberal enough, and if they are liberally given effect to by those who are charged with the administration of the Act, namely, District Magistrates, then I doubt not that it will not be necessary for us to insist on these exemptions. For these reasons, Sir, I do not think it is necessary to agree to the amendment that is before the House and which has been moved by my Honourable friend Lala Ram Saran Das.

The HONOURABLE MR. PURSHOTAMDAS THAKURDAS (Bombay : Nominated Non-Official) : Sir, I want to address a few words on the point made by the Honourable Saiyid Raza Ali when he sat down just now. It struck me that the Resolution put before the House by my Honourable friend Lala Sukhbir Sinha as well as the amendments were more in the nature of seeking privileges for the land-owning class or for classes which pay certain amounts to Government. I think that from that point of view, pure and simple, a Resolution of this nature would hardly meet with the approval of the House. For, after all, supposing certain classes of people who enjoyed certain privileges till now are to be denied those privileges, what is it that

such people who are denied such privileges could have recourse to? They would have to apply for licenses in the ordinary course, as others who do not pay the minimum amount of land revenue or of income-tax to Government. To a course like this there should hardly be much objection, but for the fact of the suspicion in the mind of the public referred to by my Honourable friend Mr. Raza Ali; and while my friend Mr. Raza Ali has told the House how the Arms Rules Committee have tried to meet these objections, I think that my friend the Honourable Lala Sukhbir Sinha has really reflected here the apprehensions of the public in some directions in the Resolutions that have come up here. I am not one of those who are very intimate regarding the difficulties of people in getting arms in this part of the country, but I think that if one further step could have been taken or could have been suggested by the Arms Rules Committee in some shape like this, that whenever applications have to be considered . . .

The HONOURABLE THE PRESIDENT: I must point out that if Honourable Members insist on making speeches on the general question and not on the amendment, we shall not get on. The amendment before the House is this, that additional exemptions should be inserted in regard to income-tax payers.

The HONOURABLE MR. PURSHOTAMDAS THAKURDAS: I think we are on the Resolution.

The HONOURABLE THE PRESIDENT: No, on the amendment.

The HONOURABLE MR. PURSHOTAMDAS THAKURDAS: I am sorry, Sir, I did not understand that I was not speaking on the amendment. If we are on the amendment, I would have nothing more to say, and I would certainly be inclined to support the amendment also; I will explain this later on.

The HONOURABLE LALA SUKHBIR SINHA (United Provinces Northern: Non-Muhammadan): Sir, I admit my mistake in not including income-tax payers, and I am glad that my friend the Honourable Lala Ram Saran Das has put forward that motion. As to the remark of my Honourable friend the Honourable Sir Maneckji Dadabhoy, who said that the system of Hindu joint family is a curse, I may point out that it is not a curse but a blessing. But the times are changing and the laws are changing, and therefore we are obliged to have partition. I wish, Sir, that there may be no partition and that old families and houses will remain intact and impartible estates. The Honourable Mr. Raza Ali has said that there is a distrust of authorities who grant licenses. It is not the case. I do not propose to create any new privileges, but what I want is that if there are any exemptions, they should be made in the case of all those who are entitled to those exemptions.

The HONOURABLE THE PRESIDENT: The question is, that after clause 2, the clause under discussion, an additional clause be inserted as clause 3 running as follows:

"That those persons or heads of joint Hindu families who pay income-tax on an income of Rs. 20,000 or over should be exempted and the adult male members on the analogy of the entitled class be considered as belonging to it."

The motion was negatived.

The HONOURABLE THE PRESIDENT (to the Honourable Lala Ram Saran Das): Will you move your first amendment now?

The HONOURABLE LALA RAM SARAN DAS: Sir, I beg to move my first amendment which runs as follows:

"That the following entry should be substituted for the entry in 6(g), (a):

'That all zemindars or the heads of the joint Hindu families who pay land revenue of Rs. 1,000 or over in the Punjab and Rs. 3,000 or over in all other provinces of India should be exempted and the adult male members on the analogy of the entitled class be considered as belonging to it.'

Sir, my friend the Honourable mover confines this privilege to his own province, rather to a part of his own province. I beg to move, therefore, that all other provinces should have the same privilege. As far as the Punjab is concerned, land holdings are very small, and there are few people who pay a land revenue of Rs. 3,000 or over. For that reason, Sir, I propose that as far as the Punjab is concerned, those people who pay land revenue of Rs. 1,000 and over should be exempted. In other provinces of course we have got big zemindars and big taluqdars who pay lakhs and lakhs of rupees in land revenue, but in the Punjab that is not the case.

The HONOURABLE THE PRESIDENT: To the proposal under discussion amendment moved:

"That for sub-clause (a) the following be substituted:

(a) That all zemindars or the heads of the joint Hindu families who pay land revenue of Rs. 1,000 or over in the Punjab and Rs. 3,000 or over in all other provinces of India should be exempted and the adult male members on the analogy of the entitled class be considered as belonging to it.'

The HONOURABLE MR. J. CRERAR (Home Secretary): Sir, in opposing this motion I do not intend to detain the House or to go in detail into its merits. I think the mere fact that my Honourable friend, the mover of the main Resolution, and my Honourable friend Rai Bahadur Lala Ram Saran Das have displayed on this matter so marked a discrepancy of opinion is conclusive proof that it is a question on which further consultation with Local Governments with reference to local conditions is absolutely essential before any decision is arrived at. On that ground alone, apart from any question of the merits, I oppose the amendment.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, I do not understand why such preference has been shown by my Honourable friend for Agra. Perhaps because my friend lives there he thinks Agra and the United Provinces the choicest of all places and one which has taken the lead of all other provinces. If matters had remained there it would have been all right, but as the Punjab has also been brought in by this new amendment, I just want to make certain observations before the House. In the last few years, Sir, it will be known that dacoities and murders in the Punjab have greatly increased. The reason is that many people without licenses are in possession of firearms. Some of them get arms from the frontier which is next door, and others steal them from those who are weak; for there are certain classes of people from whom a man with an ordinary *lathi* could snatch a gun away. I heard, Sir, the other day that a man of this class asked for a license for a pistol and when he was asked why he wanted a pistol he said it was a nice thing which could be put into a pocket. He was then asked, 'are you going to fire it?' 'No', he said, 'but I will have a good servant taught how to fire it'. It may be, Sir, that these servants employed to fire pistols may be very good men, but they may also be bad men who may in the night go off and join a gang of dacoits. Then again, Sir,



there was a case in Gujranwala in which it was found that arms had been collected for the purpose of fighting the State. And there is the danger if exemptions are granted wholesale that some day when there are again disturbances the owners of firearms may take the same course as they took in Malabar.

Then, Sir, if arms are to be allowed to a man simply because he happens to be born in a family with a certain amount of income, he may himself get mixed up with dacoits or become a gambler or a *badmash*, and it might be very difficult for Government or the police to keep a check on so many of such sort of men. Then it is well-known that though a man may be paying a large revenue, and it is the same in all provinces, he may yet be in debt up to his nose. Is that fact to be taken into consideration or not? If he is in debt, naturally he will want to get out of it, either by going to money lenders to threaten them or by some other means which may not be quite so legal. In the same way, Sir, about Hindu families; perhaps the House would like to hear a story which I have heard. A man was going on a journey and told his servant to take his gun along in order to protect him. As evening fell and there was fear of dacoits, he told his servant to load the gun, and the servant loaded it. And he said to the servant, "show me the gun," and he put his finger into the barrel and said, "Oh no, it is not loaded." He thought that when you load a gun it ought to be filled up to the muzzle, and he told the servant that he was bluffing him; but the servant said no, it was loaded. He told the servant to fire the gun and the servant fired it and it went off. Then the man said, "these are dangerous things; you can fire them even when they are empty".

There is, therefore, Sir, always this danger of firearms being stolen from people of that class and so get into the hands of dacoits. I oppose this clause.

The HONOURABLE THE PRESIDENT: The question is:

"That for sub-clause (a) of clause 2 of the Resolution the following be substituted:

'That all zemindars or the heads of the joint Hindu families who pay land revenue of Rs. 1,000 or over in the Punjab and Rs. 3,000 or over in all other provinces of India should be exempted and the adult male members on the analogy of the entitled class be considered as belonging to it'."

The motion was negatived.

The HONOURABLE THE PRESIDENT: The question is:

"That clause 2 stand part of the Resolution."

The motion was negatived.

The HONOURABLE LALA SUKHBIR SINHA (United Provinces Northern: Non-Muhammadan): I move, Sir:

"That entries 11, 11(a) and 11(b) be retained and all future title-holders, etc., should also be exempted."

Perhaps Mr. Crerar will be able to let me know whether the entries (a) and (b) above ought not to be capitals.

The HONOURABLE MR. J. CRERAR: Yes, that is so.

The HONOURABLE LALA SUKHBIR SINHA: Sir, the Committee has recommended that those persons who received titles before 1920 should continue to be exempted but not those who have received them after 1920 or

[Lala Sukhbir Sinha.]

in future. I do not understand the logic of this distinction. A title-holder is a title-holder whether he got his title before 1920 or after. Further all these men receive their titles from Government in virtue of their position, their good work or public service, and I do not think there should be any difference between those who get their titles before 1920 and those who got them afterwards. I move this clause, No. 3, therefore of my Resolution.

The HONOURABLE RAJA PRAMADA NATH RAY OF DIGHAPATIA (East Bengal: Non-Muhammadan): Sir, I do not quite understand why this distinction has been made between pre-1920 and post-1920 title-holders. In this connection at least, the majority report does not give any reasons for doing so. Nor do I understand why an existing exemptee should be required to take a life license for the arms he possesses. No reasons have been assigned for that too. What I say in support of this clause of the Resolution is that as these titles of honour have been conferred by Government on those only who are loyal citizens for either public services rendered or for benefactions made, or again on great landholders having stakes in the country, would it be fair to deprive them of this privilege of exemption for no fault of theirs at a time when their safety is threatened? Such a procedure would only depreciate the value of such titles of honour and lower the prestige of those who are thought loyal and public-spirited enough to deserve them. It will follow as a necessary consequence that a less number of people will come forward to help the different charitable institutions which, as is well known, some of them do in the hope of getting some sort of recognition. If, on the other hand, the Government is anxious to discourage such people, nothing would serve that purpose better than the withdrawal of this privilege of exemption from the future recipients of such titles. Sir, this Council to my mind is peculiarly fitted to consider the claims of such title-holders, as I find that out of the whole strength of 60 there are 40 title-holders in this Council, beginning with His Excellency the Commander-in-Chief and the Right Honourable gentleman over here down to the Khan Bahadurs, Rai Bahadurs, C.I.E.'s and many prospective Knights too. If, however, the exemptions have to be withdrawn, it should be from the whole class and not as the Majority Report suggests from the post-1920 title-holders. It is hardly fair that the older generation should enjoy a privilege which it is intended to be taken away from the younger generation who may have to face more troublous times in the future. With these remarks I beg to support the clause.

The HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: General): I also support this part of the Resolution. I think it will be iniquitous to make this distinction between the existing title-holders and the prospective title-holders. I believe it will be in conformity with the principles which have guided the Committee as well as the Government in this matter that both the present and the future title-holders should be placed on a footing of equality.

The HONOURABLE MR. J. CRERAR: I must oppose this part of the Resolution also. I do not intend, and I think it would be superfluous on my part, to argue the matter in detail before the House. The question was very carefully considered by the Committee, and we revert once more to the general question whether it is desirable to extend or provide for a continuous process of extension of the privilege of exemption, or whether we

should take such steps as are reasonable and proper for its restriction within due limits. That is the policy urged by the Committee, and that is the policy which commends itself to the Government of India and I am therefore unable to accept my Honourable friend's suggestion.

**THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN:** After the Maharaja's nice speech, there is not much for me to say about this part of the Resolution. I am sorry that the Government do not see their way to accede to the request of my Honourable friend. I strongly support this clause. At the same time I say that after all a man must do some service to the country before he can be entitled to a title. His case has to pass through many channels, even up to His Majesty the King Emperor or the Viceroy. If it is thought that a man should be given an honour, if that is supplemented by giving him the right to a firearm, there will be no harm. During the disturbances in the Punjab the title-holders were simply hooted down and every agitator went for them. If you make them title-holders and put them in such an awkward position thereby, give them something to defend themselves with.

**THE HONOURABLE MR. PURSHOTAMDAS THAKURDAS:** I would have very much liked not to speak on this part of the Resolution, but as I did not complete the latter part of my speech I will now say a few words because it affects the whole question that we are now considering. I then said that I felt that the whole Resolution was based on a suspicion that people who are not included in the list of exceptions recommended by the Arms Rules Committee have to go without them. The Honourable Saiyid Raza Ali pointed out 2 or 3—or I think 4, he said—very salutary principles laid down by the Committee. If all these were carried out, then perhaps there would not be much left to say on exemptions from the Arms Act, but it appears as if the public have their own apprehensions about it and I am not convinced that there is any reason or any logic in the various exemptions that have been recommended by the Arms Rules Committee. Take for instance, the first one which the House has approved of. In the report they say the Members of the Central Legislatures out here ought to be exempted from the Arms Act, but Members of the Provincial Councils should not be so exempt. That appeared to me—I agree with one Honourable Member who pointed out that there is no reason why Members of the Provincial Councils should be any the less trustworthy than Members of this House here. Similarly, in this case a man who got a title before a certain date can have the exemption, but a man who has got his title after that cannot. In the same way, take the case of a joint Hindu family. I do not know what is the minimum figure recommended by the Arms Rules Committee, but I think it is somewhere in the neighbourhood of Rs. 12,000 . . . .

**THE HONOURABLE THE PRESIDENT:** We have disposed of that amendment.

**THE HONOURABLE MR. PURSHOTAMDAS THAKURDAS:** I am just putting that in order to show how the whole basis on which these exemptions have been sought to be constructed, does not appeal to me as being either logical or one which could be explained. A Hindu joint family . . . .

**THE HONOURABLE THE PRESIDENT:** I really think it would be better if the Honourable Member will reserve those remarks for the debate on the

[The Honourable the President.]

general question. When we have disposed of these amendments, we shall come back to the general question, and if he wishes to show, as apparently he wishes to do, that the report of the majority is not well-conceived, he can do that then. But we are now on the question of title-holders.

The HONOURABLE MR. PURSHOTAMDAS THAKURDAS: I therefore feel that the Government must either do away with all these exemptions and exceptions under this Act or there should be special reasons put forward on behalf of the Government why the Government opposes this clause. I think the Honourable Mr. Crerar gave his reasons in such few words that it is very difficult really to follow why he opposes this clause or even opposed the previous one. I therefore think that although this is a matter in which this House is specially interested, as pointed out by the Honourable Raja, simply because there is no logic in the whole thing, this House should carry this clause and indeed most of the other clauses too of this Resolution.

The HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): There is one observation I would like to make in connection with what has fallen from the lips of my Honourable friend opposite. The distinction between the case of title-holders before a certain date and the case of title-holders or gentlemen on whom titles may be conferred in the future is this. Title-holders before that date are already exempt under the existing law, and therefore, in their case it would be really a forfeiture of existing privilege, while in the case of those who may obtain titles hereafter, no such forfeiture is involved. And in view of the principle which my Honourable friend Mr. Raza Ali has emphasised so forcibly as to the undesirability of these exemptions, it is obvious that there is a clear distinction between the case of past title-holders and future title-holders.

The HONOURABLE THE PRESIDENT: The question is, that clause 3 do stand part of the Resolution.

(After a pause.)

The HONOURABLE THE PRESIDENT: Before I put the motion a second time I should like to draw the attention of the Council to the fact that once the doors are locked before the question has been put for the second time, till their reopening, after the division has been taken no Member must leave this Chamber till the result of the division is announced.

The HONOURABLE THE PRESIDENT: The question is, that clause 3 of the Resolution do stand part of the Resolution.

The Council divided as follows:

AYES—14.

Akbar Khan, Major Nawab.  
Ayyangar, Mr. K. V. R.  
Bahram Khan, Nawab Sir.  
Dadabhoy, Sir Maneckji.  
Kale, Mr. V. G.  
Khaparde, Mr. G. S.  
Moti Chand, Raja.

Purshotamdas Thakurdas, Mr.  
Ram Saran Das, Mr.  
Ray, Raja P. N.  
Sinha, Mr. Sukhbir.  
Srinivasa Sastri, Rt. Hon. V. S.  
Umar Hayat Khan, Col. Sir.  
Vasudeva Raja, Raja.

## NOES—17.

Barron, Mr. C. A.  
 Butler, Mr. M. S. D.  
 Chadwick, Mr. D. T.  
 Cook, Mr. E. M.  
 Crerar, Mr. J.  
 Forrest, Mr. H. T. S.  
 Jha, Dr. G. N.  
 MacWatt, Major-General R.C.  
 Miller, Sir Leslie.

Muzammil-ullah Khan, Nawab.  
 Raza Ali, Mr.  
 Sarma, Mr. B. N.  
 Shafi, Dr. Mian Sir Muhammad.  
 Tek Chand, Mr.  
 Thompson, Mr. J. P.  
 Wacha, Sir Dinshaw.  
 Zahir-ud-din, Mr.

The motion was negatived.

The HONOURABLE LALA SUKHBIR SINHA : Sir, I move :

"That in paragraph 4 all Magistrates, stipendiary or honorary, Honorary Munsiffs and Honorary Assistant Collectors and other gazetted officers should be exempted."

My reasons for moving this clause are that in this Council in March 1921 we passed a Resolution by a majority of votes that honorary magistrates should be exempted. When speaking on the last two clauses the Honourable Mr. Crerar has said that under the new rules no new exemptions have been recommended and that those who enjoyed this privilege will be allowed to have that privilege. The same thing has been said by my friend Sir Muhammad Shafi, that the Committee report does not recommend any privilege to be taken away from those who enjoyed it, that is the title-holders. On the same analogy I say that honorary magistrates were exempted and not only they but almost all the magistrates were exempted. Why is this privilege taken away from them? These magistrates, paid or honorary, and gazetted officers have to go out on official duties as well as non-official duties and in some cases I have seen that they have gone to stop disturbances. Many of the members who gave evidence before the Committee recommended that these persons should be exempted from the operations of the Arms Act and they spoke very strongly about the necessity for these people to have arms. I think out of 16 non-official witnesses 13 have made this recommendation and therefore it is quite fit and appropriate that all those persons who are doing public service for no payment should be given this privilege of exemption from the operations of the Arms Act.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN : I rise to support this section of the Resolution. A magistrate has to administer justice to all sorts of people, thieves, robbers and the like. They are a very dangerous class. When these magistrates are doing work for the good of the State, I think there should be some weapon in their possession by which they can save their own lives if they are attacked. Even if the magistrate does not use it, if people know that he has got a firearm, they will think twice before they face him. There may be occasions when a magistrate goes into a big riotous crowd in which both the contending sides are about to fight. If with the aid of one firearm the magistrate goes there and can put a stop to the fighting, how much good will it be for the administration and for the State as he will save the lives of many of those who would have been killed or wounded in the riot. The magistrates are chosen from good classes and some magistrates are men of standing, *i.e.*, they are picked men. It will be a pity if even these picked men are given no firearms when they use them for the good of the State. For these reasons, I strongly support this amendment.

The HONOURABLE MR. J. CRERAR (Home Secretary) : Sir, I regret having to appear so frequently in opposition to my Honourable friend, the mover, but in this case also I must oppose the motion. The arguments of my Honourable friend who immediately preceded me seemed to proceed on the assumption that unless a person is granted an exemption, there will be obstacles in the way of his possessing and carrying arms. That is, Sir, a remote possibility. One of the principal features of the amendment of the rules in 1919 and of the proposals of the Committee now before this House is a very large extension of the entitled class; or rather I should say, that in the first instance it was the institution of an entitled class, and in the second case, proposals for a very large extension of that class. There is nothing whatever in the rules, and nothing whatever in the proposals of the Committee, which will put any sort of obstacle in the way of magistrates and other Government servants possessing and carrying arms. In cases where the Local Government is of opinion that the possession and carrying of arms is necessary to an officer for the purposes of his public duties, it is within the competence of that Government not to grant that officer a general exemption but to grant him an exemption from the payment of the license fees, which to all intents and purposes amounts to an exemption. I therefore suggest that my Honourable friend's proposal is really superfluous, and that the proposals made by the Committee go quite far enough and will not impose any unreasonable disability on the class of officers contemplated in this clause of the Honourable Member's Resolution.

The HONOURABLE THE PRESIDENT : The question is that clause 4 stand part of the Resolution.

The motion was negatived.

The HONOURABLE LALA SUKHIR SINHA : Sir, I beg to move :

"That in paragraph 5, no restrictions be placed on the possession of firearms by exemptees who should be required to have them registered."

Sir, at present in every province there are some restrictions put on the possession of firearms; in some province they could keep two guns and one rifle, and in others, three, and so on. What I suggest in this clause is that those who are exempted, those who have been exempted from the operation of the Arms Act by the Government, they should not be required to keep firearms up to a certain limit. Of course they should be required to register them, so that Government may know how many arms there are in the country or in the province; but there is no reason why they should be required to keep a certain number of arms only, and therefore I beg to move this amendment.

The HONOURABLE MR. J. CRERAR : I think, Sir, that Honourable Members, who have carefully studied the rules made, within their rule-making powers, by the Local Governments will agree with me that those rules are of a quite sufficiently comprehensive character and impose no improper restriction or inconvenience upon persons who possess exemption. They vary slightly in the various provinces but the normal amount allowed under an exemption is two rifles or two shot guns or a rifle and a shot gun; and if anyone wishes to exceed that amount, it is open to him to do so on payment of the small contribution to the Exchequer which is provided for as fees for licenses. I do not think that any one is likely to be affected in any serious

degree by the proposed regulation under this head, unless he desires to possess a very large armoury. I submit that in granting exemptions it is proper to impose certain reasonable conditions on the exercise of that exemption and the existing conditions are proper and reasonable. On the point of registration which my Honourable friend has raised, that question requires further examination. I think there is much to commend the suggestion, and the matter is under consideration and is being referred for the opinions of Local Governments ; but at present it is premature for me to accept that portion of my Honourable friend's motion, and I must therefore at this present stage oppose the whole.

The HONOURABLE THE PRESIDENT : The question is that clause 5 stand part of the Resolution.

The motion was negatived.

The HONOURABLE LALA SUKHBIR SINHA : Sir, I move :

“ That the following be included in the entitled class :

- (a) All ex-Members of the Imperial as well as Provincial Councils ;
- (b) Barristers, Pleaders, Vakils of High Court of 5 years' standing ;
- (c) Professors, Readers and Lecturers at Colleges affiliated to an Indian University ;
- (d) M. As. ;
- (e) B. As. of seven years' standing.”

(Honourable Members : “ Is it ‘ ex-Members ’ ? ”)

The HONOURABLE THE PRESIDENT : As I heard the Honourable Member, he said ‘ ex-Members ’.

The HONOURABLE LALA SUKHBIR SINHA : The omission of the word ‘ ex ’ seems to be a misprint.\* Sir, at present there is a class called the ‘ entitled class ’ ; it means that persons of this class will be given licenses as a matter of right without an inquiry. The Committee has recommended that in this class those should be included that pay a land revenue of Rs. 500 or pay a road cess or a public cess of Rs. 100 or pay income-tax in any amount or, in the case of Government servants, are in receipt of a pay of Rs. 100 a month or over. But they have not taken into consideration the case of ex-Council Members or others that are included in this clause 6. My proposal is simply to include them in this entitled class, so that if they want to get a license they may get it without an inquiry. All those persons whom I have mentioned in the sub-clauses (a), (b), (c), (d) and (e) are men of high education and there is no reason why men of such status and position should not have licenses. Of course if a magistrate knows that a certain man is of bad character or belongs to a criminal tribe, he will not grant a license to him, or he may take it back if necessary, but if any of those included in my list applies for a license, I see no reason why that should not be granted to him. Therefore, I move this clause to the effect that all those who are mentioned here should be included in the entitled class so that if they want to keep firearms, they may apply, and get a license on payment of the prescribed fee. This is all that I want and nothing more.

The HONOURABLE MR. J. CRERAR : Sir, I oppose this motion. I am aware that my Honourable friend holds views which I think are somewhat

\* Vide Resolution as it originally appears on page 939 ante.

[Mr. J. Crerar.]

singular on the question as to the due extension of the issue of licenses. I believe my Honourable friend has on one occasion expressed the opinion that licenses for firearms ought to be given without question even to a dacoit or a murderer, and if that is my Honourable friend's view on the subject, he may in the present instance feel astonished at his own moderation. Nevertheless . . . .

The HONOURABLE LALA SUKHBIR SINHA : May I say by way of a personal explanation that I stated in my evidence that this country is denied a privilege enjoyed in other countries where a fiscal basis is adopted.

The HONOURABLE THE PRESIDENT : The Honourable Member is going too far. He will have a right of reply.

The HONOURABLE MR. J. CRERAR : Now, Sir, in referring to the Honourable Member's opinion I am not drawing any analogy between the criminal classes and the classes whom he now proposes to introduce ; and I specially guarded myself against any inference of that kind being drawn when I stated that I should not be surprised if the Honourable Member is astonished at his own moderation. I have no doubt that the members of the various classes whom my Honourable friend proposes to include in this clause of the Resolution are generally persons who might very properly be allowed to possess and carry arms. My objection is not based on that ground. It is that it is entirely superfluous, and I do not think that we ought in proceeding to amend these Rules to encumber them with superfluities. If the House will carefully examine the recommendations made under this head by the Committee, I think they will agree, as my Honourable friend Saiyid Raza Ali has already stated, that they are comprehensive and generous and do substantially meet the requirements of the situation. My Honourable friend the mover proposes to introduce educational and professional qualifications. I think that there is a close analogy in this matter between the constitution of the entitled classes and the basis of the various franchises. In the matter of franchise, we are proceeding almost entirely on a fiscal basis. And I think in this matter of the entitled classes we ought to proceed on a similar basis. That is one ground of principle on which I object to the Honourable Member's proposal. The other ground of my objection is that it is a superfluity and would prove an unnecessary encumbrance to the officer who will very shortly have to deal with the task of revising the Rules.

The HONOURABLE DR. GANGA NATH JHA (United Provinces ; Nominated Official) : Sir, for the first time in his life my Honourable friend has been very unfair to his own Province. I do not see why he has excluded from the entitled class all Science graduates who in the United Provinces are no longer B.A.'s or M.A.'s but B.Sc.'s and M.Sc.'s. Another very deserving class of people whom he excludes are the Professors, Readers and Lecturers in our numerous Universities. In the United Provinces, Sir, we have now very few Colleges that are affiliated to Universities. We are a province of several Universities and all the most distinguished Professors, Readers and Lecturers belong to Universities, not to Colleges. So that on educational qualifications alone, I am afraid my friend by the wording of his Resolution has excluded a large number of very deserving men.

The HONOURABLE SIR MANECKJI DADABHOY (Central Provinces ; General) : Sir, this Resolution is rather of an omnibus character. So far as



(a) is concerned, I extend my sympathy to the mover. We have already passed the first part of the Resolution in which we have extended the right of exemption to Members of the Provincial Councils and on analogy I think it will be equally fair to extend the right to the ex-Members. As such I would support part (a) of this Resolution. As regards the other portions, I oppose them and very strongly. The amendment introduces a new element and it perpetuates a distinction between class and class, between creed and creed and between profession and profession. It destroys the very object and motive with which the Rules under the Arms Act were sought to be modified. We cannot frame any exhaustive list or bring in invidiously professions under one particular category. I do not see why, if this Resolution is carried, members of the medical services, engineers and members of other services and professions, who are equally and eminently fit to enjoy the same privileges, should be excluded, and be not put on a footing of equality. A Resolution which perpetuates a distinction between class and class, between profession and profession, ought to be studiously avoided. It is for these reasons that I object to all the clauses from (b) to (e).

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I oppose clause 6. As regards this, Sir, I have much the same remarks to offer as I did in the case of the other clauses. But during the course of the debate one of the speakers said that I had spoken lightly of the Members of Provincial Councils. I may remind him that only in to-day's paper there is a case reported of a man called Sher Muhammad, a Member of one of the Councils, who has been sent to prison for three years. As far as barristers and pleaders are concerned, I do not want to say anything except that in every class there are all sorts of men; some are very very good, but there are indifferent and bad also. Some of them do not earn sufficient money from their practice; they are known as travelling pleaders, because it is found that they go from one station to another in the hope of securing a more lucrative practice. And when a man does not earn sufficient, he is dissatisfied and always turns against someone; generally it is against the Government. When we had trouble last, a big batch of such men was considered to be at the bottom of the whole thing and they were convicted. And though His Majesty's Government may let off such men, as they have been doing lately, still the stigma remains, and to give licenses to such people wholesale is I think very objectionable and dangerous for the country. In the same way, Sir, when there were disturbances the students took a great part in them. Now, the students are always under the thumb of their masters and professors; and it looks as if those gentlemen, instead of keeping their students in order, perhaps incited them; I do not say that all did, but some did. So here too, to give licenses to a class which can inflame young people is I think very dangerous. Again, it was not the hooligans which gave trouble but the students, the M. A.'s and B. A.'s. When there was trouble in Bengal, who threw the bombs? the M. A.'s and B. A.'s. When the bomb was thrown at the Viceroy here in Delhi, who was caught red-handed? A school master. So, Sir, it means that if these people who are apt to go against the Government are considered to be the choicest of all people and they are to be allowed to have arms, they will use them against only one body and that is the State. If therefore we want tranquillity in the country, I do not think that we should arm these people. With these few words, Sir, I strongly oppose this portion of the Resolution.

The HONOURABLE THE PRESIDENT: The question is, that clause 6 stand part of the Resolution.

The motion was negatived.

The HONOURABLE THE PRESIDENT: The Resolution, as amended, is now under discussion.

The HONOURABLE SAIYID RAZA ALI: Sir, the report of the Arms Rules Committee, the recommendations of which were subjected  
1 P.M. to criticism in the Resolution of my Honourable friend, is what might be called a compromise between two competing principles. The principle held rather tenaciously by the people of this country has been to build the entire policy of the Arms Rules administration on what is known as the fiscal basis. Some advanced thinkers have been trying to induce Government to introduce the same policy in India as obtains in some of the western countries including England herself. Their claim is that unless a man has been proved to be an undesirable person, the State has no right to refuse the grant of a license to him. On the other hand, the principle on which Government's policy was based, in any case up to the year 1919, was the grant of licenses on a basis of exercise of patronage or exhibition of favour. Government acted on the principle that if a man had deserved well of Government, if he had rendered any services to Government he was entitled to get the license for an arm or a firearm as the case might be. The report seeks to reconcile these conflicting views, and while not accepting in its entirety the plea taken up by the minority members who wanted to base our policy on a fiscal basis, has gone a long way to meet the views that are entertained on the subject by a large number of those who are in a position to give a lead to the people. The scope of the grant of arms has been considerably widened. But, Sir, after all, it is not so much the rules that matter but it is the whole outlook, the angle of vision from which a certain problem is viewed that is responsible for the ultimate success or failure of certain administrative policy. I think it is necessary for me to sound a note of warning in this Chamber and say that although we welcome, as far as we may, the recommendations made by the Arms Rules Committee, Government should make it quite clear to those who are charged with the administration of the rules and with the grant of licenses, that such grant should not be based on the same old policy which found favour with Government till the year 1919. The grant of licenses should not be by way of favour or exercise of patronage or reward for services. As the Committee have taken pains to point out, Government should impress upon their District Magistrates that every man who belongs to the entitled class has a right to get a license unless there is something positive against the man which can be proved. If that is the principle on which Government's policy is going to be based, I for one have some hope that these changed rules will go a long way to removing the legitimate grievances of the people. On the other hand, if the magistrates in granting licenses are influenced not so much by the fact that they are performing a duty, but by the consideration that they are exercising a right, I have no doubt that those old complaints will continue, good and beneficent as the intention of the authors of the report has been; sooner or later the time will come when there will be greater agitation against the policy of Government, if halting, than that which was directed against Government's policy in the past.

The HONOURABLE MR. J. CRERAR : The Resolution, as it now stands before the House, is of a comparatively restricted character, and I have very little further to say. Some of the most important questions of principle and detail have already been very fully debated. I have in my opening statement indicated to the House what the attitude of Government is towards the recommendations contained in the Report. I shall merely add this that as soon as the opinions of the Local Government and the other authorities consulted have been received, and as soon as the present pressure of legislative business is relaxed, it is the intention to proceed without delay to the modification of the rules in order to give effect to the policy accepted by Government. I had occasion in replying to my Honourable friend's first speech to make some remarks about the form of his Resolution. I said that if it had dealt in a somewhat more general way with questions of principle, it might have been possible for Government to take up a different attitude with regard to it. Now, Sir, in opposing the Resolution as it now stands, I wish to make it clear that this is entirely without prejudice to the attitude which I took up with regard to the particular matter of detail which now stand in the Resolution. Government did not intervene in the debate on that point because they desired to ascertain the sense of the un-official Members of this Council. What now remains is to consider the actual terms of my Honourable friend's Resolution. He desires that Government should give an undertaking that they will immediately proceed to give effect to the recommendations of the report. Sir, we cannot accept that Resolution in those terms. It is obvious that some consultation has still to take place. We have to consider the opinions received and the work of revising the rules will be a laborious one which cannot be carried out immediately. It will be carried out as soon as it practically can be. I am therefore unable to accept the Resolution as it now stands. I hope in view of the assurances which I gave as to the general attitude of Government towards the proposals in the report, it will not be considered as in any way prejudicial to the main purport of my Honourable friend's Resolution, though we cannot accept it in its present terms.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN : Speaking on the Resolution as a whole, I am sorry to say that good, bad and indifferent clauses are all heaped up in the Resolution, and as some are deserving of support and some are not they all stand or fall together. In this case, the best thing will be that in view of the assurances given by the Government my Honourable friend should withdraw his Resolution.

The HONOURABLE KHAN BAHADUR NAWAB MOHAMED MUZAMMIL-ULLAH KHAN (United Provinces : Nominated Non-Official) : Sir, I wish to oppose the whole Resolution on a point of principle. The principle is that the Arms Act has stood in the country and so long as it stands it must be respected and to make more exemptions will mean that it will create jealousy among the people. I will not say a single word against any class of gentlemen which has been recommended for exemption by my Honourable friend ; I do not say for a single moment that they do not merit consideration. I only submit that on principle it is unsound to pass this Resolution.

The HONOURABLE LALA SUKHBIR SINHA : I felt that this Resolution would be taken by the Honourable Members of this Council with sympathy

[Lala Sukhbir Sinha.]

but I am sorry the case has been otherwise. My object in bringing forward this Resolution was to have a discussion on the Arms Rules Committee's report. That report has gone to Government and they will finally decide what to do. My object is to some extent gained. Government will frame their orders on this debate and after making other inquiries from Local Governments; I find that the Honourable the Home Secretary says that the attitude of Government has been not to extend the extensions, but rather to restrict the extensions. If this be the policy, then I have nothing to say, but on the other side the attitude of the public is either to have the Arms Act repealed or to have it so modified as to enable people to keep arms as freely as possible with administrative limitations. In many countries the fiscal system has been adopted. In the Native States there are no arms, rules. Why should we have such restrictions in British India? My Resolution includes all such class of persons who were formerly exempted. From the statement on the Government side it appears that those people who had this privilege will continue to have them but I find that in the case of honorary magistrates and munsiffs this privilege has been taken away. So I do not understand on what lines or policy Government frame their rules. Therefore I do not want to say anything more except that the debate will go to the Government of India and I hope and trust that they will take into consideration all the points raised here as well as elsewhere and frame the rules on these lines.

The HONOURABLE THE PRESIDENT: The question is, that the Resolution, as amended, be adopted.

The motion was negatived.

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#### RESOLUTION *RE* AMENDMENT OF STANDING ORDERS.

The HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-Official): I beg with your permission to move for leave to amend the Standing Orders of the Council of State by adding to them a Standing Order in the form \* annexed to this agenda list, on petitions relating to Bills pending before the Council of State.

The HONOURABLE THE PRESIDENT: The Honourable Member has asked leave to move an amendment to Standing Orders. Will those Members in favour of leave being granted rise in their places?

(Almost all the Members stood up.)

The HONOURABLE THE PRESIDENT: The Honourable Member has the necessary support. He has the leave of the Council.

The HONOURABLE MR. G. S. KHAPARDE: In moving this Resolution, I really cannot claim any originality at all. This matter was brought before

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\* *Vide* Appendix at the end of this number.

this Council by my Honourable friend Sir Maneckji Dadabhoj and apparently what he said recommended itself and then the Government appointed a Select Committee consisting of the Honourable the President, Sir Frederick Whyte, Mr. Samarth and the Honourable Mr. J'O'Donnell. That Committee met and they made out their report which has been published. They made certain recommendations and all that I seek to do is to adopt their report and make a proposal that those recommendations should be carried out. What happened was this. I put a question in this session asking the Government to declare their intentions with regard to that report and the Government replied that Government intended to take no action but they left it to the Members of this Council to take such action as they pleased. So I have brought in this Resolution. The subject is a very important one and I have therefore taken it upon myself to move it. It should really have been moved by my Honourable friend Sir Maneckji Dadabhoj. He did not happen to be here. Anyhow we belong to the same province and we may take credit for that, all the same. This subject has a long history behind it into which we need not go. From the earliest days of Parliament in England this right has been exercised and at one time it used to sit like a High Court and Judge of cases and so on. Later all these functions were separated from each other and developed differently. The Committee has very wisely confined their recommendations to the present day practice of the House of Commons and it is that practice of the House of Commons that we now seek to introduce here. The chief reason why I wish it to be brought in is that it will give the outside public an interest in the work which we are doing. It is only confined to legislative measures that will come before us and we can permit the general public to send in their petitions in the particular form we provide and the public can send their petitions directly or through Honourable Members in which case there is a certain procedure laid down and then we do not go beyond that in any way. So this will give an interest to the general public in the work which we do here; also the general public, I believe, will read our proceedings with greater care than they do now and devote a portion of their time which they now do in writing to newspapers, or generally in trying to make out that we are not their representatives at all, to these proceedings, and their minds will be drawn away from wild theories, and they will fall into line with the constitutional methods; and this is a method which is no new thing that we are seeking,—we are only carrying out very cautiously what the House of Commons actually does. I do not think it is necessary therefore that I should support this Resolution with a long speech or a very closely reasoned argument. Sir, I move this Resolution.

The HONOURABLE SIR MANECKJI DADABHOY: I support this Resolution.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: So do I.

The HONOURABLE THE PRESIDENT: The question is that the proposed amendment for which leave has been granted be referred to a Select Committee.

The motion was adopted.

The HONOURABLE THE PRESIDENT : Under the rules, if a motion of this character is carried the Council has to elect seven Members by a particular method. If, however, and this has happened on one or two occasions before, the House agree on seven Members, we could then complete the Committee this morning. I propose to withdraw from the Chair to allow Honourable Members to consider the question and to put in nominations at the table. If the nominations exceed seven in number, then an election must be held. That must be held of course on some future date, it is impossible to hold it this morning. If, on the other hand, should it so happen that seven names only are proposed, the election might be dispensed with.

The HONOURABLE MR. G. S. KHAPARDE : Sir, the nominations I have handed in are there. The seven Members which I have nominated I will read out.

The HONOURABLE THE PRESIDENT : The names should be handed in at the table. Do I understand that there is no other Member of the House who desires to serve on this Committee? ("No.") Then no election will be necessary. I will now read the names.

The Right Honourable Srinivasa Sastri,  
 The Honourable Sir Leslie Miller,  
 The Honourable Mr. Lalubhai Samaldas,  
 The Honourable Rai Bahadur Lala Ram Saran Das,  
 The Honourable Mr. Crerar,  
 The Honourable Mr. Khaparde, and  
 The Honourable Saiyid Raza Ali.

I understand that those names are acceptable to the Council? ("Yes, yes.") It now remains for me to nominate one of the Chairmen of the Council to be a member. If the Honourable Sir Maneckji Dadabhoj will serve, I shall have much pleasure in nominating him.

The HONOURABLE SIR MANECKJI DADABHOY : I should be willing to serve.

The HONOURABLE THE PRESIDENT : I therefore nominate the Honourable Sir Maneckji Dadabhoj and that completes the Select Committee which is now constituted in accordance with the Standing Orders.

#### DISCUSSION ON THE CRIMINAL LAW AMENDMENT BILL.

The HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member) : Sir, with reference to the inquiry which was made by a Member of this House at the conclusion of the meeting held last Thursday, I understand that the Criminal Law Amendment Bill, otherwise known as the Racial Distinctions Bill, will be taken into consideration on the 1st March after the presentation of the Budget.

The HONOURABLE THE PRESIDENT : That concludes the business for to-day.

The Council then adjourned till Eleven of the Clock on Tuesday, the 27th February, 1923.

## APPENDIX.

(See page 962, ante.)

### DRAFT STANDING ORDER ON PETITIONS.

1. Petitions relating to a Bill pending in the Chamber may be presented or submitted in accordance with the Standing Orders.

2. Any such petition may either be presented by a Member, or may be forwarded to the Secretary, in which latter case the fact shall be reported by him to the Chamber.

3. A Member presenting a petition shall confine himself to a statement in the following form:—“ I present a petition signed by \_\_\_\_\_ petitioners regarding \_\_\_\_\_ Bill now pending in this Chamber ”; and no debate shall arise on this statement.

4. At the commencement of each session the President shall nominate a Chairman and \_\_\_\_\_ Members to constitute the Committee on Petitions and if he thinks fit shall fill up any vacancies occurring on the Committee during the session.

5. Every petition shall, after presentation or report as the case may be, be referred to the Committee, and the Chamber shall not be considered to be seized of the petition till the Committee has reported thereon.

6. The Committee shall examine every petition referred to it, and shall report periodically to the Chamber stating the subject matter of the petition, the number of persons by whom it is signed, and whether it is in conformity with the Standing Orders. If the petition complies with the Standing Orders the Committee may, in its discretion direct the petition *in extenso* or a summary thereof to be circulated as a paper to the Bill to which it relates. The Committee shall in its report state whether circulation has or has not been directed.

7. Every petition shall—

- (i) either be in English or if in the vernacular shall be accompanied by an accurate English translation;
- (ii) be in print, and if presented by a Member, shall be countersigned by him; and
- (iii) be couched in respectful and temperate language.

8. The full name and address of every signatory to a petition shall be set out in the handwriting of the signatory if literate, or be authenticated by his thumb impression if illiterate.

9. Every petition shall be addressed to the Indian Legislature and shall conclude with a prayer specifying the definite object of the petitioners in regard to the Bill to which it relates.

10. The general form of petition set out in the schedule, with such variations as the circumstances of each case require, may be used and if used shall be sufficient.

## SCHEDULE.

*Form of petition.*

## TO THE INDIAN LEGISLATURE.

WHEREAS a Bill entitled a Bill

*(Here insert title of Bill.)*

is now under the consideration of the Indian Legislature the honorable petition of

*(Here insert name and designation of petitioner or petitioners in concise form, e.g., "Ram Lal and others" or "the inhabitants of—" or "the municipality of—" etc.)*

sheweth

*(Here insert concise statement of case.)*

and accordingly your petitioner (or petitioners) pray that

*(Here insert "that the Bill be or be not proceeded with," or "that special provision be made in the Bill to meet the case of your petitioner," or any other appropriate prayer regarding the Bill.)*

and your petitioner(s) as in duty bound will ever pray.

Signature(s) of petitioner(s).

Countersignature of Member presenting.