

***THE INDIAN LEGISLATIVE COUNCIL***

**Vol 58**

**3 - 18 Sept**

**1919**

**Book No 1**

**P L**

PROCEEDINGS

OF

THE INDIAN LEGISLATIVE COUNCIL

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS

From April 1919 to March 1920

---

WITH INDEX

---

VOL. LVIII

---

Chamber Printed *18/X/73*



Published by Authority of the Governor General

Gazettes & Debates Section  
Parliament Library Building  
Room No. FB-025  
Block 'G'

CALCUTTA  
SUPERINTENDENT GOVERNMENT PRINTING, INDIA  
1920



GOVERNMENT OF INDIA  
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER  
THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.  
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on  
Wednesday, the 3rd September, 1919.

PRESENT :

His Excellency **BARON CHELMSFORD**, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E.,  
Viceroy and Governor General, *presiding*, and 49 Members, of whom 42  
were Additional Members.

**OATH OF OFFICE.**

11 A.M.

The following Additional Members made the prescribed oath or affirmation  
of allegiance to the Crown :—

**The Hon'ble Mr. Frederick Campbell Rose.**

„ **Sir William Sinclair Marris, K.C.I.E.**

„ **Mr. Hugh McPherson, C.S.I.**

„ **Pandit Madan Mohan Malaviya.**

„ **Mr. William Axel Hertz, C.S.I.**

„ **Mr. Nigel Fairholt Paton.**

„ **Rai Sahib Seth Nathmal.**

„ **Khan Bahadur Ebrahim Haroon Jaffer.**

„ **Mr. Ludovic Charles Porter, C.S.I., C.I.E.**

[*The President.*]

[8RD SEPTEMBER, 1919.]

**The Hon'ble Mr. Edward Mitchener Cook, C.I.E.**

„ **Mr. Ernest Burdon.**

„ **Mr. Norman Edward Marjoribanks, C.I.E.**

„ **Mr. Lewis James Mountford, C.B.E.**

„ **Mr. Sachchidananda Sinha.**

„ **Major Malik Sir Umar Hayat Khan,  
K.C.I.E., C.B.E., M.V.O.**

„ **Mr. John Hullah.**

„ **Mr. John Perronett Thompson, C.S.I.**

11-16 AM.

### **HIS EXCELLENCY THE VICEROY'S SPEECH,**

**The President** :—“ Let me first welcome Hon'ble Members to another Session. We are met together, for reasons which are familiar to you all, in diminished numbers, but we have important work to do, and I am confident that Hon'ble Members will devote their best attention to it.

“ Since our last meeting we have to mourn the loss of a colleague who had earned the respect of us all—the late Mr. Ironside. His standard of devotion to duty, both public and private, was high and he never hesitated to stand by his convictions even at the risk of incurring personal unpopularity. It is a melancholy consolation to know that his merits had been recognised and that it had been the intention of His Majesty the King-Emperor to bestow on him the honour of Knighthood, but for his untimely death which occurred on the eve of the conferment of that honour.

“ Another personality we shall miss is that of Sir Sankaran Nair. Sir Sankaran Nair felt it incumbent on himself to resign his office. His reasons for resigning were honourable to himself and I thoroughly appreciated them, but as the relations between colleagues in a Government are necessarily of a private nature, I do not propose to discuss them. We shall all, I am sure, welcome as his successor a Member of this Council of long-standing Mian Muhammad Shafi and wish him all success in his new duties.

“ While I am on the subject of welcomes I should like to take the opportunity of welcoming back to this country His Highness the Maharaja of Bikaner. The admirable work which His Highness did during the historic gathering at Versailles has been warmly acknowledged both by the Prime Minister and the Secretary of State, and we all owe to Mr. Montagu, His Highness and Lord Sinha a debt of gratitude for their arduous labours on behalf of India.

“ The full result of their labours will not be seen for some time, for the work of the Peace Conference is not completed. Its final decision on the Turkish peace terms, more particularly, is still awaited, and by our Muslim fellow-subjects is awaited with such keen concern that I feel I should say one or two words with regard to the matter. I have throughout done all in my power to ensure full representation of their feelings. Not only have the Government of India placed the views of Muslim India with strong emphasis before His Majesty's Government, our delegates voiced those views before the Peace Conference, and that nothing might be left undone to lend weight to their evidence, it was reinforced by three Muslims of distinction who had been specially delegated to attend the Peace Conference with them. Muslim

[3RD SEPTEMBER, 1919.]

[The President.]

India may, therefore, rest assured that its feelings have been given the fullest representation possible.

“ Since the close of the last Session there have been events of a grave character disturbing the peace and tranquillity of this country, and I cannot pass them over without mention. Last Session certain Hon'ble Members during the passage of the Rowlatt Bill gave me warnings of an almost minatory character that, if that Bill passed into law, there would be agitation of a serious nature. I think Hon'ble Members will realise that no Government could deviate from a policy which it regarded as essential on account of any threat of agitation. However, there were those who thought that it was necessary to make good this threat, and as a consequence the deplorable events occurred which are to be the subject of an inquiry. It is not my intention to discuss these events, but I would point out this, that it is easy to minimise their gravity after the disorders have been put down. No one who had the responsibility of dealing with them is likely to forget the issue which they had to face. Murders and arson were committed, telegraph wires were cut, railway lines were torn up, and for some days my only sure communication with the Government of the Punjab was by means of the wireless. Occular proof of the gravity of the situation with which we were then faced, and of the damage done is still manifest in many of the districts which suffered; and to any one who would attempt to minimise the trouble I would say 'Go into these districts and see for yourself the vestiges of senseless destruction which are still there.'

“ The policy of my Government was clearly set out in our Resolution of April 14th. I promised support to the Head of each Local Government for such measures as he thought it might be necessary to take, and that support was given unwaveringly throughout. No one deplores more than I the need there was for stern action, but the result of our prompt measures was that the disorders were quelled and peace restored. It is my desire now, and it is that of His Honour the Lieutenant-Governor of the Punjab, to exercise clemency towards the unfortunate misguided men who were led away by 'some educated and clever man or men,' to use Mr. Gandhi's words, to commit outrages. For some time past Sir Edward Maclagan has been busily engaged in reviewing the sentences passed, and in every case possible he has tempered justice with mercy.

“ And for those cases which have come before the Government of India I have no hesitation in claiming that they received the most careful consideration, and that orders were passed with the greatest possible despatch.

“ For some time past my Government has been in correspondence with the Secretary of State upon the question of an inquiry into these disorders. We have both been anxious to settle this question as quickly as possible, but an announcement has been delayed largely by the difficulty of procuring the services of a suitable Chairman. It was only on Saturday last that I heard that Lord Hunter had agreed to come to India in that capacity. The Committee is now complete and will consist of—

*Chairman :*

Lord Hunter, formerly Solicitor-General for Scotland.

*Members :*

- (1) The Hon'ble Mr. Justice Rankin.
- (2) The Hon'ble Mr. Rice.
- (3) Major-General Sir George Barrow.
- (4) Sir Chimanlal Setalvad.
- (5) Sahibzada Sultan Ahmad.

[The President.]

[3RD SEPTEMBER, 1919.]

“Their instructions will be to inquire into and to report to the Governor General in Council regarding the causes of, and the measures taken to cope with, the recent disorders in Delhi, the Punjab and the Bombay Presidency. The proceedings of the Committee will ordinarily be public, but the Chairman will have authority to direct them to be held *in camera* when he considers that the public interests so require. It is hoped that the Committee will begin its sessions next month. The members have a difficult task before them; and I trust that people of all classes of opinion will do nothing to add to their difficulties by the needless importation of irrelevant or intentionally inflammable material.

“After disorders involving so great an upheaval of normal conditions such an inquiry as I have just announced is one inevitable consequence. The second and no less necessary sequel is the passing of an Act indemnifying those officers of Government who were called upon to undertake the onerous and ungrateful task of restoring order, and the validating of such acts as the stress of circumstances required. Whatever the findings of the Commission may be such a measure would be necessary; and in justice to our officers we are bound to indemnify them at the earliest convenient moment.

“I now turn from internal troubles to our difficulties on the frontier.

“Before law and order had been finally restored in India a fresh complication arose on our North-West border. On the evening of May 3rd news reached us that our frontier had been violated in the neighbourhood of Landi Kotal. In view of the friendly correspondence which had been passing between the Amir and myself, I found it difficult to believe that such aggression was with the knowledge and had the support of the Afghan Government, and I despatched an immediate letter to the Amir asking him to repudiate the action of his officials. Unfortunately within 24 hours overwhelming evidence came into my hands of the deliberate aggression of the Afghan Government, and I gave orders for the immediate expulsion of the Afghan forces from our territories. On May 9th and 11th actions were fought expelling our foe from the vicinity of Landi Kotal. On May 13th Dacca was occupied by the Cavalry, and on May 16th and 17th actions were fought in the hills overlooking it which resulted in the defeat and dispersal of the Afghan forces. At the same time our aeroplanes were not idle, and Jalalabad was visited and bombed resulting in the abandonment of that city by the Afghan troops and its looting by the ever-watchful tribes.

“In the meantime the Afghan Government had become aware of the grave miscalculation of which they had been guilty in thus challenging the British Empire. On two occasions after these defeats they attempted to approach me with a view to a cessation of hostilities, but, having regard to the doubtful character of the credentials of their envoys, I insisted on a personal request from the Amir himself, and this was received on June 1st. As a result of the Amir's appeal hostilities against Afghanistan were discontinued and Armistice terms were laid down. There ensued correspondence with the Amir relating to the details of these which terminated on the 8th July, when I invited him to send in his delegates to the Peace Conference.

“In the meantime the protracted delay rendered the military position difficult. Hostilities had ceased against the Afghans, but the tribes who had been aroused knew little or nothing of the courtesies of war. The war zone of 105,000 odd square miles which constitutes the provinces and tribal areas of Baluchistan and the North-West Frontier was an immense area. It was impossible to be strong at every point, and convoys passing through difficult country necessarily ran grave risks. Moreover, it was necessary to maintain in certain localities troops massed and ready to advance into Afghanistan at a moment's notice if peace negotiations broke down. An active offensive striking at the vital points of an enemy's defence is always the best defensive. Owing

[3RD SEPTEMBER, 1919.]

[The President.]

to the Armistice our troops were debarred from that. There have been then certain unfortunate incidents of a minor character, but I think the wonder is, in view of the extraordinarily difficult military position which I have outlined, not that they occurred, but that there were not more of them.

"I now come to the treaty of peace and the policy embodied in it. I want to make this clear—our policy was divided into two Chapters, the first comprising a treaty of peace, the second, which has yet to be written, envisaging a treaty of friendship.

"In view of the aggression which had taken place we felt that it would be a hollow mockery to conclude at once a treaty of friendship. Anxious though we are to see our Afghan neighbour prosperous and friendly, we felt that time must pass before we can wipe away the memory of what has occurred. I believe myself confidently that the time will come when Afghanistan will realise that we have no designs upon her, and that we only wish to see her prosper and live on friendly terms with us. But the initiative towards a *rapprochement* must come from her. Not only have we no designs on her, but India is in no way dependent upon her. If Afghanistan wishes for our friendship nothing will give us greater pleasure than to respond, but if she prefers to hold aloof, we shall not force ourselves upon her. That being the position then we made the treaty of peace with the terms of which Hon'ble Members are familiar, and if the Afghan Government after an interval of six months wish to expand that treaty of peace into a treaty of friendship, we shall be delighted to consider their overtures, provided always that they have in the meantime given us by their conduct satisfactory evidence of the sincerity of their purpose. I cannot leave this subject without paying a tribute to the ability, tact and skill with which Sir Hamilton Grant, assisted by Mr. Maffey and General Moberly, conducted the peace negotiations at Rawalpindi, and I would also specially mention the great assistance given them by their Indian colleagues.

"And now I must say a few words about the allegations of breakdown in our medical arrangements in the late campaign. I shall confine myself in the main to a statement of facts, but it may interest you also to hear what I gathered during my tour at the front.

"The first fact which should be borne in mind is that of the strength of our forces on the frontier, for the only significance that figures can have is their relationship to other figures. And if you take the total admission figures without reference to the strength of the force of which they are the casualties, you necessarily misinterpret their meaning.

"Taking the operations as a whole the maximum ration strength of our forces on the frontier was 247,000 men. For the period 5th May to 9th August the total admissions to hospital were 10,882 British and 45,774 Indian troops and followers, giving a daily admission rate per thousand of strength of 4.98 British and 2.97 Indians. At the same time the deaths per 1,000 admissions to hospital (excluding wounded) were British 0.82 and Indians 27.74. Now I could compare this with similar figures in other campaigns at the same period of the year, but I will content myself with two years' figures in Mesopotamia, when the medical arrangements were admittedly admirable. In 1917, the admissions per 1,000 were British 5.04 and Indians 2.11, and the mortality per 1,000 admissions was British 19.30, Indians 15.96. Similarly, in 1918, the admissions per 1,000 were British 3.48 and Indians 2.27, and the mortality per 1,000 was British 7.41 and Indians 20.51. One word is needed with regard to the relatively high mortality among Indians. This was due to the high incidence of cholera especially among Indian followers, whose standard of water discipline was naturally lower than that of regular troops, and who could not be restrained from quenching their thirst at pools and streams which though apparently pure were in reality full of cholera germs.

[The President.]

[3RD SEPTEMBER, 1919.]

"Another comparative estimate of the sick rate of the force may be obtained from the daily number of hospital evacuations from the front to the base. The normal loss by evacuation on account of sickness from a force engaged in active operations in a temperate climate in Europe is accepted by all military authorities as averaging 3 per 1,000 of strength per day. This figure in the case of the troops operating on the frontier under the most adverse climatic conditions, and including gunshot wounds, was 2·8 for British and 1·3 for Indian troops and followers. I could give you other figures and other comparisons, but these would be out of place at this moment when I am endeavouring to give a general *conspectus* of the position. Believe me I make no complaints of the not unnatural anxiety which has been aroused as to our medical arrangements at the front, and I can sympathise with the man who lying sick under conditions of shade temperature varying from 110 to 120 and of the inevitable hardship of frontier campaigning writes with a pen dipped in the gall of his experiences, but is it not right and fair to the men who are responsible for the medical arrangements to judge them by the result of their work as a whole and not by isolated cases, sad but I venture to think inevitable, in any campaign however admirably conducted ?

"Now let me say one word as to my tour at the front. I endeavoured to see everything and I asked questions of everyone I met—from Generals down to the soldier in the ranks. I brought away from what I saw and heard the impression that everything was being done that was possible to alleviate the trials and discomforts of the campaign, but I will quote one sentence from one whose opinion will, I think, carry weight, and who is not in any way connected with the military or medical aspect of the campaign. I refer to Sir George Roos-Keppel, whose approaching departure for England will rob the frontier of one who has for so many years been its most dominating personality. He said that in his experience of frontier warfare, and I am sure everyone will acknowledge that experience, he had never seen so much done for the health and comfort of the troops.

"In concluding this subject I should like to express my sympathy with and admiration for the troops who have been serving in this campaign. The British troops were for the most part due for demobilisation; some being for all practical purposes taken off the ship that was to take them home. They have taken their disappointment admirably. We wish to send them back to England at the earliest possible opportunity, and everything is being done to hasten their departure. I was glad to have the opportunity which my visit afforded of showing them the interest which I have in them, and of the gratitude which we all in India feel for their services.

"To the Indian troops I would also express my admiration of the soldierly bearing which was so marked in the ranks of the fine regiments which I visited. They too have had their disappointments. Some had been separated for months and even years from their families and were about to rejoin them, only to be hurried off to a fresh campaign. Others had been forced to forego the furlough they had earned and take their place in the ranks. But one and all they cheerfully accepted their orders, and it was a pleasure and a pride for me to pass down their splendid ranks.

"Before I leave the subject of the Afghan war, I should like to express our obligations to the Ruling Princes and Chiefs who without exception immediately on the outbreak of hostilities placed the resources of their States at the disposal of Government, and offered the assistance of their Imperial Service Troops, many of whom had only just returned to India from the countries overseas, in which they had fought so gallantly on behalf of the Empire. Contingents of Cavalry, Infantry, Artillery, Sappers and Miners and Transport from many of the States were employed either with the field army at the front or on garrison duty, while the Rulers of Patiala, Dholpur, Ratlam and Baria and two sons of the Nawab of Loharu were at their own request

[3RD SEPTEMBER, 1919.]

[The President.]

appointed to the staff in the field. It would take me too long to recount the numerous offers of camels, motors and money for the provision of comforts for troops engaged in the campaign which we received and gladly accepted. For all these and generous assistance in every way I ask the Princes and Ruling Chiefs to accept our grateful thanks.

"I wish also to express my most cordial thanks to His Excellency the Prime Minister of Nepal, who, in spite of the difficulties attendant on the movement of troops through the Terai in the hot weather, sent to our assistance another magnificent contingent, which I had the pleasure of visiting at Nowshera during my recent tour.

"Reference to the troops brings me by a natural sequence to mention of the Indian Soldiers' Board, the creation of which I described at the last meeting of Council, and which has, under the wise direction of my colleague Sir George Lowndes, been actively engaged during the summer in devising measures to reward distinguished service during the war, to safeguard the interests of Indian soldiers and their dependants, and suitably to commemorate the exploits of the Indian Army. Throughout the war the officers and men of the Indian Army have looked forward with expectancy, at the conclusion of hostilities, to the promised distribution of rewards for distinguished service. This distribution is now about to take place. Thanks to the generosity of Local Governments, and especially of the Punjab, large areas of land will, in the near future, be divided amongst our soldiers; while those who are not agriculturists or for whom no land can be made available will receive monthly allowances of money with effect from the current month.

"The relief of necessitous cases among the dependants of soldiers has been carried out with a considerable measure of liberality, large sums having been placed at the disposal of Local Governments to help those whose circumstances, in the opinion of the local authorities, require assistance. We also intend to make a further distribution from the accumulated funds of the Imperial Indian Relief Fund among Indian soldiers who have been permanently incapacitated, and dependants left in straitened circumstances.

"Turning to the Indian Defence Force, training on a modified scale was resumed last April. Proposals regarding the future organisation and terms of service of the European portions of the Force based on the recommendations of a conference held last March have now been worked out. They will shortly be published as a draft Bill in the Gazette of India in order that all interests concerned may be afforded ample opportunity of discussing its provisions before legislation is undertaken in February next. The re-organisation of the Indian Branch of the Force is also under consideration. Meanwhile, the University Corps is making steady progress.

"The pay of officers, both of the Indian Army and the British Army in this country, is also under revision, and the recommendations of Government are now before the Secretary of State. The pay of the army officer at home has now been raised, and I hope that before long we shall be able to announce a similar improvement in the pay of his *confrere* in India.

"I move on from things military to more peaceful matters.

"To touch first the question of Reforms—this has now passed out of our hands, and the issues involved rest for decision by the High Court of Parliament. But while this is so I cannot but express my regret that some of those, who are interested in this great question, have done such scant justice to the Government of India. Our efforts have been described as endeavours to whittle away the proposals of the Report. They were in truth designed to work out the principles laid down in the Report, and where criticism had been levelled against particular proposals, to substitute for those alternatives which might be less open to objection. It is indeed somewhat amusing to me to find

[The President.]

[3RD SEPTEMBER, 1919.]

that the Joint Report which at the outset came under so hot a fire of criticism from some of my Indian friends is now to them a sacrosanct document, and that any tampering with its verbally inspired proposals savours of sacrilege. With them I have a not unnatural admiration for that document, but my admiration does not extend to idolatry, and I am quite prepared if something better is suggested to give it my best consideration. But with these words I will leave the subject with the expression of the hope that there will emerge from Parliament a scheme which will carry out the principles and the promises of the Announcement of August 1917. My colleagues and I have slaved at this problem for now nearly three years, and we hope that before another Session comes round Parliament will have delivered its final judgment upon our efforts. From the very beginning I have laid stress on the fact that this is an issue which can be decided by His Majesty's Government alone. We have given them the considered views of the Government of India; the opinions of Local Governments are fully before them; and political bodies of every kind have sent in their criticisms and suggestions. No one can say that he has not been heard. It may be that Parliament in its wisdom will not accept in its entirety any one scheme which may have been put forward, but for my part I shall accept its decision and carry it out loyally, and I hope and trust that all those who have engaged and been interested in this great controversy will similarly endeavour to sink their differences and concentrate their efforts on making the Reforms a success.

"I pass on to a subject which to the people of India as a whole is of even more interest than reforms—the monsoon.

"Since this Council last met, India has passed through a period of grave anxiety, and indeed I do not care to think of what our position would be to-day if the present monsoon had been less satisfactory. As the Council is aware, the monsoon of 1918 was disappointing, and though timely showers improved the *rabi* crops in some provinces, the year 1918-19 was marked by a failure of crops unprecedented as regards the extent of country affected. Famine, high prices and economic distress have, of course, been the inevitable result, and either famine or scarcity has been declared in parts of Bengal, Bihar and Orissa, United Provinces, Rajputana, Central India, Central Provinces, Bombay, Hyderabad and Madras. Prices of foodgrains too have reached a level never before touched. Much distress has been caused by these high prices, but it is a striking proof of the increased wealth and greater staying power of India that the numbers on relief have been comparatively small. High-water mark was touched in the week ending June 21st, 1919, when 589,535 persons were on relief. In the famine of 1899-1901, I may mention, the maximum numbers on relief in any one week were 6,332,121. Our anxieties have been relieved to some extent by the favourable character of this year's monsoon. The rains, though late in setting in in parts of the country, have recently been abundant, and though it is too early to speak with absolute confidence, the prospects of the *khariif* crop may fairly be said to be encouraging. The numbers on relief are also decreasing, but prices do not yet show any signs of material reduction, and I am afraid that the prolonged strain must be telling on people with small fixed incomes. A Resolution, however, is to be moved on the subject of high prices, and the Hon'ble Revenue Member will no doubt take the opportunity of explaining the measures we have taken to deal with the situation. I will not take up the time of the Council, therefore, by anticipating what he has to say.

"I think it was a former Finance Member who referred to the Indian budget as a gamble in rain. In addition to his anxiety on the score of the monsoon, the present Finance Member has had to grapple with serious difficulties in the matter of currency and exchange.

"One matter in connection with the latter has been exercising the minds of the Commercial Community, and I have deep sympathy with their anxiety with regard to it. I refer to the continual alteration in the exchange value of

[3RD SEPTEMBER, 1919.]

[*The President.*]

the rupee. We equally with them want stability, and it was with the object of obtaining a permanent solution of this problem that the Secretary of State appointed an influential body of experts to advise him. The rupee value had been fixed in May at 1s. 8d., and it was our hope that it would be possible to maintain the exchange value at that figure at least until the Committee had made its recommendations. Unfortunately events have proved too strong for us, and the further rise in the price of silver has forced us again to advance the rupee to 1s. 10d. We thoroughly realise the great handicap to India's foreign trade caused by a feeling of unsettlement regarding the course of exchange, but we hope that the Commercial Community will equally realise that it is impossible for us to coin rupees, the bullion value of which is greater than their face value. I can only leave the matter here and express the hope that the Committee will be able to find a solution of this problem which will be permanent and ensure us a stability in the exchange value of the rupee. It must be remembered that in this matter India is at the mercy of conditions beyond her control. Apart from the rise in the value of silver, the rupee position is affected by the fall in the value of the pound sterling as measured in gold, and these are matters among others which will have to be carefully weighed by the Expert Committee to which the examination of this difficult problem has been referred. I have asked the Hon'ble the Finance Member, who has lately visited Bombay, to visit Calcutta and discuss the situation with the Chamber of Commerce there.

"I think there has been some misunderstanding in regard to the Indian Companies Restriction Act. The present position is that the Act will automatically lapse six months after the date which may be notified as the termination of the war. Licenses are now being given practically as a matter of course; but the fact that applications accompanied by various papers are required causes some inconvenience and delay. We are anxious to abolish, at the earliest date possible, all restrictions introduced during the war which are now not absolutely necessary, and we have therefore decided to anticipate the natural death of this particular restriction by repealing the Act this Session.

"The Labour Problem is now, as you are aware, of almost world-wide importance, and although we have been spared the labour troubles which have disturbed other countries, India has not been left altogether untouched. A number of clauses in the Treaty of Peace concluded at Versailles, as you probably know, relate to labour questions. India, who has the honour of being one of the original members of the League of Nations, is, as such, also an original member of the Permanent Organisation for the Promotion of the International Regulation of labour conditions. This organisation will consist of an International Labour Conference with an International Labour Office as part of the machinery of the League of Nations. It is intended that the first meeting of the Conference should take place at Washington in October, and the various countries will be represented by four delegates each, two representing the Government of the country concerned, one representing employers and one representing employed. We have been asked to select representatives to send to Washington on behalf of India, and I hope shortly to be able to announce their names.

"It is of course of great importance to recognise, as was fully recognised by my Right Hon'ble friend Lord Sinha and by His Highness the Maharaja of Bikaner, that the conditions of industrial labour in this country differ wholly from those prevailing in the West. I believe it is largely due to their representations that the draft Convention drawn up at the Peace Conference specifically recognised that the labour conditions which might be settled for Western countries would have to be modified in the case of countries such as India. I will read to you that portion of the articles of the draft Convention which makes this reservation. It runs as follows:—

'In framing any recommendation of draft Convention of general application, the Conference shall have due regard to those countries in which climatic conditions, the imperfect

[*The President.*]

[3RD SEPTEMBER, 1919.]

development of industrial organisation, or other special circumstances make the industrial conditions substantially different, and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.'

" I need hardly say that the great diversity of physical conditions affecting employment in India, the lack of education among workers and consequent low standard of comfort and absence of organisation, the usually poor physique of Indian labour, and its inability to concentrate effort over a shorter working period, the preponderating importance of agriculture and the lack of specialisation and skill among industrial workers render it impossible to translate propositions which are accepted in Western countries as natural into terms applicable to India, or to devise any formula which will convert the Indian factors into Western equivalents. We must recognise that any attempt to bring Indian labour conditions into line with those of Western countries by violent legislative changes will be disastrous both to employers and to employed. But, while we recognise this, we believe that there is a quickening consciousness throughout the country generally that the existing state of affairs is unsatisfactory and unworthy of India's political aspirations. We believe that there is now a prospect of progress more rapid, more radical and more substantial than could have been imagined some few years ago. We had, before we knew the terms of the Peace Conference, taken up the consideration of this question as arising out of the remarks made in the Industrial Commission's Report, and have asked Local Governments for their opinions as to what amendments of the law, if any, are necessary either in the direction of the reduction of the hours of labour or in other respects. We are also elaborating means for making the existing agencies for the care of public health, the provision of industrial housing and primary education more effective.

" I pass on to a question closely connected with Indian labour which is greatly exercising public opinion and which has given my Government the most serious anxiety. I refer to the troubles which have arisen in South Africa in connection with the trading rights of Indians in the Transvaal. I need not repeat the history of the recent legislation passed by the Union Parliament. An account of this has been given in a letter from Sir George Barnes to Mr. Gandhi in July last, which has been published in the Press, and you will all be familiar with the main features of the case. I only wish to say that the Government of India have not failed to press the Indian point of view upon His Majesty's Government, and we can claim that we have the full support of the Secretary of State. We have urged that the recent legislation in South Africa is unjustified and is not consonant with the undertaking given by the South African representative at the Imperial War Conference that Lord Sinha's memorandum relating to the rights of Indians in the Transvaal would receive the sympathetic consideration of the Union Government.

" Let me, however, make a plea for calmness and moderation in dealing with this question. We must admit the strength of feeling on the subject in South Africa, and it behoves us to see that our words and actions are not such as may embitter the existing sentiment and make a settlement more difficult.

" I feel too that there is ground for hoping that calmness and moderation will not be wanting in South Africa in dealing with this question, for we know that the late General Botha and General Smuts returned there after discussing fully questions akin to the present one with the distinguished representatives of India whom we sent to the Imperial Conference.

" The Union Government, as you know, are appointing a Commission to examine the whole question, and we have asked that our interests should be represented. We are making arrangements to send a deputation to see that our point of view is thoroughly presented and thoroughly understood. On this deputation, we propose to send Sir Benjamin Robertson, who so successfully conducted a similar mission in 1914. I am sure that you will agree that we could not select a better representative.

[3RD SEPTEMBER, 1910.]

[The President.]

“There is another matter relating to the position of Indians overseas, to which I should like to refer, namely, the position of the indentured labourers of Fiji. The main facts are well known to all of you. After the unsatisfactory conditions under which these labourers lived had been brought to the knowledge of the Government of India, all further flow of labour under indenture was stopped, and the Government began to press most strongly for the immediate improvement of the conditions, particularly with regard to housing and hospital accommodation. The Colonial Office in London was convinced, and decided that the improvements demanded by the Government of India must be carried out or the indentures cancelled. This was announced by Sir George Barnes in the debate in this Council last September. How far these improvements have been carried out up to date, we have no very clear information. We know, however, that they have been effected at least in part, and that employers have voluntarily in many cases provided separate quarters for married couples. We have nevertheless thought it right to continue to press for the cancellation of the outstanding indentures.

“We have just recently been informed by the Secretary of State that the Fiji legislature has made a step in the direction we desire by passing a unanimous resolution that all indentures outstanding on 1st August, 1920, should be cancelled from that date, compensation being paid to the employers from the public funds of Fiji. This, however, is not sufficient, and we are pressing again that the cancellation of all indentures should take place by the end of the present year.

“I think that I ought also to inform you that the Fiji Government has appointed a Select Committee which is now considering how effect can best be given to our wishes on the other points at issue.

“Great difficulty has, as you know, existed hitherto with regard to the repatriation of labourers who may wish to return to India from Fiji. We have no knowledge at present how many desire to return; it is very possible that a large number may wish to make Fiji their home as free men, for the climate is good and some Indians who began life as indentured labourers are now men of substance in Fiji. However, we have kept the question of repatriation strongly in mind, and the Secretary of State has at our instance been pressing the Shipping Controller and the Shipping Companies to provide vessels for those who may wish to return to India.

“I have another interesting announcement to make. An unofficial mission from Fiji headed, I understand, by the Bishop of Polynesia, is expected to visit India during the coming cold weather in order to investigate conditions in India, and, if possible, to persuade Indian public opinion to agree to the resumption of free emigration to Fiji under wholesome conditions. I need hardly assure you that the Government and the people of Fiji are really anxious to do what is right, and I think that we ought to listen carefully to what they have got to say. It may be that they will be able to prove to us that Indian labour would benefit from a well-directed scheme of free emigration to Fiji, which has, as I have said above, a healthy climate and is in many ways a country well suited to Indian settlers. If they can show us that our interests coincide, it ought not to be impossible to come to an agreement, but the burden of proof will lie on them, and all I ask you to-day is that, when the mission comes, it should be given a fair hearing.

“I have endeavoured to give Hon'ble Members a résumé of the chief questions which are engaging public attention.

“So much for the past and present, and now what about the future?

“With what I may hope to be the final settlement for the time being of the Reforms problem, it remains for me to indicate the particular problems to which I wish to devote attention.

[The President.]

[3RD SEPTEMBER, 1919.]

"I hope in the first place to lay deep and sure the foundations of the new Industrial development. We have been expeditious in dealing with this most important matter. We were able within a short time of the publication of the Industrial Commission Report to circulate to Local Governments our views upon its recommendations, and I despatched Mr. (now Sir Ernest) Low on a tour round the Provinces to elicit their views and discuss any points of difference. By this method we obtained the views of Local Governments early this year, and we formulated our final and considered opinion in a despatch to the Secretary of State in April. Sir Thomas Holland left by the subsequent mail on deputation to discuss the whole question with the Secretary of State, and I have reason to hope that, in the course of the next few weeks, we may have a despatch on the subject from the India Office.

"This will enable us to proceed straightaway with the inauguration of our machinery for the stimulation and development of Indian industries. I think this brief statement of what has occurred should show the importance which we attach to this subject and our intention of pressing forward. It is scarcely necessary for me to dilate on its importance. We wish to see an India self-sufficing in many of the things which at the present moment she is obliged to import from outside; we wish to see her dealing with her own raw products; and we wish to see her youth through this development of her industries utilising their undoubtedly great qualities in fields of enterprise from which they have in the main so far held aloof. But if this policy is to be attained, and mind you, we can only lay the foundations of it in the months to come, we shall want the co-operation of you all. It will be idle for the Government to establish machinery unless there is a general desire and willingness on the part of Indians to help to work it. And that brings me to one more matter in which I hope to see a very real advance. We have had among us during the past two years the distinguished gentlemen who drafted the Calcutta University Commission Report. That Report, though it is confined to the Calcutta University problem, gives us a luminous *conspectus* of the position of higher education in India. We are making a start at once with its recommendations by the introduction of the Dacca University Bill. This is an old question. Lord Hardinge promised a University to Dacca and I have renewed his pledge. As Hon'ble Members are aware it is a subject in which the Mahomedans of Bengal are deeply interested. I am now giving an earnest of our intentions in the matter by the introduction of a Bill. Between this stage and its consideration at the next Delhi Session there will be ample time for an examination of its provisions by the general public, and we shall of course very carefully consider such criticisms as they may have to make on it. In the matter of legislation affecting the Calcutta University, we hope that by February those interested will have had time to formulate their views. But I would impress this point upon Hon'ble Members. In the appointment of the Commission I was careful to see that its members had the highest educational qualifications to deal with the problem they were asked to examine. And that problem has been investigated solely from the educational standpoint. Their recommendations surely should carry great weight, and we should be slow to depart from them save on good cause shown. The members of the Commission who came from England, to whom we are under the deepest obligation, had the great advantage of the assistance of the Hon'ble Sir Ashutosh Mukerjee, whose zeal in the cause of education is so well known and from whom we may hope to get invaluable assistance in pressing forward the necessary measures; they also had as their colleague Dr. Ziauddin who, though he differed from the majority in certain matters of detail, gave his support to the main principles of the Report. To both these gentlemen as well as to their official colleague, Mr. Hornell, I would offer my grateful appreciation of the work which they have done.

"But this Report, like that of the London University Commission, though based on the conditions of one University, is full of suggestiveness on University problems as a whole. I, therefore, hope that the Universities throughout

HIS EXCELLENCY THE VICEROY'S SPEECH; STATEMENTS LAID ON THE TABLE; QUESTIONS AND ANSWERS.

[3RD SEPTEMBER, 1919.]

[The President; Sir William Vincent;  
Sir Dinshaw Wacha.]

India will take it into consideration and will on their own initiative examine how far its recommendations may throw light on some of their own problems and suggest amendments of their own machinery. I trust, therefore, that this monumental report will serve as a starting-point for the re-examination of problems in the sphere of higher education throughout India. It will be our privilege to help the Universities in any way we can from the centre, and I hope they will not be slow to invite that help.

"So then, as in the case of the Industrial Commission Report I look to a great awakening in the region of Industrial development, from the Calcutta University Commission Report, I look for great things in the examination and development of our higher education. These two matters are indeed closely interwoven. If Industries are to progress, our higher education must be on sound lines and taken out of its narrow grooves. If higher education is to be broadened, it is to the industrial development that we must look for the openings which are to induce the student to leave his old haunts and adventure himself in fresh fields and pastures new.

"We have come through five terrible years, years full of trouble, years such as the author of our Christian Litany might well have had in mind when he wrote 'From plague, pestilence and famine; from battle and murder and sudden death Good Lord deliver us'. We have come through them however successfully, and the new era of peace has opened for us auspiciously. With the renewal of peace nature is giving us the promise of plenty. The ravaged world will look to us, who have escaped unscathed, for the material with which to rebuild itself.

"Let us then grasp our opportunities with both hands. We can of course spend our time in futile wrangling over the past. We can, if we are unwise, throw away these opportunities by fanning racial bitterness. I hope, however, we shall do none of these things. But let us rather, leaving those things which are behind, reach forward to those things which are before in the sure and certain confidence that success will crown our efforts, if they are devoted with a single eye to our country's good."

STATEMENTS LAID ON THE TABLE.

**The Hon'ble Sir William Vincent** :—"My Lord, I lay on the table statements\* showing the lists of magazines and journals proscribed from registered libraries by Government. This statement was promised in reply to a question asked by the Hon'ble Mr. Patel on the 15th September, 1918."

QUESTIONS AND ANSWERS.

**The Hon'ble Sir Dinshaw Wacha** asked :—

12-7 P.M.

1. "(a) Are Government contemplating legislation to provide for the housing of the working classes employed in industrial establishments, on the lines of the Housing Act lately passed by Parliament so modified in detail as to suit Indian conditions of living and social habits? Introduction of practical legislation for the housing of the working classes.

(b) If no such legislation is under consideration, will Government be pleased to state when they contemplate taking up this matter?"

\*Vide Appendix to these Proceedings.  
† Vide page 41 of Council Proceedings of 5th September, 1918.

[*Mr. Shafi ; Sir Dinshaw Wacha ; Mr. R. A. Mant.*]

[3RD SEPTEMBER, 1919.]

**The Hon'ble Mr. Shafi** replied :—

“ The question of the housing of the working classes in India including that of necessary legislation in the matter is engaging the serious consideration of the Government of India, and Local Governments will shortly be addressed on the subject. ”

**The Hon'ble Sir Dinshaw Wacha** asked :—

Primary and secondary roads in British India.

2. “ (a) Are Government aware that in England the mileage of primary and secondary roads is reckoned at 13,000 miles, the cost of maintaining which, according to a statement reported to have been made recently by Sir Eric Geddes in the House of Commons, was £20 million per annum ; also, that the secondary roads are five times the length of primary roads ?

(b) What is approximately the mileage of primary and secondary roads in British India ? ”

**The Hon'ble Mr. R. A. Mant** replied :—

“ With reference to part (a) of the Hon'ble Member's question Government are aware that in the course of the debate on the Ministry of Ways and Communications Bill, Sir Eric Geddes stated that £20,000,000 per annum are spent on roads, but he did not specify the length of the roads referred to. Mr. Joynson-Hicks, however, stated on the 26th February 1919 that 152,000 miles of road would come under the control of the Ministry of Ways and Communications. Government have no information as to the relative lengths of primary and secondary roads.

With regard to (b), roads in British India have been classified according to the character of their construction, and are grouped under two main heads as follows :—

	Miles.
Metalled ... ..	65,457
Unmetalled ... ..	139,805
	205,262 "

**The Hon'ble Sir Dinshaw Wacha** asked :—

Constitution of a Central Cotton Committee.

3. “ Has any action been taken towards the constitution of—

(a) a Central Cotton Committee, or

(b) a Cotton Committee in Bombay, as recommended by the Indian Cotton Committee ? ”

**The Hon'ble Mr. R. A. Mant** replied :—

“ It will be observed from paragraph 4 of Government of India, Revenue and Agriculture, Resolution on the Cotton Committee's Report, which was published for general information in the supplement to the Gazette of India, dated the 9th August 1919, that it has been decided to give precedence to the proposals in Chapter XIX of the Report for the formation of a Central Cotton Committee, and these proposals are at present under consideration. ”

**The Hon'ble Sir Dinshaw Wacha** asked :—

Increase in the staff of the Provincial Agricultural Departments for work on Cotton.

4. “ What action has been taken by Local Governments to give effect to the recommendations of the Indian Cotton Committee regarding an increase in the staff of the Provincial Agricultural Departments, specially for work on cotton ? ”

[3RD SEPTEMBER, 1919.]

[*Mr. R. A. Mant ; Sir Dinshaw Wacha ;  
Mr. Kamini Kumar Chanda.*]

**The Hon'ble Mr. R. A. Mant** replied :—

“ In the Resolution which I have just cited Local Governments and Administrations have been asked to take up at once the recommendations in the Report regarding the increase in the staff of the Provincial Agricultural Departments for work on cotton in order that the Secretary of State for India may be asked as soon as possible to sanction such further appointments as may be considered necessary. A proposal for the appointment of an additional Economic Botanist has been received from the Government of the United Provinces.”

**The Hon'ble Sir Dinshaw Wacha** :—“ My Lord, in view of the very lucid and satisfactory statement made by your Excellency in your speech, I withdraw for the present question No. 5.”

**The Hon'ble Mr. Kamini Kumar Chanda** asked : --

5. “ (a) Is it a fact that a memorial protesting against compulsory acquisition of houses in Simla signed by a large number of the principal house-owners was recently submitted to His Excellency the Viceroy and was transferred to the Punjab Government for disposal ? Acquisition of houses in Simla.

(b) Will Government be pleased to state the prices paid for houses now occupied by Members of the Executive Council, the acreage of each of the said houses, and the rent paid for each during the last ten years ?

(c) What was the amount spent on each of these houses for up-keep during the same period ?

(d) Has the attention of Government been drawn to a letter by ‘ Veritas ’ in the *Englishman*, dated 25th July, 1919, and do Government intend to inquire into the allegations made therein ?

(e) Are Government aware that the compulsory acquisition of houses in Simla has created considerable indignation in the public mind, and has been regarded with alarm by house-owners generally throughout the country ? ”

**The Hon'ble Mr. R. A. Mant** replied :—

“ (a) The memorial of the house proprietors of Simla was not transferred to the Punjab Government for disposal, but was returned to the memorialists for re-submission through the Local Government. The memorial was forwarded to the Government of India in July last and orders on it will shortly be issued.

(b) and (c) The statement† placed on the table gives the information asked for in paragraphs (b) and (c) of the Hon'ble Member's question in so far as four of the six houses occupied by Members of the Executive Council are concerned. The houses occupied by the other two Members of the Council are not the property of Government.

(d) Government have seen the letter referred to. They do not consider any inquiry necessary.

(e) Some protests have appeared in the press with regard to the acquisition of houses in Simla, but Government are not aware that there is any general feeling of indignation or alarm on the part of householders throughout the country. ”

\* 5. Will Government be pleased to state whether any appeal has been received from the Indian National Congress of South Africa or other like organisation regarding the alleged inconveniences and hardships that have for so long months past been entailed on Indians there, and whether any fresh representation has been made to the Government of South Africa in respect thereof either directly or through the Secretary of State ?

† Not included in these Proceedings.

[*Mr. Kamini Kumar Chanda ; Sir George Barnes ; Sir Arthur Anderson ; Mr. Shafi.*]

[3RD SEPTEMBER, 1910.]

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

Establishment of an aerial inland mail service in India.

6. "Is it in contemplation to establish an aerial inland mail service in India? Will Government be pleased to make a statement on the matter and place on the table any scheme that may be settled?"

**The Hon'ble Sir George Barnes** replied :—

"The Government of India have under consideration a scheme for the establishment of an aerial inland mail service in India, but they are unable at present to make any further statement on the subject or to place the scheme on the table."

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

Case of Babu Kishori Lal Chatterjee at Asansol.

7. "(a) Was Babu Kishori Lal Chatterjee, a Vakil of the Calcutta High Court, prosecuted at the instance of the East Indian Railway at Asansol on a charge of travelling in a compartment reserved for ladies?"

(b) Did the Court acquit him and accept his plea that it was a false case, and that he had been forced to vacate an ordinary compartment in a train by some Eurasian Railway servants?"

(c) Is it a fact that he complained to the Agent against the said Railway servants, and repeatedly inquired what action had been taken of their conduct, but got no reply beyond an offer to pay his actual out-of-pocket expenses in connection with his prosecution?"

(d) Did he then file a suit in the Calcutta High Court claiming damages against the East Indian Railway?"

(e) Is it a fact that the Company at first filed a written statement disputing the claim and supporting the said Railway servants, but afterwards at the trial paid the sum of Rs. 250 to the plaintiff as compensation, and in a petition filed in Court 'expressed their sincere regret to the plaintiff for the insult, trouble and inconvenience caused to him by the conduct of the servants and agents of the defendant Company'?"

(f) Will Government state what punishments have been inflicted on the said servants and agents of the Railway?"

**The Hon'ble Sir Arthur Anderson** replied :—

"The Hon'ble Member's question refers to incidents which took place some 18 months ago.

The statements made in (a), (b), (c), (d), and (e) are substantially correct.

As to (f), the Agent reports that the staff concerned were suitably punished by reprimand or transfer."

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

Report of the Calcutta University Commission.

8. "(a) Has the attention of Government been called to the proceedings of the Senate of the Calcutta University, dated the 21st June last when a resolution was passed complaining that the Hon'ble the Vice-Chancellor and the members of the Senate had not been favoured with copies of the Report of the Calcutta University Commission, while other persons had received such copies?"

(b) Do Government propose to make a statement on the matter?"

**The Hon'ble Mr. Shafi** replied :—

"The reply to (a) is in the affirmative.

(b) The proceedings of the Senate of the University of Calcutta to which allusion is made by the Hon'ble Member took place some six weeks before the

[3RD SEPTEMBER, 1919.]

[*Mr. Shafi ; Mr. Kamini Kumar Chanda ;  
the President ; Sir William Vincent.*]

publication of the Report. On account of the size of the Report, the printing of it occupied a long time, and despite all efforts, the Report could not be brought out before August. It was clearly impossible to provide the Senate with copies before publication, firstly, because copies were not available, secondly, because under standing orders of the Secretary of State, no document of this nature may be made public until the interval has elapsed which is required for its receipt by the Home Government. In the present case, the Government of India had, in view of the desirability of publishing the Report in this country at the earliest possible date, made special arrangements with the Secretary of State whereby the Report should be published in India on the date of its shipment. The Secretary of State's sanction to this proposal was received on the 20th June 1919. Shipment was arranged to take place on the 9th August and the Report was published on that day. Further, as it was recognised that the Senate of the University of Calcutta had a peculiar interest in the Report, arrangements were made by the Secretary to the Commission to provide members of the Senate with copies without any delay when publication took place. These arrangements were made before the meeting of the Senate to which the Hon'ble Member alludes.

As regards the statement that other persons had received copies before publication, a certain number of proof copies were sent out in order to facilitate the framing of a distribution list and the introduction of such legislation as might be possible or desirable in September, both of which were urgent matters, and also to a very limited number of persons regarding whom requests had been made that they should see the Report at the earliest possible date. These copies were proof copies, whose correctness could not be guaranteed. For reasons already stated, any wider distribution of them was impossible."

**The Hon'ble Mr. Kamini Kumar Chanda** :—" May I ask a supplementary question, my Lord ? Is it a fact that the ' Madras Mail ' published extracts from this report before publication ?"

**The President** :—" Would you mind repeating that again Mr. Chanda, a little slower ? I am afraid I could not catch what you said."

**The Hon'ble Mr. Kamini Kumar Chanda** :—" Sorry, my Lord. Is it a fact that the ' Madras Mail ' published extracts from this report long before publication ?"

**The Hon'ble Mr. Shafi** :—" It is a fact."

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

9. " Is it a fact that there have been constant complaints in the Indian Press and in public meetings as well as by interpellations in Legislative Councils that Government take no notice of the tone and utterances of some of the Anglo-Indian newspapers ?"

Tone and  
utterances  
of Anglo-  
Indian  
newspapers.

**The Hon'ble Sir William Vincent** replied :—

" Government have seen occasional complaints of the nature referred to by the Honourable Member in the Indian Press, but are not aware that such complaints have been repeated at public meetings or in Provincial Legislative Councils. Government have on more than one occasion intervened when they considered that articles offensive to Indian opinion had been published by Anglo-Indian newspapers."

[*Mr. Kamini Kumar Chanda ; Sir William Vincent ; the Commander-in-Chief.*]

[3RD SEPTEMBER, 1919.]

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

Resignation  
of Sir Sankaran Nair.

10. "Will Government be pleased to publish the letter in which the Hon'ble Sir Sankaran Nair tendered resignation of his appointment as a Member of the Executive Council of the Governor General?"

**The Hon'ble Sir William Vincent** replied :—

"Government have no present intention of publishing any information as to the circumstances in which Sir Sankaran Nair vacated his office of Member of the Governor General's Council."

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

Representatives  
at the Peace  
celebrations  
in London.

11. "(a) Is it a fact that representatives from the Indian Defence Force regiments have been selected to be present at the Peace celebrations in London?"

(b) Is it a fact that the selection has been confined to the European and Anglo-Indian branch of the Indian Defence Force, while the purely Indian Branch of the Indian Defence Force in Bengal, the Bengal Light Horse and the Calcutta University Corps have been left out altogether?"

(c) Will Government be pleased to state the grounds for this racial distinction?"

(d) Is it a fact that the Bengal Light Horse is the only mounted unit in the Indian Branch of the Indian Defence Force?"

**His Excellency the Commander-in-Chief** replied :—

"(a) Yes.

(b) The answer to the first part is in the negative.

As regards the second part, as only two representatives were allowed for the strength of a battalion and for other units in proportion, and as the representatives should have seen active service, the particular units of the Indian Branch of the Indian Defence Force referred to by the Hon'ble Member were not represented.

(c) No racial distinction was made in selecting representatives. This is evident from the fact that the contingent consisted of about 1,500 Indian officers and men of the Indian Army and Imperial Service Troops, as against some 320 British officers and men.

(d) Yes. The Bengal Light Horse is, as the Hon'ble Member states, the only mounted unit in the Indian Branch of the Indian Defence Force. Its strength, however, is only 76."

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

Speech  
delivered by  
Sir Reginald  
Craddock in  
connection  
with the  
Rowlatt  
Act.

12. "(a) Has the attention of Government been called to the following passages in a speech delivered by Sir Reginald Craddock at a meeting of the Burma Legislative Council—

(1) The action of Indian political leaders in opposing the Rowlatt Act Bill and in encouraging the storm of opposition has been the most grievous blunder in the history of Indian political life. The action of these leaders constitutes the greatest encouragement to the anarchical movement that it has ever received.

(2) The liberty for which they (the Indian Press) are crying out is the liberty of the secret conspirator to pursue his nefarious career, the liberty to spoil the lives of hundreds of promising young men, the liberty to subject the liberty of honest and peaceful people to the ruthless decrees of criminal mischief-makers. This is the kind of liberty for which Mr. Gandhi fasts and prays."

[3RD SEPTEMBER, 1919.]

[*Mr. Kamini Kumar Chanda; Sir William Vincent.*]

(b) Do Government propose to consider the propriety of calling upon Presidents of Provincial Legislative Councils to exercise greater restraint in their utterances?"

**The Hon'ble Sir William Vincent** replied :—

"The Government of India have seen the report of the speech and do not propose to take any action in the matter."

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

13. (a) Is it a fact that Sir Rabindra Nath Tagore has returned the insignia of Knighthood which was conferred on him begging to be relieved of the title? Sir Rabindra Nath Tagore.

(b) Will Government be pleased to place on the table the letter in which he gives his reasons for his action and any reply which Government may have sent him?

(c) What action do Government propose to take on his letter?"

**The Hon'ble Sir William Vincent** replied :—

"(a) Sir Rabindra Nath Tagore wrote a letter to His Excellency the Viceroy asking to be relieved of the title of Knighthood. He did not return any insignia because there are no insignia to return.

(b) As Sir Rabindra Nath Tagore's letter was published in the press, Government do not consider it necessary to lay a copy on the table. In reply to his letter he was informed that His Excellency the Viceroy was unable himself to relieve him of his title, and that, in the circumstances of the case, His Excellency did not propose to make any recommendation on the subject to His Majesty the King-Emperor. The Secretary of State has also intimated that he does not propose to make any recommendation, and Sir Rabindra Nath Tagore has been so informed."

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

14. "In how many cases since the Indian Press Act, 1910, was passed has there been any (a) security taken, and (b) forfeiture of security, in respect of any Anglo-Indian newspaper, that is any newspaper owned or conducted by persons other than Indians?" Security and forfeiture under the Press Act in the case of Anglo-Indian newspapers.

**The Hon'ble Sir William Vincent** replied :—

"Security has been taken in respect of newspapers owned or conducted by persons other than Indians on eight occasions. The security has been forfeited in two cases."

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

15. (a) Is it a fact that the Privy Council has granted leave to appeal to 21 persons convicted by Courts Martial at Lahore in connection with disturbances at Amritsar on the 10th April? Suspension of sentences of persons convicted by Courts Martial.

(b) Do Government intend to consider the question of suspending the sentences passed in analogous cases tried by the Courts Martial pending the decision of the Privy Council?"

[Sir William Vincent; Mr. Kamini  
Kumar Chanda.]

[3RD SEPTEMBER, 1919.]

**The Hon'ble Sir William Vincent** replied :—

“(a) The answer is in the affirmative.

(b) The death sentences passed on five of the convicts whose appeals have been admitted by the Judicial Committee of the Privy Council have of course been suspended. None of the summary courts appointed by the General Officer Commanding were empowered to pass sentences of more than two years' imprisonment, and therefore in their case the question of suspending death sentences does not arise. Sentences of imprisonment are not being suspended pending the result of an appeal. But convicts sentenced by the commissions to transportation are for the present being retained in jails in India.”

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

Appoint-  
ment of  
Martial Law  
Commissions  
in the  
Punjab, and  
number of  
trials.

16. “(a) What is the number of Martial Law Commissions lately appointed in the Punjab?”

(b) What is the total number of cases and of individuals tried by such Commissions?”

(c) Was any female accused tried by them?”

(d) How many of such individuals, male and female, were convicted and acquitted respectively?”

(e) Of those convicted, how many have been sentenced to death, how many to transportation for life, and how many to imprisonment from one year upwards?”

(f) How many such sentences have been commuted?”

**The Hon'ble Sir William Vincent** replied :—

“(a) Four.

(b) 114 cases and 852 individuals.

(c) Yes—one.

(d) 580 males and 1 female were convicted and 271 males were acquitted.

(e) 108 persons were sentenced to death, 265 to transportation for life and 183 to imprisonment from one year upwards. The figure of 183 includes two persons sentenced to transportation, one for 14 years and one for 10.

(f) In 488 cases sentences have been commuted or reductions made. Of the 108 death sentences, 28 were commuted to transportation for life, 23 to imprisonment for ten years, 13 to seven years and 21 to less than seven years. In the case of sentences of transportation for life, 40 were reduced to sentences of more than five years, 48 to five years and 164 to less than five years. Five persons were released. Other sentences of transportation or imprisonment were reduced as follows :—12 to sentences of three to five years, 90 to sentences of two years, 35 to sentences of less than two years. There are a few cases pending in which no final orders have been passed by the Government of the Punjab pending medical reports.”

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

Timing of  
the  
Chittagong  
Mail Train  
between  
Goalundo  
and  
Calcutta.

17. “(a) Is it a fact that the timing of the Chittagong mail train between Goalundo and Calcutta before the war was less than five hours and that now it is nearly six hours?”

(b) Will steps be taken to accelerate the train?”

[3RD SEPTEMBER, 1919.]

[*Sir Arthur Anderson ; Pandit Madan Mohan Malaviya ; Sir William Vincent ; Rai Sahib Seth Nathmal.*]

**The Hon'ble Sir Arthur Anderson** replied :—

“(a) The time occupied by the Chittagong Mail between Calcutta and Goalundo in July 1914, i.e., previous to the war, was 5 hours 21 minutes in one direction, and 5 hours 42 minutes in the other. In July 1919, it was 5 hours 50 minutes and 5 hours 35 minutes, respectively.

(b) In the new Time-table from 1st September, the time has been curtailed to 5 hours 26 minutes in the up and 5 hours 16 minutes in the down direction.”

**The Hon'ble Pandit Madan Mohan Malaviya** asked :—

18. “Will Government be pleased to lay on the table a copy of every judgment passed by the Martial Law Commissions in the Punjab during the last five months, and of every order passed by the Magistrates, specially empowered to deal summarily with cases alleged to have been connected with the recent disturbances in the Punjab ?”

Judgments passed by Martial Law Commissions.

**The Hon'ble Sir William Vincent** replied :—

“Government are not prepared to lay copies of the judgments asked for on the table, as they do not consider that any useful purpose would be served by doing so. Copies of the judgments can presumably be obtained in the ordinary way on application to the proper authority and on payment of the usual fees.”

**The Hon'ble Pandit Madan Mohan Malaviya** :—“May I ask a supplementary question? Is the Government aware that there has been great delay in granting copies of judgments to persons who intended to appeal to the Privy Council?”

**The Hon'ble Sir William Vincent** :—“The Government of India has no information on this point.”

**The Hon'ble Pandit Madan Mohan Malaviya** asked :—

19. “Will Government be pleased to lay on the table copies of all orders, proclamations, posters, notifications and notices issued during the recent disturbances (i) by the Administrators of Martial Law in the Punjab in their respective areas, (ii) by Civil Authorities in the same areas during the operation of Martial Law, and (iii) by Civil Authorities after the withdrawal of Martial Law notifying that certain acts by the civil population will be treated as offences and dealt with by military officers ?”

Orders, proclamations, etc., by the Administrators of Martial Law in the Punjab.

**The Hon'ble Sir William Vincent** replied :—

“Copies of the papers will be supplied to the Committee of Inquiry. The Government of India do not propose to lay copies on the table.”

**The Hon'ble Rai Sahib Seth Nathmal** asked :—

20. “(a) Have the Government of India consulted the Local Governments as regards the recommendations made by the Public Works Reorganisation Committee ?”

Public Works Reorganisation Committee.

(b) If the answer to (a) be in the affirmative, will Government be pleased to state whether the opinions of the Local Governments have been received and what action, if any, has so far been taken on them ?”

[*Mr. R. A. Mant; Sir William  
Vincent; Sir George Lowndes;  
Mr. Shafi.*]

[3RD SEPTEMBER, 1919.]

**The Hon'ble Mr. R. A. Mant** replied:—

“(a) The reply is in the affirmative.

(b) The opinions of certain Local Governments have not yet been received, and consequently no action has yet been taken.”

### THE POISONS BILL.

12-21 P.M.

**The Hon'ble Sir William Vincent**:—“My Lord, I move that the Bill to consolidate and amend the law regulating the importation, possession and sale of poisons throughout British India be taken into consideration. When I introduced this Bill into Council at the last Session two Hon'ble Members pressed me to defer further consideration of it until it had been published in the local official gazettes and the public had been afforded an opportunity of criticising it. I accepted that recommendation although it received very little support from Hon'ble Members. Since then the Bill has been published in the local official gazettes; the Government of India have received no criticisms, and no amendments have been suggested.”

The motion was put and agreed to.

**The Hon'ble Sir William Vincent**:—“My Lord, I move that the Bill be passed.”

The motion was put and agreed to.

### THE PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

12-22 P.M.

**The Hon'ble Sir George Lowndes**:—“My Lord, I beg to move that the Hon'ble Mr. Mountford and the Hon'ble Rai Sahib Seth Nathmal be added to the Select Committee appointed to report on the Bill further to amend the Provincial Insolvency Act, 1907, *viz* Mr. Kincaid and Pandit Bishan Dutt Shukul, who are no longer Members of this Council.”

The motion was put and agreed to.

### THE SEA CUSTOMS (AMENDMENT) BILL.

12-23 P.M.

**The Hon'ble Mr. Shafi**:—“My Lord, I have the honour to move for leave to introduce a Bill further to amend the Sea Customs Act of 1878. As explained in the Statement of Objects and Reasons, the object of the proposed enactment is to supplement provincial legislation for the prevention of adulteration of food by empowering maritime authorities to take action calculated to prevent the importation into this country of adulterated food and drugs by sea.

“My Lord, it is well recognised that the consumption of adulterated food and drugs may not only be the cause of general physical deterioration, but may also be productive of disease. The Government of India, being conscious of their duty as the guardians of public health, consulted Local Governments as far back as 1886 on the desirability of undertaking legislation to prevent

THE SEA CUSTOMS (AMENDMENT) BILL; THE PROVIDENT 23  
FUND (AMENDMENT) BILL.

[3RD SEPTEMBER, 1919.]

[*Mr. Shafi.*]

the sale of adulterated articles of food. The majority of Local Governments, however, being of opinion that no action in that direction was needed, the matter was dropped at that time. But, subsequent information having made it clear that the evil in question was growing in magnitude in various parts of this country, the Government of India again addressed the Local Governments in 1911 on this subject, with the result that earnest efforts have already been made in the various provinces to check this growing evil, and provincial legislation has been carried through to prevent the sale of adulterated food and drugs. Your Excellency's Government now desire to supplement the action taken in the provinces by giving Customs authorities in our ports certain powers calculated to prevent the importation of adulterated drugs and articles of food by sea.

"My Lord, section 195 of the Sea Customs Act, 1878, authorises the Customs-collector, on the entry or clearance of any goods, or at any time while such goods are being passed through the custom-house, to take samples of such goods, for examination or for ascertaining the value thereof on which duties are payable, or for any other necessary purpose. The Bill which I am now about to introduce proposes to add a clause to this section empowering the Customs-collector, in the case of goods which consist of drugs or articles intended for consumption as food, and in respect of which the taking of samples may have been authorised by general or special order of Local Government for the purposes in view, to take, in like circumstances, samples thereof for submission to and examination by such officer of Government or other local authority as may be specified in such order. In order to avoid unnecessary hardship, it is further provided that the Customs-collector shall pay to the owner the real value of all such samples.

"Hon'ble Members will notice that the provisions of the proposed enactment involve no detention of goods by the Customs officer, nor do they authorise him to take samples without actual payment. The samples thus taken by the Customs officers will be forwarded to the officer designated in the order of the Local Government, and will thus come into the hands of Health officers for analysis and examination. The local authorities will, in this manner, be enabled, in case the articles of which the samples have thus been secured are adulterated, to take action under the various Provincial Acts already in operation to prevent the sale of adulterated food and drugs. The Bill, it will thus be seen, while constituting a further step in the right direction, is perfectly innocuous. Your Excellency's Government consider it advisable to proceed very cautiously in this matter; and Hon'ble Members will, I feel sure, sympathise with this attitude of the Government of India.

"In conclusion, I may mention that maritime Local Governments have been consulted by us, and the proposed measure has their unanimous approval."

The motion was put and agreed to.

**The Hon'ble Mr. Shafi** :—"I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

---

**THE PROVIDENT FUNDS (AMENDMENT) BILL.**

**The Hon'ble Mr. Shafi** :—"My Lord, I rise to move for leave to introduce a Bill further to amend the Indian Provident Funds Act, 1897. The object which the proposed enactment has in view is so benevolent and the advantages resulting therefrom to a class of persons deserving of special

[*Mr. Shafi.*]

[3RD SEPTEMBER, 1919.]

consideration are so obvious that, in asking for leave to introduce the Bill, I need not detain the Council for long.

“ My Lord, the question of making some provision for the old age of teachers in non-pensionable service has been engaging the attention of Government for several years past. Early in 1914, the Government of India convened a small informal Committee to discuss the matter; and, as a result of its deliberations, a draft scheme for the establishment of a Provident Fund was drawn up and circulated to Local Governments and Administrations for opinion. The idea met with general acceptance and, after obtaining the approval of the Secretary of State, this Government has authorised Local Governments and Administrations to establish Provident Funds for teachers in non-pensionable service at their own discretion on prescribed lines.

“ But, my Lord, section 4 of the Provident Funds Act, 1897, extends protection to subscribers to the Government Provident Fund as defined in section 2 (2) of that Act, alone, by exempting their deposits from attachment under a decree or order of a Court of justice in respect of any debt or liability incurred by them. The desirability of extending similar protection to subscribers to the Provident Funds which may now be established for the benefit of teachers in non-pensionable services, whether public or private, is self-evident. For the realisation of the end in view, it is now proposed to amend the definition of the phrase ‘ Government Provident Fund ’ so as to include Provident Funds for teachers in educational institutions within its scope, and thus make the provisions of the Act applicable to this class. The proposed enactment is obviously non-controversial and will, I am sure, meet with general approval. It will be particularly a source of great benefit to those teachers who are employed in educational institutions maintained by private associations or individuals.

“ My Lord, the terms of the proposed Provident Fund for teachers are being communicated to Local Governments, and will, it is hoped, be made public at an early date. They allow of sufficient latitude to suit the different conditions prevailing in different provinces and will, we are confident, be generally acceptable. Meanwhile, Hon’ble Members will recognise the need for protection to subscribers belonging to the teaching profession, which the proposed enactment is intended to satisfy. With these observations I commend the motion for the acceptance of this Council.”

The motion was put and agreed to.

**The Hon’ble Mr. Shafi** :—“ My Lord, I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English.”

The motion was put and agreed to.

### THE INDIAN CENSUS BILL.

12-34 P.M.

**The Hon’ble Mr. Shafi** :—“ My Lord, I beg to move for leave to introduce a Bill to provide for certain matters in connection with the taking of census of British India during the year 1921.

“ This, my Lord, is the last of the three non-contentious Bills which it is my good fortune to move in this first meeting of the Imperial Legislative Council held after my assumption of office as Education Member. With your Excellency’s permission, I should like to offer my grateful thanks to your Excellency for the very gracious and kind welcome which your Excellency was

[3RD SEPTEMBER, 1919.]

[*Mr. Shafi; Nawab Saiyed Nawab Ali Chaudhri; Mr. Sachchidananda Sinha.*]

pleased to accord to me this morning. It has, for a long time, been the custom in India, in common with all civilised countries, to take a census of our population at intervals of ten years. The advantages of taking a census of the Indian population, from local as well as international points of view, are well recognised by the educated section of the Indian community, and were clearly and succinctly summarised by Sir Herbert Risley in his speech in this Council when introducing the Census Bill of 1910. Whatever may have been the misgivings and apprehensions in the minds of the ignorant and illiterate sections of our population when the first Census Bill was introduced in this country, they have now become familiar with the innocent nature of these operations. Under these circumstances, it is unnecessary for me to enter into a discussion either of the advantages of taking a census of our population or of justification for taking the necessary powers for holding the next decennial census which falls due in the Spring of 1921.

“My Lord, the Bill which I am about to introduce reproduces the provisions of the Act of 1910 with the necessary verbal alterations. Clause 1 gives the short title and extent of the proposed Act; clauses 2-5 provide for the appointment of census officers and other persons liable to give assistance at the requisition of the District Magistrate; clauses 6-9 describe the powers of census officers in connection with census operations and obligations of persons to give the information asked for, as well as to allow certain acts to be performed; clause 10 provides penalties for the non-performance of obligations created by the Act; and clause 11 deals with jurisdiction for entertaining prosecutions under the Act. Clauses 12-14 deal with certain privileges attached to census records, temporary suspension of local enactments and rules as to mode of taking census in municipalities and power in regard to expenses. Lastly, clause 15 empowers the Governor General in Council to make rules for carrying out the purposes of the proposed enactment.

“The Bill, as I have said, is non-contentious in its character, and I trust the motion now before the Council will meet with unanimous acceptance.”

**The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:**—“My <sup>12-37 P.M.</sup> Lord, the Hon'ble Mr. Shafi, who has this day taken his seat in your Excellency's Legislative Council for the first time and to whom I take this opportunity of accord- ing a cordial welcome, has introduced a Bill to provide for certain matters in connection with the taking of Census. This has apparently been done with the object of facilitating the next decennial census which will take place in the year 1921. If that be so, the Bill has not come up before your Excellency a day too soon. While supporting the principle underlying the Bill generally, I beg to suggest that in the coming census, steps should be taken to define the various communities that inhabit India. My object in making this suggestion is to avoid the chances of amalgamating one community with another, and to preserve their distinctive characteristics. We want to know who is who. A group of men without any particular bundle of religious ideas, sufficient to identify them with any recognised religion of the world, cannot reasonably be classified as belonging to a particular religious community. Nor can a man who professes one religion be classed as belonging to another. I may be permitted to cite an instance in point. Some aboriginal tribes and people who are never permitted to enter Hindu temples have been wrongly classed as Hindus. This, my Lord, should be put a stop to. Each religious community should clearly be defined in the rules to be framed under clause 15. Hon'ble Members will, I trust, realise that it is not my object to wound the religious susceptibilities of other communities. I only want to see it enacted that each community is defined strictly in accordance with religion. With these few observations, I beg to support the Bill.”

**The Hon'ble Mr. Sachchidananda Sinha:**—“My Lord, as the <sup>12-40 P.M.</sup> youngest member of your Excellency's Council, I would very much have

## 26 THE INDIAN CENSUS BILL; THE CALCUTTA HIGH COURT (JURISDICTIONAL LIMITS) BILL.

[*Mr. Sachchidananda Sinha; Mr. Shafi; Sir William Vincent.*]

[3RD SEPTEMBER, 1919.]

preferred to hold my peace to-day and not take part in these deliberations, especially as the Hon'ble Mr. Shafi announced that the Census Bill he was introducing was a non-contentious measure. If I rise now to say a few words with your Excellency's leave, it is first to congratulate my esteemed friend Mr. Shafi on his appointment as an Ordinary Member of your Excellency's Council, and, secondly, to join issue on some of the points on which the Hon'ble Nawab, Nawab Ali Chaudhri, has just spoken. He has raised, in my opinion, questions of large and serious import, and questions which, I fear, will rouse great public feeling in the country. The census results are not intended to support any political propaganda. I have always regarded the census as one of the most beneficent measures that British rule has introduced into this country; it is a measure of great civilizing influence, as it tends to place before the Government and the public facts and figures of an unimpeachable character, obtained through the census operations, which are of great value in the work of administration. But these census results, my Lord, are not intended for the purpose of pandering to the political feelings and sentiments of any particular community.

"Now the question raised by the last speaker is not only highly controversial but unfeasible, as it is clearly not for the Census officer to define who is a Hindu and who is not a Hindu or a Mussalman or not a Mussalman. I remember reading many years ago the late Sir Denzil Ibbetson's monumental Report of the Punjab Census of 1881, where, describing the Muhammadans of the Eastern part of the Province, he says that these Muhammadans were converted from Hinduism observing the feasts of both religions but the fasts of neither, and he goes on to say that these Muhammadans may be classed either as Hindus or as Muhammadans. Supposing a bigoted Hindu took up this matter and said to the Census officer that these Muhammadans should be classed as Hindus, that would open up a very controversial question. At the present moment we are eagerly looking forward to the Reforms, those beneficent measures of advancement, looking to the solidarity of this great country, and I think the question my friend raises will be very detrimental to progress. I therefore hope the Hon'ble Mr. Shafi will take steps to see that no efforts are made to introduce this question of whether a particular tribe or community, by worshipping God in its own way, forfeits its right to call itself Hindu or Muhammadan just as it may care to designate itself. With these few observations I shall take my seat."

The motion was put and agreed to.

**The Hon'ble Mr. Shafi** :—"My Lord, I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit."

The motion was put and agreed to.

## THE CALCUTTA HIGH COURT (JURISDICTIONAL LIMITS) BILL.

12-43 P.M.

**The Hon'ble Sir William Vincent** :—"My Lord, I move for leave to introduce a Bill to declare and prescribe the limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal. The reasons for this Bill are fully explained in the Statement of Objects and Reasons, and I do not think I need detain the Council for any length of time over the motion. The boundary of the ordinary original civil jurisdiction of the Calcutta High Court was first laid down in a Proclamation

**THE CALCUTTA HIGH COURT (JURISDICTIONAL LIMITS) 27  
BILL; THE INDIAN NATURALIZATION (AMENDMENT)  
BILL.**

[3RD SEPTEMBER, 1919.]

[*Sir William Vincent.*]

of 1794. Under the Letters Patent His Excellency's Legislative Council has, however, power to alter these boundaries so demarcated. The metes and posts by which these limits were demarcated in 1794 are now not traceable, although in 1849, I believe, an attempt was made to ascertain their position. After the survey of Calcutta in 1912, the Government of Bengal addressed the High Court suggesting that the boundaries should be accurately demarcated, because this was obviously a matter of great importance to litigants. The High Court agreed, and there was a careful inquiry by the Director of Surveys and the Registrar of the High Court. They laid down a boundary which followed, as far as possible, the old limits described by the Proclamation of 1794. The demarcation was accepted by the High Court, and it is proposed now to enact that that boundary shall be fixed by legislation. The Schedule to the Bill is extraordinarily long, and I do not think I should do the Council a kindness if I attempted to read it; it extends to some four pages of very dull matter. I ask now only for leave to introduce the Bill. I hope, on a future occasion, if it meets with the approval of this Council, to move that it be further considered."

The motion was put and agreed to.

**The Hon'ble Sir William Vincent:**—"My Lord, I introduce the Bill, and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

**THE INDIAN NATURALIZATION (AMENDMENT)  
BILL.**

**The Hon'ble Sir William Vincent:**—"My Lord, I move for leave to introduce a Bill further to amend the Indian Naturalization Act, 1852. Hon'ble Members of this Council are probably aware that there is in India, in addition to the Imperial Act, a local Naturalization Act in force which empowers the authorities in this country to grant certificates of naturalization which have effect within British India. This is an Act which was passed in 1852 long before the present British Naturalization and Status of Aliens Act was passed. Under this local Act we have power to withdraw a certificate of naturalization, only if it is proved that the person who secured it was guilty of false statements in his application. Both in England and in this country difficulty has been experienced since the beginning of the war, in regard to a number of persons who have obtained certificates of naturalization, and have subsequently proved themselves disloyal or in other ways unworthy of the privileges of a British subject. The consequence was that the English Naturalization Act was amended in 1918 to provide for cancellation of certificates in certain cases when such a course was obviously necessary. We propose now to enact a similar measure in this country. The cases in which we propose to take power to withdraw a certificate of naturalization are set out in the Bill. They are cases in which a naturalized subject has engaged in unlawful trade with the enemy during any war, or within five years of the date of the issue of the certificate has been sentenced by a Criminal Court to transportation or penal servitude, or imprisonment for a term of not less than 12 months, or was not of good character when the certificate was issued, or where he has been resident out of the King's dominions for a period of over seven years, after the issue of a certificate save in certain reasonable circumstances set out in the clause, or, lastly, when he remains according to the law of another country a subject of a State at war with His Majesty. Before the certificate is withdrawn in any case an inquiry will be made by a competent authority which will have

12-45 P.M.

28 THE INDIAN NATURALIZATION (AMENDMENT) BILL; THE  
LAND ACQUISITION (AMENDMENT) BILL.

[*Sir William Vincent ; Mr. R. A. Mant.*]

[3RD SEPTEMBER, 1919.]

power to summon and enforce the attendance of witnesses. The effect of withdrawing a certificate, under the proposed law, is that the man will from that date on be deemed to be an alien, there follow certain provisions in clause 11 (b) which I need not refer to further at present, dealing with the status of the wife and minor children of a man whose certificate is withdrawn. All I ask at present is for leave to introduce this Bill into this Council, and on a subsequent date, if it meets with approval, I propose to ask the Council further to consider it."

The motion was put and agreed to.

**The Hon'ble Sir William Vincent** :—" My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

---

**THE LAND ACQUISITION (AMENDMENT) BILL.**

12-50 P.M.

**The Hon'ble Mr. R. A. Mant** :—" My Lord, I move for leave to introduce a Bill further to amend the Land Acquisition Act, 1894. The object of the Bill, as explained in the Statement of Objects and Reasons, is to secure to Co-operative Societies and to charitable and other societies registered under Act XXI of 1860 the same facilities as companies registered under the Indian Companies Act, 1882, for acquiring land under the Land Acquisition Act. There is no distinction in principle between these two classes of societies and corporations registered under the Indian Companies Act. The reason why the Land Acquisition Act does not apply to Co-operative Societies is mainly historical, as that Act was passed ten years before the first Co-operative Societies Act of 1904. As regards societies registered under Act XXI of 1860, there has been a good deal of difference of opinion among the legal authorities on the question whether they come under the Land Acquisition Act or not, and in some cases they have been allowed by Local Governments to acquire land under the Act. The opinion which now holds the field, namely, that of Lord Sinha when Advocate-General, Bengal, is to the effect that neither societies registered under Act XXI of 1860 nor Co-operative Societies registered under Act II of 1912 are companies within the meaning of section 3, clause (e) of the Land Acquisition Act.

"The operations of Co-operative Societies are extending and they are beginning to take up enterprises which are useful to the general public, such as seed farms, quite apart from the benefit of the individual members. Similarly, Act XXI of 1860 is frequently used for the registration of societies whose main object is a public one, for instance, education and the maintenance of public reading rooms and libraries. In both these cases it appears reasonable that the societies should be given the same facilities as companies for the acquisition of land. They will of course be subject to the same limitations as companies under the provisions of Part VII of the Act. Thus under section 40 they will have to satisfy the Local Government after due inquiry that the work for which they require land is likely to prove useful to the public, and under section 41 they will have to specify the terms on which the public shall be entitled to use the work. If they satisfy these and the other prescribed conditions, there seems to be no reason why the State should not assist them to acquire land.

"With these remarks, I beg to move for leave to introduce the Bill."

[3RD SEPTEMBER, 1919.]

[*Nawab Saiyed Nawab Ali Chaudhri; Mr. R. A. Mant; Sir George Lowndes; Sir William Vincent.*]

**The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:**—"My Lord, I beg leave to offer only one remark in connection with the Bill for which a motion for leave has been made by the Hon'ble Mr. Mant to amend the Land Acquisition Act of 1894. While welcoming the Bill, may I suggest to your Excellency at this stage that it may be amended in such a manner as would exclude from its operation mosques, temples and other sacred places which are held in esteem and reverence by the people, both Hindus and Muhammadans. I hope, my Lord, I do not appeal to your Excellency in vain."

The motion was put and agreed to.

**The Hon'ble Mr. R. A. Mant:**—"My Lord, I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

### THE REPEALING AND AMENDING BILL:

**The Hon'ble Sir George Lowndes:**—"My Lord, I have the honour to move for leave to introduce a Bill to amend certain enactments and to repeal certain other enactments. This is one of the usual Repealing and Amending Acts which are introduced in this Council from time to time. There are a great number of small provisions in it all of which are explained in the margin, and if Hon'ble Members have any difficulty with regard to any particular provision I shall be very glad if they would see me about it. There will be plenty of opportunities for this before the Bill is taken up in Council. At this stage I merely move for leave to introduce the Bill."

The motion was put and agreed to.

**The Hon'ble Sir George Lowndes:**—"My Lord, I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

### THE CHARITABLE AND RELIGIOUS TRUSTS BILL.

**The Hon'ble Sir William Vincent:**—"My Lord, I move for leave to introduce a Bill to provide more effectual control over the administration of Charitable and Religious Trusts. In making the motion, I shall have to explain, as shortly as I can, the position of Government in regard to these endowments. Prior to 1863, the Executive Governments of Madras and Bengal, which was then a much larger province than it is now, exercised considerable direct control over many charitable and religious endowments. In 1833, the wisdom of this intermeddling with religious matters, by the executive authorities was re-examined and discussed and, finally, in 1863, an Act was passed, Act XX of 1863, which divested Government officers of all control over the particular endowments which were subject to their management, and transferred all those endowments to Committees which were entirely non-official. From that time onwards attempts have been constantly made to secure the reconsideration by Government of the deliberate policy of non-intervention which it then adopted. There has been voluminous noting, correspondence with Local Governments and with the Secretary of State, and

[*Sir William Vincent.*]

[3RD SEPTEMBER, 1919].

much speaking; various Bills have also been introduced by private Members with the same object in the Imperial and Provincial Councils, but the Government of India have remained steadfast and immovable, always abiding by the policy which they had set before them of abstaining from any intermeddling with religious matters; the reasons for this policy are as well set out, I think, by Sir Charles Aitchison in a Minute of his in 1880 as anywhere else. He said in the first place that any change from this involved a reversal of a long-established and considered policy. Further, that such a change was contrary to the principle of Her Majesty's Proclamation, which runs as follows:—

'We do strictly charge and enjoin those who might be in authority under us that they do abstain from all interference with religious beliefs or worship of any of our subjects on pain of our highest displeasure.'

"He further argued that the interference of Government in these matters was distasteful to the public, and any renewal of or attempt to renew the previous policy would evoke religious opposition and give rise to political trouble. And there were reasons for this contention for, as far back as 1844, it was notorious that the practice of interference with Hindu and Muhammadan religious trusts was extremely distasteful to many. He also pointed out with great cogency that the previous policy under the regulations had thrown upon officers of Government a duty which they could not effectually perform. It was far too heavy a task for any officer of Government in addition to his ordinary duty. Moreover, experience gained during the period prior to 1863 proved that that was true.

"Finally, he said that the management of Hindu and Muhammadan trusts of this character was a serious burden on the religious conscience of many Government officers. I do not know how far that applies now, but I can quite understand the force of this argument in the case of particular individuals. In 1887, there was another attempt made to induce Government to reconsider their policy; but it was again unsuccessful, and it was suggested that the duty of Government was not to look after these trusts and see that the intentions of those who gave money on trust were carried out, but merely to provide laws for all trusts and Courts which could enforce the laws. Lord Macdonnell in the same note, I think, emphasised the danger of any interference with religious questions, and added that 'history teaches us that the clergy of all denominations and creeds are particularly tenacious of their worldly possessions, and attempts to control and secularize ecclesiastical property are resisted always as an attack on religion itself'; there is in my judgment considerable force in that objection. For, in 1908, when Sir Rash Behari Ghosh brought forward his Bill, which was really a simple, though useful measure,—I think some Members of this Council will remember it—it evoked a most extraordinary amount of opposition from certain classes of the public, many of whom resided in the province to which I belong. It was also suggested that those who urged Government to take action in the direction of taking over the management of these trusts really did so with the idea of forcing on Government a very unpopular duty which they themselves were not willing to undertake for fear of religious odium. During this period, indeed from 1878 onwards, a large number of Bills on this subject were put forward, but I do not think I need waste the time of the Council by referring to them; they are specified in the Statement of Objects and Reasons. If, however, any Hon'ble Member is anxious to have further information regarding them, I shall be very glad to furnish him with copies. I think we have also a pamphlet which explains the whole situation pretty clearly. Well, in 1913, there was a further examination of this question; it was raised by various authorities when I was in the Legislative Department, and I remember well that the Hon'ble Member under whom I served, Sir Ali Inam, pressed what I may call the views of the advanced Indian very strongly indeed. He urged

[3RD SEPTEMBER, 1919.]

[Sir William Vincent.]

that there was a great feeling among progressive Indians, educated Indians, on this subject, that it was notorious that large numbers of these endowments were mismanaged, funds were misapplied, and that if these moneys were really put to the uses for which they were intended, the greatest benefits to the community might ensue. Finally, after prolonged discussions we addressed the Secretary of State, and it was decided to have a conference of officials and non-officials to examine the question. I think possibly some Hon'ble Members who are here to-day attended that conference; the general view of that conference was that it was desirable to make some change in the policy of Government. At the same time direct interference of the Government with these religious endowments did not, I think, commend itself to many, and it was pointed out by, I think, Dr. Sarbadhikari—I am not sure, however, if I am correct on this point—that the unpopularity of the old regulations was due to the fact that the executive officers of Government had powers of directly interfering with religious endowments which was intolerable to many Hindus and Muhammadans. The officials who attended that conference sounded a note of warning; they feared that any change in policy might provoke opposition and even inflame religious feeling of the depths of which many were unaware. It was also felt, I think, by some that orthodox opinion was not very fully represented at the conference, though it is orthodox opinion that feels most deeply and very sincerely on these matters. Finally, after prolonged consideration, the Government of India again addressed the Secretary of State, and the present Bill is the result. It will be seen that it does not confer any power on the executive authorities of Government at all. It is intended mainly to facilitate the obtaining of information and of audit of accounts of these trusts through the agency of the civil Courts. I do not want to take the Council through the Bill at any length at this stage. I will deal with it as shortly as I can. If Members will look at clause 2, they will see that it gives power to any person interested in charitable or religious trusts to apply to the local District Judge for an order either directing the trustee to furnish particulars about the trust, or directing that the accounts of the trust shall be audited. Then, clause 4 prescribes the procedure in dealing with such applications. It will be noticed that there is a proviso by which the Court is precluded from dealing with any question of title between the petitioner and any person claiming title adversely to the trust or any question as to the existence or extent of the trust. Well, it has been pointed out very cogently by my learned colleague the Law Member—he will pardon me for quoting him—that this may be a serious bar to the effectual use of this Bill. Any trustee may come forward at any time and say—'Oh, this is not a public charitable and religious trust at all' and if the Court grants the petition it will really be trying a question of title as between the trustee and the petitioner. In this way a dishonest trustee might defeat the whole object of the clause. On the other hand, there are obvious objections to giving the Court power to deal with questions of title in a summary inquiry, so that the subject is really one of great difficulty. The Hon'ble the Law Member suggested that it might be possible to provide that when it is denied that the property is held in trust for a religious or charitable purpose, the Court should be authorised to proceed upon a *prima facie* case of a trust being made out, subject to the trustee's right to have the proceedings stayed on undertaking to file a suit within a prescribed time. I do not know whether this proposal will commend itself to Members of this Council, but it is a suggestion to which I shall certainly draw the attention of Local Governments if the present motion is passed and this Bill is referred to them for opinion. We must find some way in which the remedy we propose is made reasonably effectual and at the same time is not dangerous. The next clause of the Bill is, as it were, a corresponding clause for the benefit of the trustee. As the Bill gives the persons interested in a trust power to apply to the Court for an order enabling them to secure information about the trust, so it gives the trustee

[Sir William Vincent.]

[3RD SEPTEMBER, 1919.]

power to go to the Court for advice on any particular point on which he is in doubt, and if he likes to take that advice then the Bill absolves him from liability for breach of trust. That, I think, is based on a provision of the English law. Clause 7 deals with the costs of such application. Clause 8 is a saving clause, specifying trusts to which it is not necessary to apply the Act.

“ Clause 9 is more important. We know that in many cases suits are not brought against trustees of charitable and religious trusts, although there are very good grounds for doing so, because of the expense and delay involved. The public spirit of private individuals will carry them to a certain point, but they are not prepared to spend large sums of money or to incur grave liabilities for the costs of the defendant in the event of a suit against a trustee being dismissed. Therefore, we have proposed here that in a suit for removal of a trustee of an endowment of this character if there is a *bona fide* case, and it is thought necessary in the public interest, the Court should have power on the application of the plaintiff to make an order directing the defendant to deposit costs. This course will be followed if the Court thinks the case is *prima facie* a good one and that such an arrangement is to the public interest. Moneys so deposited may be made over to the plaintiff by the Court subject to his furnishing security if such a course is thought necessary. I do not wish to detain the Council any further at present in discussing details of the Bill, as they will have ample time to examine the provisions of the Bill later, but the sketch I have given will enable them to understand what the main provisions are. We do not desire any interference with the management of these trusts by Government or by any executive authority; that is not the intention of this Bill, but we seek to facilitate action by those interested in the administration of these endowments through the civil Courts. The Bill deals with a subject of great delicacy, and the Government have put it forward with considerable diffidence and hesitation. I have explained to the Council that for many years we have refrained from taking action; it is indeed only owing to pressure from educated public opinion in this country that the present change in policy is proposed. The Government of India have no cast-iron views on the question or on the merits of the Bill at all. If it is not favourably received by public opinion, we shall be prepared to withdraw it, and then on those who press us to do so will rest the responsibility for that action. I may say, however, that this Bill is the product of very careful consultation between officials and non-officials. We do not say that what we have put forward is necessarily the best solution of the difficulty, but it is the best way that we can see at present of securing the object in view. We are quite prepared to amend the Bill in any respect that may commend itself to the general public and which we think consistent with our general policy. I myself hope very much that the Bill will commend itself to the Council, because I have for many years been working on the subject, and I have a very strong personal feeling as to the benefits that will accrue from a better administration of these charitable trusts.

“ The Bill being an Imperial Bill is limited in scope because different provinces have advanced to different degrees in this matter. Some provinces probably are ripe for further measures of control. We have had before us proposals for the registration of trusts, for the publication of accounts and the obligatory audit thereof; also for limiting the period of office of those in charge of these endowments and for the creation of new schemes of management, and so on. The Government of India, once this Bill is passed, are prepared to allow Provincial Governments and Legislative Councils to proceed as far as they think fit on these lines subject to certain definite limitations and if orthodox opinion is adequately consulted. I cannot say that they would approve of any direct interference by Government in this management, but, subject to that, I think that we are prepared according to the last instructions that have been received from the Secretary of State and the last discussions in this country, to approve provincial measures which confer much

[3RD SEPTEMBER, 1919.]

[*Sir William Vincent.*]

greater power of control over these endowments. We seek to limit legislation in this Council to the point which I have already explained.

"My Lord, I do not think that there is anything else for me to say in regard to this measure at present. It is not our intention to pass it in the present Session, but to publish it in the Gazette of India and in the local official Gazettes; this will allow of its being fully ventilated before Government take any further action."

The motion was put and agreed to.

**The Hon'ble Sir William Vincent:**—"My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto be published in the Gazette of India in English and in the local official Gazettes in English and in such other languages as the Local Governments think fit." 1-10 P.M.

The motion was put and agreed to.

The Council then adjourned to Wednesday, the 10th September, 1919, at 11 A.M.

SIMLA;

The 8th September, 1919.

H. M. SMITH,

} *Officiating Secretary to the Government of India,  
Legislative Department.*