

***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

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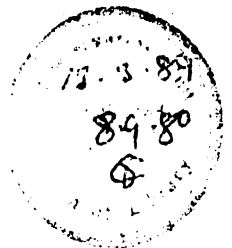
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VOL. LVIII

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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 & 8 Geo. V, Ch. 81.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on  
Thursday, the 11th 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 52 Members, of whom 44  
were Additional Members.

### THE INDIAN COINAGE (AMENDMENT) BILL.

The Hon'ble Mr. H. F. Howard:—"My Lord, I beg to move <sup>11 A.M.</sup> for leave to introduce a Bill further to amend the Indian Coinage Act, 1906. The object of this Bill is succinctly stated in the Statement of Objects and Reasons, and I need only add a very few words. The object of the measure is to use nickel to a larger extent for our subsidiary coinage and thereby to conserve the available supplies of silver for our rupee coinage, and also, for the future, consequently to reduce our demands on the silver market. We moved some distance in this direction during the course of the war, when we introduced the two-anna nickel coin; this, in spite of some rather gloomy anticipations of our friendly critics at the time, has proved very popular. We thought of going further in this direction by coining four and eight-anna nickel pieces even earlier than we have done, but we were unable to do so for two reasons, firstly, our mints were very much pre-occupied with our rupee coinage and, secondly, nickel, like silver, was unobtainable in any substantial quantities. We are now in a much better position in both these respects. Our critical rupee position has been very greatly ameliorated, and we have secured a very large amount of nickel. We have had numerous complaints, as every Member of this Council knows, during the last eighteen months as to the hardships and grave inconvenience caused by the scarcity of small coin. Well, our mints at the present time are doing their best to make up any lee-way which still remains; recent complaints have been very sporadic and local, and I hope we shall soon be able to remove all causes for complaint on that score. Very

90 THE INDIAN COINAGE (AMENDMENT) BILL; THE CANTONMENTS (AMENDMENT) BILL.

[Mr. H. F. Howard; Mr. W. E. Crum;  
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“The coins which this Bill will enable us to issue are not quite ready for immediate production, but I may explain that the intention is that the four-anna coin should have a wavy edge similar to the present one-anna coin, so that they will be easily distinguished from other subsidiary coins; it will be distinguished from the present one-anna coin by reason of its larger size. It is proposed that the eight-anna coin should be round; it will be clearly differentiated in size from the rupee, and as it will be of the same value as the present silver eight-anna piece, no difficulty will arise on account of its similarity with that coin. We propose that these coins should be legal tender up to one rupee; the present legal tender value of our silver half rupee and four annas will be unchanged.”

11-5 A.M.

**The Hon'ble Mr. W. E. Crum:**—“My Lord, I have great pleasure in supporting this Bill. When the Bengal Chamber of Commerce submitted their memorandum on currency to the Committee when I was in London, they regarded it as one of the most important features of the future currency of India to make the position, as far as possible, independent of silver, and that coinage of nickel and subsidiary metals should be increased as largely as possible. Speaking from memory I think that the absorption of small coins during the war has been something like an increase from 30 to 270 lakhs of rupees, showing that the Indian public are very anxious to have small coin; and, in view of the fact that there is a very large increase in the circulation of one-rupee notes, it is specially important that an increase should also be made in the small nickel coinage of the country.”

The motion was put and agreed to.

11-6 A.M.

**The Hon'ble Mr. H. F. Howard:**—“My Lord I now 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 CANTONMENTS (AMENDMENT) BILL.**

11-7 A.M.

**His Excellency the Commander-in-Chief:**—“My Lord, I beg to move for leave to introduce a Bill further to amend the Cantonments Act, 1910. The purpose of the Bill is clearly set forth in the Statement of Objects and Reasons.

“The Bill embodies two proposals. They are quite unconnected with each other and are only dealt with concurrently for convenience of legislation, because they relate to the same Act.

Second

“The first part of the Bill arose out of a proposal by the United Provinces Government to impose license fees on job porters in the Chakrata cantonment. On an examination of the Cantonments Act, it became evident that insufficient powers existed for the imposition of fees for the grant of licenses to persons carrying on trades and occupations in cantonments. It is accordingly proposed to make specific provision in the Act, empowering the Governor General in Council to make rules which will provide for the grant of licenses to such persons, and for the levy of fees when licenses are so granted. The second portion of the Bill relates to the suppression of prostitution and procuring in cantonments. This, it is needless to say, is a very necessary measure in the interests of the health of the troops. The existing provisions to this end in the

## THE CANTONMENTS (AMENDMENT) BILL; THE CINEMATOGRAPH (AMENDMENT) BILL.

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Cantonments Act have been found in practice to be inadequate. Certain powers exist under the Defence of India Rules, 1915. These, however, are of a temporary nature and moreover, as explained in the Statement of Objects and Reasons, have not been found to be fully effective. In order to secure the object in view, it is accordingly considered necessary to amend the Cantonments Act as now proposed."

The motion was put and agreed to.

**His Excellency the Commander-in-Chief:**—"My Lord, I now 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 CINEMATOGRAPH (AMENDMENT) BILL.

**The Hon'ble Sir William Vincent:**—"My Lord, I move for leave to introduce a Bill to amend the Cinematograph Act, 1918. The principal Act was passed recently and will be within the memory of many Members of this Council. We deferred bringing the Act into operation in order to give facilities to the public to meet the new requirements of the law.

"On examining the Act ourselves, however, we found that certain modifications were desirable in order to prevent general inconvenience. I think if I explain the clauses of the Bill very briefly to the Council, they will realise the position better than if I explained it in any other way.

"Clause 2 of the Bill provides for the introduction of the Act piece-meal. The present section allows of the introduction as a whole in any part of India. The effect of that is, that if the Act was brought into force, while films were being examined and until they were certified by an examining authority, there would have been a considerable period during which all exhibitions of cinematographs would have been stopped; great inconvenience to business and to the public would have resulted. We now propose to bring in a Bill piece-meal; first of all to take steps to get the films examined, and then to apply the provisions which apply to exhibiting films.

"Clause 4 is a decentralising provision. In the Act as it stood it was proposed that the Governor General in Council should have power to constitute certain authorities for the examination of films. On reference to Local Governments, it was found that it would be far more convenient if certain Local Governments were given this power, and the Bill has been amended accordingly. The opportunity has been taken to give statutory effect to the undertaking which I gave when the Bill was passed, that if the examining authority, is a Board of two or more persons, then not more than half of that Board shall be officials.

"The remaining sub-clauses of this Bill are, I think, really consequential; at any rate, it is not necessary for me to detain the Council at present further in respect of them. If any Hon'ble Member wishes to discuss any point in the Bill with me, I shall be very pleased to give him further information."

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.

[Mr. H. F. Howard]

[11TH SEPTEMBER, 1919.]

## THE INDIAN COMPANIES RESTRICTION REPEALING BILL.

11-34 A.M.

**The Hon'ble Mr. H. F. Howard** :—“ My Lord, I beg to move for leave to introduce a Bill to remove the restrictions imposed on the withdrawal of capital from the money markets by Companies. It is very desirable to withdraw all the measures of control which were necessitated during the war as early as possible. My own feeling is that in each case the onus is on Government to establish that justification remains for retaining control. Unfortunately in many cases it is more difficult to demobilise control than it was in the first place to impose it. But, in the present instance, fortunately that difficulty does not exist, and though the existing Act would have died in the natural course in a few months' time, we have thought it desirable to take this opportunity to kill it at once. I think I may say that since the armistice we have been granting licenses freely, possibly too freely. The actual amount of the new capital for which licenses were issued by Government up to the end of December last was 29 crores; since then licenses have been issued for the flotation of capital amounting to 76 crores. But though we have disposed of these as expeditiously as possible, we recognise that some delay and inconvenience must necessarily be entailed to Companies which have to prepare applications for us, and that they are put to a good deal of trouble in that connection.

“ But while I think that this Act can suitably be repealed now, there is one word of warning I should like to utter. These huge figures I have mentioned show that a great deal of capital is at present forthcoming, but they do not show at all whether that capital is at present being devoted to suitable objects or the reverse. We have not exercised any scrutiny in recent months as to the inherent soundness of these Companies. Generally speaking, we have merely considered whether there were strong grounds for interfering with them or not, and we have not interfered with them except in the case of obviously ‘kittifying’ Companies. For example, there was an Aviation Company with a capital of 2 lakhs.

“ Sir Jamssetjee Jejeebhoy at the last half-yearly meeting of the Bank of Bombay made some remarks which seem very relevant in this connection. He said: ‘It seems necessary to caution the investing public against rushing into every new venture that is put on the market without knowing something about it. Company promoting, divested of its speculative nature, deserves to be encouraged, but there is a danger that the present movement will be overdone and that it will lead to trouble in the future.’ The only criticism that I have to make with regard to Sir Jamssetjee Jejeebhoy's remarks is that they appear to me, if possible, to have understated the danger. It is very important that investors should not encourage flat-catching promoters by helping them to unload more or less worthless shares on the public. I am not so much concerned with the fate of the individual investors in such Companies, who may be left to ‘hold the baby,’ as with the effect that the collapse of Companies of the kind may have on the investing public as a whole and the possible danger that investments in sound enterprises will thereby be discouraged.

“ I may say that I have heard that a good many Companies have been in the habit of placing in the forefront of their advertisements the fact that the Government of India have issued licenses to them under the Act. From what I have said it will be seen that that in itself is no testimony to their soundness, and an intending investor would do well to scrutinise the soundness of a new Company, in which he thinks of investing, on its merits.”

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[*Mr. W. E. Crum ; Mr. H. F. Howard ;  
Sir Dinshaw Wacha* ]

**The Hon'ble Mr. W. E. Crum :—**“ My Lord, this Act was started 11-19 A.M. at a time when it was absolutely necessary to get in as much money as possible for national purposes. It has outgrown its usefulness and, I think, it is unnecessary that it should any longer be continued. It naturally imposed certain restrictions on Companies which are in themselves in every way admirable, and considerable delay has occurred, not lately but earlier in getting leave to float Companies. Latterly, as Mr. Howard remarked, the use of this Act has assumed rather a serious aspect and in the case of several Companies, the fact that Government have allowed the flotation of the Company, as Mr. Howard says, has been used really as an advertisement. There is no question about it that there is a serious danger of the public being misled into believing that the Government have carefully scrutinised the Company and approved of its flotation before it has actually granted leave for the flotation. I thoroughly endorse what Mr. Howard said regarding the speculation that is going on at present over Companies floated in India. There has been a tremendous boom of industrial progress. I think Mr. Howard said that the majority of the Companies were unsound or words to that effect.....

**The Hon'ble Mr. H. F. Howard :—**“ I did not wish to convey that impression.”

**The Hon'ble Mr. W. E. Crum :—**“ I think the majority of the Companies are thoroughly sound. But I doubt whether there is a single one of these Companies whose shares have gone to an enormous premium which is really worth the premium.

“We have a large number of Companies being floated with very large sums as capital, some of them excellent Companies no doubt in themselves, but in which the rise in the price of shares cannot be justified, and I would like to add my opinion to what the Hon'ble Mr. Howard has already said as regards warning the public against paying these excessive premia for shares of any kind whether they are sound or unsound.”

**The Hon'ble Sir Dinshaw Wacha :—**“ My Lord, I entirely agree 11-21 A.M. with what has fallen from the Hon'ble Mr. Crum, and coming as I do from Bombay, where there is going on the greatest promotion of Companies and speculation in their shares, too, is very rife, I think a little warning of a determinate kind from Government would be very good. A large number of industrial concerns have been floated in Bombay, and as Mr. Crum has rightly said—of course he has not referred to Bombay—premium on the shares of these new Companies goes up in no time, aye even before a single brick foundation-stone of the concern is laid. Or even before the first call of Rs. 5 or Rs. 10 is made, the premium goes up to Rs. 20, Rs. 30, Rs. 40 and Rs. 100. This is really a very unsound state of affairs, and I believe that it is more the fault of the investors themselves and of nobody else. The Company promoters as a body of course are benefited. They put as much money as they can into their pockets. They under-write the shares of the particular Companies, and of course employ brokers who go and rig the market, after allotting all the shares for themselves and their friends. The promoters thereafter begin to sell their shares to the public at a premium. Everybody tries to grab at a few hundred shares of this or that Company. Meanwhile what happens is this, that while speculation is being fed by these Company promoters, premium goes very high, and they seize the opportunity to unload their shares at a profit and fill their own pockets. Now it is not the first time that such a thing has happened in Bombay. I am a very old man, and I remember very well as a young boy of 20 the feverish speculation that took place in Bombay in 1864-65 during the last two years of the American Civil War, when something like 50 Financial Associations and about 20 Banks or so were established, thanks to the 50 crores of silver and gold thrown in the lap of the cotton merchants as their colossal

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BILL.

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profits. I wrote specially some ten years ago a book on the mania of share speculation which is considered a standard book, because it is the only historical work that has ever been published; I specially related there all about the history of the causes which brought the old Bank of Bombay to grief and ruin. Of course, at that time the movement was led by a bold man like Premchand Roychand, who was the Albert Grant of those days. To-day there are several people like Premchand who fan most wildly the speculative flame. But I do believe, my Lord, that it would be a very wise thing were the Government to consider whether the Companies Act should not still be amended in a further way so as to restrict this kind of speculation by Company promoters. Of course, it is more a matter for those packs of geese who are called investors. The promoters' vocation would be easily gone were the geese not so foolish and credulous. The whole situation is this. The investing people are ignorant, credulous and very greedy of pocketing money. Some of them think that they can take a hundred rupees in the morning in their pocket and bring Rs. 200 in the evening. Thousands of people were ruined after the collapse of the mania of 1864-65. Immense properties and estates went to rack and ruin. Their owners never recovered. That was the aftermath. I gave a warning the other day to an audience where I presided that they had better be careful because the crash was sure to come and then they would feel the pinch. But whatever may be done, I think some sort of check should be devised by the Government so that this kind of speculation may be greatly abated, particularly restricting those astute promoters of Companies who are of course the greatest gainers in speculation of this kind and therefore the worst sinners. I am very glad that the Hon'ble Mr. Howard has referred to this to-day in his opening remarks. As far as the speculation of withdrawal or remobilisation of capital is concerned it has my hearty approval. The industrial regeneration of the country on a sound industrial basis is infinitely better than this sort of mere promotion of Companies for purposes of speculation. Industrial concerns on sound lines are to be welcomed, but the speculative mushroom concerns must be wholly deprecated."

The motion was put and agreed to.

**The Hon'ble Mr. H. F. Howard:**—"My Lord, I now 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.

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**THE INDIAN MERCHANT SHIPPING LAW AMENDMENT BILL.**

11-27 A.M. **The Hon'ble Sir George Barnes:**—"My Lord, I beg to move for leave to introduce a Bill to amend the Indian Merchant Shipping Acts, 1859 and 1883. It is difficult to add anything to the clear statement as to the effect of the Bill which is set out in the Statement of Objects and Reasons. The measure is a very simple one, and, I think, all Hon'ble Members will agree, entirely uncontroversial. Section 114 of the Indian Merchant Shipping Act, 1859, and section 5 of the Indian Merchant Shipping Act, 1883, both exclude from the operation of the Act ships belonging to, or in the service of,



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THE INDIAN MERCHANT SHIPPING LAW AMENDMENT BILL  
BILL; THE INDIAN TARIFF (AMENDMENT) BILL.

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[*Sir George Barnes.*]

His Majesty or the Government of India, or belonging to any foreign Prince or State. It is not very clear how the words 'in the service of' came to be inserted, especially as they are absent from the corresponding provisions of the English law; but the effect is that the exemption covers vessels which have been temporarily hired for transport or other purposes, as well as ships owned by Government. In practice this exemption has been found to be very inconvenient, in so far as it precludes investigations being made into shipping casualties occurring in connection with hired transports, and also precludes suitable disciplinary measures being taken against officers and crews of such vessels who may have been in fault. The object of the Bill is to confine the exemption strictly to shipping belonging to His Majesty or to the Government of India.

"It may perhaps be well to give Hon'ble Members an example of the inconvenience which has arisen, and which the Bill is intended to remedy: Accidents have from time to time occurred in the docks at Bombay and elsewhere in India to merchant vessels temporarily hired as transports. One, for example, while proceeding to her berth in the Alexandra docks to embark troops, owing to the engines of the ship being put full speed ahead instead of full speed astern, collided with the dock wall and damaged her hull. It is obviously desirable that a casualty of this kind should be inquired into in the ordinary way under the Indian Merchant Shipping Acts, and the certificate of any of the ship's officers who might be found to be in fault ought obviously to be dealt with. But, as the law now stands, no inquiry can be held. The whole effect of the Bill is to leave out the words 'in the service of' which now stand part of the two sections referred to above. My Lord, I beg to move that leave may be given to introduce the Bill."

The motion was put and agreed to.

**The Hon'ble Sir George Barnes:**—"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 INDIAN TARIFF (AMENDMENT) BILL.**

**The Hon'ble Sir George Barnes:**—"My Lord, I beg to move 11-21 A.M. for leave to introduce a Bill further to amend the Indian Tariff Act, 1894. The effect of this Bill can be stated in a very few words. It is to impose an export duty of 15 per cent on hides and skins with a rebate of 10 per cent on hides and skins exported to other parts of the Empire, and there tanned. Its object is to ensure that our hides and skins shall be converted into fully tanned leather or articles of leather so far as possible in India, and failing this in other parts of the Empire, instead of being exported in a raw state for manufacture in foreign countries.

"I need not take up the time of Hon'ble Members with any detailed account of the history of the hide and skin trade in India. It is common knowledge to all Hon'ble Members that before the war the hide trade was monopolised by the Germans, and at that time the tanning trade in India was comparatively very small. Great changes were brought about by the war. Immense quantities of leather were required for war purposes,—for soldiers' boots, for saddlery, and for equipment of various kinds, and sufficient tanneries for converting the hides into leather were not available outside Germany. The result was that tanneries for this purpose sprang into existence in India under the guidance and with the friendly assistance of the Indian Munitions

[*Sir George Barnes ; Mr. W. E. Crum.*]

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Board. In this way India rendered an immense service to Great Britain and her Allies in the war, and incidentally greatly benefited herself. While the tanning of hides in India was fostered and stimulated by war requirements, the tanning of skins was injured, for it was found necessary to divert the energies of the skin tanners to the tanning of hides for military requirements. In fact during part of the war it was unfortunately necessary to prohibit absolutely the tanning of skins.

"The present position is that we have in India at the present time some hundreds of tanneries for the tanning of hides, a large number of which have come into existence in order to satisfy military requirements during the war. We have in fact the foundations of a flourishing tanning industry, but there is reason to fear that it may tend to dwindle and disappear with the diminution of military requirements, if some other support is not given. We want to keep this industry alive, and we believe that in this case protection in the shape of a 15 per cent export duty is justifiable and ought to be effective. It is clearly just also that the same measure of protection should be extended to the tanners of skins whose business, as I have already stated, was injured by the necessities of the war.

"Though Indian tanneries have enormously increased in number during the past three years, they can only deal with a comparatively small proportion of the raw hides and skins which India produces, and it is to the advantage of India and the security of the Empire generally that this large surplus should, so far as possible, be tanned within the Empire, and with this end in view the Bill proposes a 10 per cent rebate in respect of hides and skins exported to any place within the Empire. I should add that it is proposed to limit by notification the benefit of this rebate to hides and skins actually tanned within the Empire; and Indian hides and skins re-exported from an Empire port for the purpose of being tanned abroad will not be entitled to any rebate.

"I need not tell you, my Lord, that the effect of the Bill on the producers of raw hides and skins has been most carefully examined by our expert advisers. We have no desire to benefit Indian tanners at the expense of Indian cattleowners or dealers in hides and skins. We are advised that the world demand for Indian hides and skins is so great that there is no risk of any injury being done. We have no cause to be afraid of the competition of the raw hides and skins from other countries in the world's leather market. India has almost a monopoly in respect of skins; and produces such a very large proportion of the lighter type of hides, which are by far the most suitable for certain purposes, that the world will never be able to do without Indian hides in one form or another.

"In conclusion, the Bill is an effort to keep the tanning industry on its feet. The next few years will be years of difficulty and danger owing to the changed conditions and reduced demands for the Army, but when those years are past, I believe that the future holds out the promise of great possibilities for the tanning industry in India. We have the hides, the skins and practically all the tanning materials ready to our hands and an almost unlimited world demand for leather. It is one of the most promising Indian industries, and we hope that the beginning which has been so well made has a bright and successful future before it. I beg to move for leave to introduce the Bill."

11-30 A.M.

**The Hon'ble Mr. W. E. Crum:**—"My Lord, on behalf of the Bengal Chamber of Commerce I have much pleasure in supporting this Bill. As long ago as 1917, when a Conference of the Chambers was held in Delhi, this Conference recommended that any industries which can be regarded as 'key' industries should be supported. Again, in April of this year, the Madras Chamber of Commerce, I understand, wrote a letter to the Government of India proposing a duty on the export of raw hides and skins, and this was backed by a

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letter on the 9th of May from the Southern India Skin and Hides Merchants Association, an association entirely of Indian tanners, further supporting the proposal. I understand also that the Bombay and Upper India Chambers supported the proposal.

"Now, my Lord, I would like to quote two authorities on this question, because it is a matter of introducing into India what is really a new principle. A great supporter of free trade, Mills, writes to the following effect. It is his opinion that 'it is legitimate on principles of political economy to protect an infant industry in the hope of naturalising a foreign industry, provided that in itself it is suited to the circumstances of the country.' He says that 'It cannot be expected that individuals should, at their own risk, bear the burden of carrying out new manufactures until educated up to the level of those with whom the processes are traditional. The duty, however, should be imposed subject to the conditions that circumstances in the protecting country are really favourable to the industry, and therefore that it can be withdrawn when it has achieved its object.'

"Now, the Hon'ble Member has told Members of this Council that this country is as favourably situated as any other for the process of tanning. That is evident from the fact that it has been an indigenous industry in India for a great many years, and that there are in various parts of India, especially in Madras and Bombay, a very large number of small tanneries, small Indian tanneries, which in certain classes of leather have been able, so far, to compete with the rest of the world. The supply of hides and skins in India is practically unlimited, and as regards goat skins and sheep skins, goat skins especially, she may be said to control the markets of the world. The supply of tanning barks is also practically unlimited, and new tanning barks are being found every day.

"Further, India is just as rich as any other country in the necessary materials for chemical tanning, that is to say, in the chrome metals which can easily be converted into the salts required for the latest processes of tanning. Now, my Lord, I should like just in that respect to go into figures very shortly. In the quinquennial average for the years 1894-99 India exported 200,000 tanned skins and 92,000 raw skins

**The Hon'ble Sir George Barnes** :—"Those were bales, I think, not individual skins or hides."

**The Hon'ble Mr. W. E. Crum** :—"Hundredweights I should have said. In 1909-1914 the number of tanned skins had gone down from 200,000 to 137,000 hundredweights and the number of raw skins had increased from 92,000 to 548,000 hundredweights. I think the reason for this is fairly obvious. About this time America took up with great keenness the tanning of raw skins, and she imposed an import duty of 10 per cent on half-tanned leather and 20 per cent on fully tanned leather, and she continued that import duty until the year 1914 by which time her industry had become so strong that she was practically unassailable. I think, therefore, my Lord, that we have got a very good case for putting on a duty here from that point of view alone, and I certainly would not propose that the duty should be kept on any longer than is necessary to fairly launch the industry.

"Now, my Lord, my other authority is the Prime Minister. He described the other day a key industry in the following words: 'A product essential for war or for the maintenance of the country during a war. Industry so neglected before the war that there was an inadequate supply of product. Industry about which the Government found it necessary to take special steps during the war. Industry which, if special Government support were withdrawn, could not maintain itself at the level of production essential to national life.' My Lord, I think the tanning of hides and skins within the Empire, as Sir George Barnes has already told us, comes within the meaning of all those four descriptions.

[*Mr. W. E. Crum.*]

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"I have only just had time to glance through the Bill and, as far as that is concerned, it is a very simple Bill, and it seems to me that it should work quite satisfactorily. But there are two points which I would like to bring to the Hon'ble Member's notice. We cannot increase the tanning industry of India unless, somehow or other, we get tanners, and, at the present moment, it is almost impossible to get tanners from England. When I say tanners, I refer to the really expert tanner in the finished article. There are any number of tanners who can tan up to a certain point and tan very well, but they only tan what is known as crust leather which afterwards has to be curried and finished by certain processes in order to make it of actual use to the leather manufacturer, and, as far as I can see, the only possible way in which we can really make sure that the tanning industry in India will be a success, is by educating as large a number of Indians as possible in modern tanning.

"Now, my Lord, we have got a precedent for the suggestion which I am going to make in the Tea Cess. The Tea Cess is largely used for the advertising of Indian tea and generally for improvements in the production of Indian tea. For instance, you have got a chemical staff, a large staff of experts, who do nothing but consider improvements in the fertilising of tea and in the kind of tea which should be sown. I should like to suggest, my Lord, that a part of this duty, which it is proposed to impose, should be set aside for one or two schools of tannery in India, and they would have to be fairly large, that is to say, they would have to be big enough to produce practical tanners. It is no use sending out a man who has learnt the theoretical side of tanning only; he has got to do considerably more than that; he has got to learn the practical and commercial side as well, and these schools would have to be big enough for teaching that. If we had one or two of these schools of tannery located in different parts of India, and if we got out for those schools of tannery a really first-class staff, which staff would have to be imported from England, I am quite sure that within a very few years we should have in India, Indians trained, if they were not absolutely expert tanners, at any rate to the stage of being really good foremen in the tanneries.

"Then there is another point, my Lord, also which I should like to touch on, and that is as regards another use to which this duty might be put. I think it is only right to say that the exporters of raw hides and skins very strongly oppose this Bill, and they oppose it on the grounds chiefly as to the effect that it will have on the Indian producer, that is to say, on the seller of the actual raw hide. Their opinion is that it will mean a reduction in the prices which he receives, and they actually go so far as to say that the export of raw hides will be stopped because of the increase in the duty. Well, Sir George has told us that he does not believe that and that his expert tanner has given his opinion against that, and I do not think there is anything in that point. There may be something, probably there is something, in the point that at first the actual producer of the hide will receive less than he got before. Now there is room for very very great improvement in the class of hide which is exported from this country, and it is a matter of teaching the village people in the case of the slaughtered animals to properly flay their hides, and in the case of dead animals to properly preserve them. I am quite satisfied that if part of this import duty was used in propaganda work for the teaching of the producer of the raw article to improve this article that he would very soon get back more than any loss in prices that he might suffer from the export duty being imposed. The tanneries already established and to be established in future in India are interesting, in that they have been started largely by both Europeans and Indians. In Madras, the indigenous tanneries are all Indian. The same is the case in Bombay. In Cawnpore there are both. In Calcutta, one tannery has been started, purely by

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[*Mr. W. E. Crum; Mr. N. F. Paton;  
Mir Asad Ali, Khan Bahadur; Sir  
Dinshaw Wacha.*]

Europeans, i.e., by Messrs. Bird and Co. Sir Nilratan Sircar started a tannery some years ago which is likely to be exceedingly successful. My own firm started a tannery in conjunction with a large Muhammadan firm in Bombay. We equally own the shares. And there is one other European tannery started; while a tanner from Madras, Mr. Chari, probably the best Indian tanner in India, has also started one large chrome tannery in Calcutta and proposes to start another. I think it is, therefore, evident that it is a trade in which Europeans and Indians can combine and work together, and in which the individual knowledge of each will be of great assistance, and for these reasons, my Lord, I have much pleasure in supporting the Bill."

**The Hon'ble Mr. N. F. Paton** :—" My Lord, on behalf of the Bombay Chamber of Commerce I desire to support this Bill. It is a most welcome departure and if accepted, as I have no doubt it will be, it will prove a landmark in the economic history of India. I look upon it as the first fruits of the labours of the Industries Commission; the first instalment of the support and encouragement which I hope and believe Government will extend in future to the indigenous industries of the country. I trust it is the forerunner of many measures having for their object the industrial regeneration of India."

11-52 A.M.

**The Hon'ble Mir Asad Ali, Khan Bahadur** :—" My Lord, I desire not only to support the Bill, but congratulate the Hon'ble Member for Commerce and Industry for introducing this measure at an opportune moment, a new and welcome departure in the administration of tariff."

11-53 A.M.

**The Hon'ble Sir Dinshaw Wacha** :—" My Lord, I am a convinced free-trader, and in that respect I think I differ from the majority of my own countrymen who are all rank protectionists. I have said it before and I will say it again now, that I am a convinced free-trader; but, at the same time, I have all along for these many years entertained the opinion that young industries require to be protected until they are able to stand on their own legs, and this is one of the industries to which Sir George Barnes has referred. I am very glad to hear that this leather industry is to be protected until such time as Indian tanners are able to stand on their own legs without any crutch of a protecting duty. So far it is all right, and I hope it will be the harbinger of other industries of the same sort, which of course will also be protected until they make India economically more prosperous than before. Mr. Crum referred to the practical part of it, and I admire him very much for the very practical suggestions he has made in the matter, namely, that part of the proceeds of this duty should be employed for a very useful purpose, namely, establishing schools and getting out expert tanners from England. In India there are at the present moment practically no able experts at all. As a matter of fact, I know that for some years in Bombay one or two small traders had established a tannery where they used to cure skins, and at the same time make roller skins which are necessarily used by every mill in India. These roller skins were used in several of our mills, but were found not equal to the best roller skins that they used to get from England; and when we asked the manufacturers themselves what the difference was due to, and whether they could not improve their methods and the quality of their material, we were told that they had not sufficient knowledge; but if encouragement was given by way of expert training they would supply skins equal to the imported quality. Here is thus an instance of Indian manufacturers who have commenced this enterprise, standing in need of Government assistance by way of experts to put it on a proper footing. I therefore support the very practical suggestion made by Mr. Crum, and I hope Sir George Barnes will induce Government, whatever the state of the finances may be, not to sit too tight on the finances, but to set apart part of the duty for this purpose."

11-54 A.M.

[*Rao Bahadur B. N. Sarma ; Pandit  
Madan Mohan Malaviya.*]

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11.45 A.M.

**The Hon'ble Rao Bahadur B. N. Sarma:**—"My Lord, I congratulate the Government most heartily upon this departure from the economic policy which has been pursued so far by it. Every community in India would heartily welcome this Bill as a happy augury of the industrial policy which is to be pursued by the Government, and which has been foreshadowed in the Industrial Commission Report. I, coming from Madras, am singularly interested in this Bill, because it would affect my province, I think, much more than the other provinces. The export trade from our province is very large and the tanners there are more numerous than elsewhere. I have had conversations with hide merchants in Madras on this subject, and there seems to be practical unanimity that this will be a very welcome measure to the trade in Madras, as, I think, it will be elsewhere also. The only question is as to whether the proposed duty goes sufficiently far; that is a matter of detail which will have to be considered later. Even if a duty were to be imposed for purely revenue purposes, I believe it has been asserted in several quarters that we might go so far as 20 per cent without the duty being of a protectionist character. There is, therefore, a question as to whether a 15 per cent duty would be really protectionist in character, but that is a matter of detail. But, my Lord, this duty is proposed to be levied not for revenue purposes but for protectionist purposes and on principle; there is another principle also involved in this Bill which we heartily welcome, and that is that where it is to the interest of the Indian Empire that a particular industry should be fostered, when it is suited to the country, Government will be prepared to protect that industry, even against the interests of other parts of the Empire. That is the principle that is involved here, and we have therefore peculiar cause for gratification and satisfaction and thank the Government which has undertaken this measure. Coming to the question as to whether this would prejudicially affect the agriculturists who are largely interested in the prices that are to be paid for skins, I may submit, my Lord, that so far as my province is concerned, I do not think there would be any dissatisfaction felt. The cry there has been at almost every conference that the export trade has been artificially stimulated by poisoning and killing cattle, very valuable cattle, as meat on a very extensive scale, and if this Bill to a certain extent checks that artificial growth of the export trade, I think no one will welcome it more than the agriculturists themselves. Then, again, judging from the statement of the Hon'ble Member in charge, and the expert investigation which has been bestowed on the matter, there seems to be absolutely no fear that the agriculturists would suffer because we have a monopoly so far as the skin trade is concerned, and that is the view of the Madras merchants. I, therefore, welcome this Bill and thank the Government on behalf of Madras particularly.

"With regard to the suggestions made by the Hon'ble Mr. Crum, we are in hearty agreement therewith. Something has been attempted to be done by the Madras Government and a leather expert has been at work there for some time past. Now a great stimulus would be afforded to the Madras Government by reason of the passing of this Bill, and I daresay steps will be taken to remove any difficulties in the way of the trade, and to place it on a thoroughly sound footing. With regard to the other suggestion, steps have been taken by the Agricultural Department in Madras to try and teach the people, as far as possible, the methods of getting a fair price for skins, and I think funds could not be better utilised than for the propagandist purpose. We thank the representatives of the Chambers of Commerce of Bombay and Bengal for their hearty support and for the sympathetic manner in which they view the industries of India."

12 P.M.

**The Hon'ble Pandit Madan Mohan Malaviya:**—"My Lord, I welcome this Bill so far as it proposes to impose an export duty of 15 per cent on hides and skins, but I say frankly that I do not see any justification for the

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[*Pandit Madan Mohan Malaviya.*]

other proposal, namely, that a rebate shall be given in the case of hides and skins exported to any part of His Majesty's dominions, etc. My Lord, the Hon'ble Sir George Barnes and the Hon'ble Mr. Crum have reminded us that India is situated in a peculiar position in regard to this trade. We produce unfortunately—it is a sad thing that there should be so many hides produced by the brutal murder of cattle, but it is a fact we have to take into account—we produce a large quantity of hides and skins, but having all those hides and skins available to us, having all the tanning barks available to us, having most of the chemicals available or producable, if I may say so, in this country, having an unlimited supply of labour, having a large market at home and having the whole world to export our manufactures to, it seems a tragedy that the Government of India, with its mighty resources for starting a large tannery in this country, should allow the bulk of the hides of the country to go out, and should allow a rebate to certain countries which will import them. My Lord, I think that with the resources the Government possesses, it is high time that the Government of India made up its mind to establish large tanneries in this country, and to establish also large factories for manufacturing leather of the highest kind. The war has shown what the Government of India can do, the Munitions Board have a record of results which have gratified India. It is not beyond the power of the Government of India to lay aside a few crores of rupees and to import experts to do what is needful. The Government of India have got an example in the Tata Steel Works. They did not wait to train all the expert Indians who would be needed in producing the highest kind of steel that was required. They did better; they did what Germany and Japan had done before; they imported most of their experts for their steel trade, and they achieved a success which has earned the plaudits of all people. I can quite understand, as the Hon'ble Mr. Crum pointed out, that it will be impossible to get experts, at any rate for some time, of the best type from England. But let us not take too narrow a view of the matter. Let us not reject the services of outsiders altogether. If their service helps us to raise our own country economically and industrially, it should be accepted. If English tanners of the best type cannot be got, let us not carry our prejudice and hatred so far as to refuse the service of other tanners; I will not say hatred and prejudice, let us not take a narrow view and refuse to take in tanners from other countries.

“ My Lord, the next point to consider is, within what time it will be possible to do what I suggest. Assuming that this counsel, which I claim is a counsel of common sense, and not of perfection, assuming that this proposal is acceptable to the Council, in theory at any rate, it will take some considerable time before this can be put into practice. I do not expect otherwise. Works like the Tata Iron and Steel Works could not be built up in a day. But the Government ought to make up its mind as to what it is going to do. If the Government should make up its mind, it will have to consider whether the policy adopted in the Bill is the right one to adopt. If you determine as a matter of duty to the people of India that you will use all the resources of the State in men, money and material to build up a great leather industry in this country within as short a time as possible, then I ask you to pause before you agree to the policy of a rebate. Once you establish vested interests, once you create certain advantages for other parts of the Empire, any later attempt to take away these advantages will be met as furiously as have been met the attempts to prevent the people of Fiji from continuing to exploit Indian labour. If once the other parts of the Empire will obtain the advantage of the rebate, it will be most difficult to get them to give them up. Therefore, I say you should not introduce into this legislation this question of a rebate.

“ My Lord, I ask the Government to consider what is our economic and political position. Has any of the many countries indicated shown any desire to help India in any such way in which it is proposed that these countries

[*Pandit Madan Mohan Malaviya ; Malik Sir  
Umar Hayat Khan ; Sir George  
Lowndes.*]

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should be helped by India? I should like to know if any other part of the Empire has offered to allow a rebate on its export duty on articles imported into India. I should like to know in what matters this has been put into practice. No doubt there are proposals that something like this should be done, but I should like to know whether it has anywhere been done. Further, I find that a new and very important element has been introduced into this Bill. I find that the rebate shall be allowed not only in respect of hides and skins exported to any part of His Majesty's dominions or any territories under the protection of His Majesty, but also to those in respect of which a mandate of the League of Nations is exercised by the Government of any part of His Majesty's dominions. We shall therefore be in future not merely under the fiscal Government of the United Kingdom, but also of the Government of the League of Nations. The Resolution which we passed yesterday offering our congratulations and thanks also reminded us that we should expect to enter upon a new era of orderly progressive self-government on a truly democratic basis, under the guidance and protection of a League of Nations. We should wait to see what the League of Nations is going to command us to do in certain matters, before we commit ourselves to this large policy. If we do not proceed cautiously, I do not know where we shall be landed. I do not see why India should make a present of 10 per cent. of its export duty on hides and skins to other parts of the Empire. India is a poor country. No country lost 60 lakhs. of people from Influenza as India did. That means, my Lord, great and pervading poverty, widespread want of sufficient food and clothing. In this state of things with all the existing taxes that have been imposed upon the people, with all the needs that stare us in the face, in the matter of education and sanitation, and every other kind of advancement, it seems to me that every pie that can be raised by export duties should be reserved and conserved for the people of India. We are not unhappily as rich as some other countries are. If we were, then it might not be a matter of such deep concern. But being the poor people we are, knowing the many needs we have to minister to, our economic situation being what it is, I respectfully ask the Government to pause and to consider whether the part of the Bill which proposes to allow a rebate of two-thirds of the duty levied on hides and skins exported to certain parts of His Majesty's dominions should be retained. We should have some solid ground upon which we are to proceed by way of reciprocity. When the human relations which should subsist between one member and other members of the Empire have been established on a decent footing, it will be time to consider this question. I hope the Government will pause and reconsider this part of the Bill."

12-10 P.M.

**The Hon'ble Major Malik Sir Umar Hayat Khan** :—" My Lord, I welcome the Bill and thank the Government for it. It will greatly benefit my province, especially the Muhammadans."

12-11 P.M.

**The Hon'ble Sir George Lowndes** :—" My Lord, I do not desire to pose as an expert on this question, but I think some of the remarks of the Hon'ble Pandit can hardly go without a reply, more especially as the Hon'ble Pandit referred to the common sense of this Council. I think the common sense of this Council will agree with me that it is absolutely necessary to have a very definite outlet for the country's surplus hides. Then the Hon'ble Pandit says: 'Oh work your export trade without any rebate'. The only result would be that we should lose our export trade from India. The Hon'ble Pandit knows that India at present takes not more than quite a small proportion of the hides which this country produces, and if we merely maintain a high export duty, we should, if I may adopt the same expression that I have heard him use recently, have the bulk of the trade rotting in certain parts of



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[*Sir George Loundes ; Mr. W. E. Crum ;  
The President ; Sir George Barnes ;  
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India, or possibly going to a country with which we have had very unpleasant relations of late. What we desire is to find an outlet for surplus hides, and we propose that that outlet should be within the Empire rather than in the hands of our recent enemies.

"The Hon'ble Pandit also expressed great horror in his speech at the production of hides at all. If I mistake not, he is hardly practising the doctrine he preaches inasmuch as he appears in this Council shod in the produce of the very barbarities which he so stoutly deprecates."

**The Hon'ble Mr. W. E. Crum** :—" May I ask the Hon'ble Member one more question, my Lord ?" 12-13 P.M.

**The President** :—" Yes".

**The Hon'ble Mr. W. E. Crum** :—" It is with regard to the date when this Bill should come into operation. I understand that it comes into operation. . . . ."

**The Hon'ble Sir George Barnes** :—" To-day".

**The Hon'ble Mr. W. E. Crum** :—" But the point, my Lord, is that probably a considerable amount of business has already been done and contracts made for export of hides and skins, and exporters will be at a great disadvantage if the duty were imposed at once. Might I ask that no duty will be imposed as regards the contracts which have already been made if satisfactory proof is forthcoming that *bona fide* contracts have been made ?"

**The Hon'ble Sir George Barnes** :—" I should like to say one or two words in reply."

**The President** :—" Is there any other member who wishes to address the Council ?"

**The Hon'ble Rai Sahib Seth Nathmal** :—" My Lord, 12-14 P.M.  
the measure as proposed by the Hon'ble Sir George Barnes will have the support of all classes in India, and as a business man who has some experience of the trade in myrabolams which can largely be used for the preparation of tanning materials, I can assure the Council of your Excellency that the introduction of the Bill further to amend the Indian Tariff Act, 1894, deserves hearty congratulations for your Excellency's Government, and I pray that leave to move the same should unhesitatingly be granted."

**The Hon'ble Sir George Barnes** :—" My Lord, I should like to 12-15 P.M.  
answer the question which the Hon'ble Mr. Crum asked me a minute or two ago. He asked me whether contracts which have already been entered into would be respected, and whether any duty would be imposed on such contracts. I think I can say that all contracts will be respected which are contracts with persons in countries to which export was not prohibited at the time of the imposition of the duty. With regard to the contracts with persons in countries to which the export of hides and skins was prohibited, as at present advised, I think those contracts cannot be respected; but I am willing to consider further any particular case which the Hon'ble Member may put before me.

"My colleagues who sit near me point out that I was obscure throughout my opening speech, in that I never explained the difference between a hide and a skin. A hide, I may say, is the hide of a buffalo or of an ox or cow, and a skin is the skin of a goat or a sheep.

"Then, my Lord, I will deal with the suggestion that the Hon'ble Mr. Crum made that a portion of the proposed duty should be put aside for schools of tannery and for propaganda work having for its object the improvement of

[*Sir George Barnes ; Pandit Madan Mohan Malaviya.*]

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hides and skins by more skilful preparation and treatment. I can assure him that his suggestion will be carefully considered.

"My Honourable colleague, Sir George Lowndes, has practically answered all that the Hon'ble Pandit said. But there is one thing that I should like to add. The Hon'ble Pandit urged that Government ought to start large tanneries in this country and large factories for the manufacture of leather. I would like to ask him to consider a little further what that means. First, I must remind him that we have only got a limited amount of money that can be spent on enterprise in this country, and that we want a great deal of money for railways, telegraphs and telephones and for all other purposes of that kind. This being the case the Hon'ble Pandit asks us to put aside money for the purpose of setting up Government tanneries and Government leather factories. It is of course clear that any money spent in that way must come out of the money available for railways and telegraphs and such other purposes. If the Hon'ble Pandit's wish were carried out, the net result would be that Government would go into the business of tanning and of leather manufacture on a large scale, and the result of that again would be that the small tanners, the small Indian tanners in Bengal, the small Indian tanners in Madras, would be crushed out by Government. I do not think that is a good thing at all. I think we ought to rely upon individual effort and try to help individuals to succeed in their business and not to crush them out by Government action.

"Then the Hon'ble Pandit asked what has any other country done for us in the way of giving preference. A preference has in fact been given by Canada, and only last spring in the Imperial Budget a preference of 2d. in the £ on tea was given, and in that way the Imperial Government gave up a revenue—I am speaking from memory—of about 2½ million sterling. I should deprecate altogether the view of the Hon'ble Member that we should wait and see as to what other people will do. I think in this particular case it is quite reasonable that we should take the first step, but as a matter of fact, as I have already pointed out, the Imperial Government took the first step in the early part of this year when the Budget for the current year was introduced. My Lord, I now beg leave to introduce the Bill."

The motion was put and agreed to.

**The Hon'ble Sir George Barnes** :—"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."

24-20 P.M.

**The Hon'ble Pandit Madan Mohan Malaviya** :—"I still think, my Lord, that the Bill in the form in which it stands requires further consideration, and in speaking of it once more, I will be very brief and lay stress on a few points only. The Hon'ble Sir George Lowndes said that exports will be checked if the high duty of 15 per cent is imposed on hides and skins. Well, do not impose such a high duty if it will check exports. If you act on the principle of doing what is good for India, that will determine the extent or measure of your action in this direction. If such high duty will check exports, then levy a lower duty. That is my answer to the first point taken by the Hon'ble the Law member.

"As regards the second, I am sorry and ashamed that I wear leather shoes. I have canvas shoes but I do not wear them in Council.

"My Lord, I grieve it, I am ashamed that I use leather. When the thought comes to me that some dear creature of God might have been killed, I feel sincerely sorry and ashamed, and my only consolation is that I use a little leather as I can, and that I do not fatten on the destruction of the life of other creatures.

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“Then, my Lord, with regard to the argument urged by Sir George Barnes, that only a limited amount of money is available for investment, I did not mean that Government alone should start tanneries and factories. I was wrong, I should have qualified my expression. What I do mean is that Government should encourage the establishment of tanneries and leather factories, and if the Government will take up the matter seriously, India will find money enough to help the growth of this industry. My esteemed friend, Sir George Barnes, has said that there will be a great demand for money in various directions, particularly for railways. That is true, but the railways alone will not absorb all the money available for investment, and we should not think of devoting all the money we can raise to the construction of railways alone, and leave this great question of the development of the hide industry aside. I submit that if the Government will give a lead, if the Government will find out all the information that is available—and the correspondence of the Government of India and the Secretary of State with British tanners does supply a lot of information as the Hon'ble Sir George Barnes knows—I submit if that information is placed before the public and if encouragement and advice and expert assistance are made available to the public, if, that is to say, the Government of India takes up this business as the Government in England are taking up the questions relating to national industries, I believe there will be capital forthcoming to help the growth of tanneries and large leather factories. My Lord, as I said in my other speech, I do not expect this trade to grow at once, it will grow by and by. But I ask the Government to make a new departure, to make up its mind to make a large departure in this direction, so that this trade may grow. I am thankful to be reminded that preference has been given to Indian tea in England. Well, that is good; but Indian tea stands in a very different position to Indian hides and leather, and the question deserves still to be considered whether this high rebate of 10 per cent should be allowed.

“Lastly, before I resume my seat, I should like to join with the Hon'ble Mr. Crum and the Hon'ble Member from Bombay and support the suggestion that the Government should start at any rate some good schools of tanning. I should also add that the Government should set apart a sufficient sum for sending out capable Indians who are Bachelors of Science and Masters of Science to foreign countries to acquire the highest skill as experts in the tanning industry.

“My Lord, I regret that discussions in this Council are becoming acrimonious.”

**The Hon'ble Sir George Barnes** :—“I have refrained, my Lord, from interrupting the Hon'ble Pandit in his speech, but I do not think that any part of it was relevant to the motion now before the Council.”

**The President** :—“Sometimes the longest way round is the shortest way home.”

The motion was put and agreed to.

## THE INDIAN ARMS (AMENDMENT) BILL.

**The Hon'ble Sir William Vincent** :—“My Lord, I move for leave to introduce a Bill further to amend the Indian Arms Act, 1878. If Hon'ble Members will look at the Statement of Objects and Reasons attached to the Bill, I think they will find there expressed more lucidly than I can explain them the reasons which have led the Government of India to undertake this legislation. Under section 16 of the present law a person who has arms in his possession without a license or the possession of which is unlawful for any reason, has to deposit the arms at the nearest police-station, and unless he can get a license to possess them within a specified period, the arms are forfeited

12-25 P.M.

[*Sir William Vincent ; Malik Sir Umar Hayat Khan ; The President ; Mr. Sachchidananda Sinha.*]

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to Government. We now propose in lieu of this provision to provide that a person who is not entitled to possess arms by reason either of his exemption being withdrawn or his not having obtained a license, may deposit the arms either at a police-station or, subject to any conditions that the Local Government may prescribe, with any licensed dealer. He will then have an opportunity within a reasonable time of disposing of the arms in any way he thinks fit or of getting a license if he so wishes. It is only on his failure either to dispose of the article or get a license within the prescribed time that the arms will be sold. The last clause of the Bill is really a decentralising clause enabling the Local Government to make rules to carry the new provisions of the law into effect."

12-27 P.M.

**The Hon'ble Major Malik Sir Umar Hayat Khan:**—"My Lord, while thanking the Government for removing the racial distinctions with regard to licenses in connection with the Arms Act, it will not be out of place to bring to its notice that the bargain has not been a profitable one. Most of the loyal Indians whose services have been recognised by the conferment of titles will be deprived of the special privileges which they have hitherto been enjoying. I think I am voicing their feelings when I say that they are very much dissatisfied on hearing this. My Lord, in the Punjab these approved loyal gentlemen are not more than a thousand in number, and if each paid Rs. 5 to get a new license, it will only bring in Rs. 5,000, which is a trifling sum when their feelings are weighed. Approximately the same number will be found in the other provinces. They are mostly retired and old veterans and are unable to derive any pleasure whatsoever from using their arms for the purposes of sport, but have to look to them for their personal safety. When on the 6th of April last and onwards till the declaration of martial law the excitement of the public was running higher daily; the poor title-holders were hooted and abused if they came out in public. Their only consolation was in these obsolete, rust-caten arms. Some of those which I saw not only had never been used, but perhaps were not cleaned since they were obtained, and the only effect they could have had, if used, would have been perhaps to kill or injure the owner, but this would only happen if these arms were in a condition to be used and the owner knew how to use them . . . . ."

**The President:**—"I must draw the Hon'ble Member's attention to the fact that he is rather wandering from the particular Bill which is before this Council. I hope he will try and confine himself to the proposals contained in this Bill."

**The Hon'ble Major Malik Sir Umar Hayat Khan:**—"My Lord, I was only asking about the new license; the old license, I hope, will be retained by these title-holders."

12-30 P.M.

**The Hon'ble Mr. Sachchidananda Sinha:**—"My Lord, it is so seldom that I can see eye to eye on a public question with the Hon'ble the Major Sahib that I must express my opinion publicly that on this question I agree with him . . . . ."

**The President:**—"I hope the Hon'ble Member will confine himself to the subject under discussion and not wander off as his Hon'ble colleague with whom he agrees did."

**The Hon'ble Mr. Sachchidananda Sinha:**—"I only say I support the views of the Major Sahib. The reason is this. The Hon'ble the Home Member says in the Statement of Objects and Reasons that this Bill which he is introducing to-day is for the purpose of bringing into effect certain changes in the administration of the Arms Act . . . . ."

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[*Sir William Vincent ; Mr. Sachchidananda Sinha ; The President ; Pandit Madan Mohan Malaviya.*]

**The Hon'ble Sir William Vincent** :—" May I rise to explain, my Lord, that I did not say so ?"

**The Hon'ble Mr. Sachchidananda Sinha** :—" He did not say so, but there it is in the papers supplied to us, and I believe he is responsible for the papers he supplies us with. Now, in the Statement of Objects and Reasons it is put down that 'the changes in the administration of the Indian Arms Act, 1878, which were announced in the Government of India (Home Department) Resolution No. 2125-C., dated the 21st March 1919, are to come into force on the 1st January 1920. One of the changes is a curtailment of the list of exempted persons; and there are probably a number of persons now in lawful possession of arms and ammunition, of which the possession by them will become unlawful by reason of that curtailment.' It is, therefore, the Bill has been brought into the Council to-day for the purpose of giving effect to those changes. If I am wrong, I shall be glad if the Hon'ble the Home Member will explain now; otherwise I shall be . . . . ."

**The President** :—" The Bill speaks for itself, Mr. Sinha."

**The Hon'ble Mr. Sachchidananda Sinha** :—" I accept that, my Lord. I always thought that a Bill, even when speaking for itself, could be explained in the light of the Statement of Objects and Reasons. If I am wrong, I accept your Lordship's ruling."

**The President** :—" Read through the Statement of Objects and Reasons."

**The Hon'ble Mr. Sachchidananda Sinha** :—" I have done so, my Lord. In so far as this Bill purports to give effect to the Government of India's Resolution curtailing the exemption list—if I am right in my understanding of the scope and object of the Bill—I take exception to the principle involved in this matter, and I think it is wrong to that extent as the persons who enjoy certain rights before this measure will come into force should not be deprived of those rights."

**The Hon'ble Pandit Madan Mohan Malaviya** :—" My Lord, 12-32 P.M. I oppose the motion for leave to introduce this Bill. The question relating to the Arms Act has been long discussed. It has long been a matter of complaint to the Indian public that there is an invidious distinction drawn between Indians and Europeans in the matter of the possession of arms. The Government have now decided to remove that invidiousness, and they have framed certain rules for that purpose. But that was only one point of complaint in relation to the administration of the Arms Act. The second point was that arms should be available more freely to Indians, as freely as to Europeans. Now, my Lord, that is the effect of the rules which the Government of India has made. This Bill is now brought forward before the Council in order to deprive a number of persons of the right . . . . ."

**The Hon'ble Sir William Vincent** :—" May I rise to a point of order? The Bill does not deprive any person of any right to carry arms whatever."

**The Hon'ble Pandit Madan Mohan Malaviya** :—" The limitations which have been imposed by the Resolution of the Government of India to which reference is made will show that many persons who were free to possess arms without a license will not be able to do so hereafter. The taking out of licenses will be necessary and that is essentially a curtailment. The Statement of Objects and Reasons says: 'The changes in the administration of the Indian Arms Act, 1878, which were announced in the Government of India (Home Department) Resolution No. 2125-C., dated the 21st March 1919, are to

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come into force on the 1st January 1920. One of the changes is a curtailment of the list of exempted persons; and there are probably a number of persons now in lawful possession of arms and ammunition, of which the possession by them will become unlawful by reason of that curtailment. Now, my Lord, I submit that if a curtailment of the right to possess arms is to be brought about, there ought to be an opportunity given to this Council to discuss the matter. If a Bill is introduced which, without allowing a discussion as to the propriety of the curtailment, seeks to make provision for that curtailment being given effect to, I submit, my Lord, it is open to exception. The proper course is that the whole policy which is involved in the Resolution of the Government of India referred to above should be considered by the Council and the administration of the Arms Act be put upon a sound and satisfactory basis . . .

**The President :—**“The Hon’ble Member must not discuss the whole question of the principle of the Arms Act. He has read a portion of the Statement of Objects and Reasons but he did not proceed to read to the end. If he had read to the end he would have found that this was intended to be a liberalising measure rather than a curtailing measure. He must confine himself to the Bill which is before the Council at the present moment.”

**The Hon’ble Pandit Madan Mohan Malaviya :—**“My Lord, my complaint is that, having read the Bill, the Statement of Objects and Reasons and the Resolution of the Government of India, I find that the Bill and the Resolution taken together are not liberalising measures. I, therefore, object to the introduction of the Bill, and I submit that the Government ought to adopt a measure of a really liberal character for the possession of arms by His Majesty’s Indian subjects in this country.”

12-35 P.M.

**The Hon’ble Mr. Shafi :—**“My Lord, I was somewhat surprised when I heard my friend the Hon’ble Pandit Madan Mohan Malaviya say that he opposed the introduction of this Bill. Now, if he had carefully perused the main section in the Bill and compared it with the corresponding section in the Act of 1878, which this particular section is intended to amend, he would have found that the present Bill is a liberalising measure, and, in consequence, I am perfectly certain that he would not have adopted the position which he has done this morning. It seems to me that he has really not compared section 16 of the old Act, which it is intended to amend, with clause 2 of the present Bill. Now, Hon’ble Members will see, if they refer to section 16 of the old Act, that this is what is laid down therein :—‘Any person possessing arms, ammunition or military stores the possession whereof by him has in consequence of the cancellation or expiry of a license or by the issue of a notification under section 15 become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police-station.’ This is the provision embodied in section 16 of the old Act, and it is this provision which is intended to be amended by clause 2 of the present Bill, and if my Hon’ble friend had carefully read sub-clause (1) of clause 2 of the present Bill, he would have seen that what the proposed enactment intends to bring about is this, that under the circumstances specified in clause 16 of the old Act the person who is in possession of arms and has no longer the right to keep those arms in his possession may, in addition to what he is required to do by clause 16 of the old Act, also, at his own option, instead of delivering the prohibited weapons at the police-station, go to a licensed vendor and deposit the weapon with him. That is to say, the proposed enactment saves him the trouble, the worry and occasionally the vexation which results when Indian subjects have to go to police stations in order to obey the directions of law. Instead of going to the police-station, he can go to a private licensed vendor and say to him under the new law: ‘I have no longer the right to keep this weapon in my possession. Will you please sell it for me and let me have the sale proceeds.’ Without comparing the provisions of the old Act with the provisions of clause 2 and then bringing in irrelevant matter which

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has nothing to do with the Bill before the Council but may have some reference to the general policy underlying the Arms Act which would be the subject-matter of discussion only if a new Arms Act were to be before the Council and if we were passing a new Arms Act, I submit, is really taking up a position which is entirely irrelevant to the subject-matter of the discussion before us."

**The Hon'ble Rai Sita Nath Ray Bahadur** :—" My Lord, I <sup>12-49 P.M.</sup> beg to point out that one of the effects of the passing of this Bill would be that the Resolution of the Government of India stating that the list of exempted persons should be curtailed would come into operation from the 1st of January, 1920. . . .

**The President** :—" That is not in the Bill, Mr. Sita Nath Ray. I must ask you to read the Bill and to confine yourself to the discussion of the Bill."

**The Hon'ble Rai Sita Nath Ray Bahadur** :—" But the fact is that the Resolution would come into operation from the 1st of January, 1920, and I do not think that the list of exempted persons should be curtailed. They are very loyal subjects and they were given this privilege of being exempted from the operation of the Arms Act by reason not only of their high position, but also on account of their loyalty and faithfulness to Government. Now they are going to be deprived of that privilege from the 1st of January, and that is what I deplore."

**The Hon'ble Sir William Vincent** :—" My Lord, I think that <sup>12-41 P.M.</sup> the discussion on this Bill, which is really a harmless measure intended to facilitate the disposal of arms by persons who happen to possess them without authority, has gone a little astray. The sole object of the Bill is to make things easier for such persons, and it has nothing to do with any general question of policy. It is of course open to Hon'ble Members on a Resolution properly framed to criticise the policy of the Home Department Resolution on the Arms Act, which was recently issued. Any Member can move a Resolution on that point any time, but this present Bill in no way affects the policy involved or the time at which the Resolution will come into effect. The new policy will come into effect on the 1st of January of next year. We postponed the introduction for one year in order to give time to those affected ; but all that this Bill does is to say that persons who would otherwise be prejudicially affected by the change of policy involved in that Resolution shall receive certain facilities and be saved inconvenience. The motion has however been used as an opportunity for attacking the Home Department Resolution by the Hon'ble Mr. Malaviya who said, *inter alia*, he thought that the Government of India should never have changed the policy in relation to the Arms Act without previous consultation with the Members of this Council. I do not wish to discuss the question of policy, but may I remind Hon'ble Members of this Council that last year we had a discussion of this subject and immediately afterwards there was a prolonged sitting of official and non-official Members of this Council . . .

**The Hon'ble Pandit Madan Mohan Malaviya** :—" How many non-officials ? "

**The Hon'ble Sir William Vincent** :—" I cannot remember the exact number, but there were a large number of non-officials."

**The Hon'ble Mir Asad Ali, Khan Bahadur** :—" About six or seven."

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**The Hon'ble Sir William Vincent** :—" More than that. "

**The Hon'ble Pandit Madan Mohan Malaviya** :—" Not so far as I know. "

**The Hon'ble Sir William Vincent** :—" I will ascertain the figures if there is time. At any rate it was after that and after discussion in this Council and very careful examination of the question that was then in practice that the Government of India adopted the present policy. I am quite prepared to admit, however, that there may be some ground for complaint in regard to the point which the Hon'ble Major Malik Umar Hayat Khan has raised ; the Government of India are quite open to re-examine any points of that kind, but what I submit to this Council is, that the discussion of this Bill is not the proper occasion for that subject. I am glad, however, that he has brought it to my notice and I will have it re-examined. "

The motion was put and agreed to.

**The Hon'ble Sir William Vincent**—" My Lord, I now 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. "

12-46 P.S.

**The Hon'ble Pandit Madan Mohan Malaviya** :—" My Lord, I regret I have to oppose this motion to introduce the Bill. . . . "

**The President** :—" The Bill has been introduced. The motion is to publish it. "

**The Hon'ble Pandit Madan Mohan Malaviya** :—" May I invite your Lordship's attention to the words ' Also to introduce the Bill. ' He first asked for leave to introduce the Bill and he now introduces the Bill. "

**The Hon'ble Sir William Vincent** :—" There is no motion for introduction before the Council, my Lord. "

**The President** :—" No. The Hon'ble Member is quite incorrect. Leave has been given to Sir William Vincent to introduce. I do not know by what outward act he could introduce the Bill, but he has introduced the Bill ; leave has been given to introduce the Bill. The only motion is that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English. "

**The Hon'ble Pandit Madan Mohan Malaviya** :—" Thank you, my Lord. Then, my Lord, I oppose this motion that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English ; and, my Lord, in doing so I beg leave very respectfully to invite your Lordship's attention, the attention of your Excellency's Government to the position as explained by the Hon'ble the Home Member. Last year, my Lord, in this Council a Resolution was brought up relating to the Arms Act, and as the Hon'ble the Home Member has told the Council after that Resolution was discussed in the Council, he invited some non-official Members to a discussion. Now, my Lord, as the result of that discussion he has issued, the Home Department has issued, the Resolution. . . . "

**The President** :—" Really, really, that has absolutely nothing to do with the motion before this Council. The motion before this Council is that this Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and the Hon'ble Member will strictly confine himself to that motion. He says he is going to oppose it ; he can give his reasons for opposing it, but he must confine himself to the motion. "



THE INDIAN ARMS (AMENDMENT) BILL; THE DACCA UNI- 111  
VERSITY BILL.

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**The Hon'ble Pandit Madan Mohan Malaviya** :—“ Exactly, my Lord. I confine myself to the reasons which I urge why this Bill, together with the Statement of Objects and Reasons relating thereto, should not be published in the Gazette of India. I am confining myself exactly to that, my Lord; and in doing so I thought I was justified in inviting attention to the circumstances in which this measure was introduced, and those are the reasons for asking the Council not to accept this motion, but to ask the Government of India in their executive department to reconsider the Bill and then to ask for leave to publish it in the gazette. The reasons I have tried to explain briefly are these, that the policy which underlies the Resolution which the Government of India issued and to which reference is made in the Statement of Objects and Reasons of the Bill, ought to have been discussed before this Council. By this Bill being introduced in the way in which it is being introduced, Members of this Council are being deprived of the opportunity of discussing the policy of that Resolution. As the grievance relating to the Arms Act is a long-standing one, my Lord, I very respectfully submit to the Government of India that it would be wise, it would be right, if the Government would give this Council the opportunity of discussing the policy of that Resolution before publishing this Bill in the gazette; as a result of that discussion Government might think it fit to amend the Bill before asking that it should be published in the Gazette of India. ”

**The Hon'ble Sir William Vincent** :—“ My Lord, in reply, I <sup>12-40 P.M.</sup> wish to point out one fact only, and that is that the effect of negating this motion would be that the Bill would have to be brought before this Council for consideration without having been published, without the public having any opportunity of expressing an opinion on it. That, I think, is a result which even the Hon'ble Member, however much he may seek to abuse his privilege as a Member of this Council, can scarcely desire. ”

The motion was put and agreed to.

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**THE DACCA UNIVERSITY BILL.**

**The Hon'ble Mr. Shafi** :—“ My Lord, I have the honour to move <sup>12-50 P.M.</sup> for leave to introduce a Bill to establish and incorporate a unitary teaching and residential University at Dacca.

“ My Lord, the problem which the proposed enactment is intended to solve is by no means new. This important question came under consideration as far back as the year 1904, when the province of Eastern Bengal was constituted as a separate administrative unit. . . . ”

**The President** :—“ Order, order. The Council is rather noisy. It is quite impossible for the Hon'ble Member to introduce his Bill unless there is less noise. ”

**The Hon'ble Mr. Shafi** :—“ But in the published letter of the 6th April 1904, from the Government of Bengal to the Government of India, it was, on that occasion, stated that ‘ unless and until the new province has so developed as to possess a University of its own, there will be no interference with the influence of the Calcutta University. ’ In other words, the new province was then considered to be not sufficiently developed in education to be able to support a University of its own. From 1904 onwards, the march of educational progress in East Bengal was indeed phenomenal. To illustrate this remarkably rapid advancement, I venture to invite the attention of Hon'ble Members to

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figures relating to the years 1907 and 1912. Between these years, the rate of increase in the number of pupils in East Bengal was higher than in any of the major provinces in the country save the Central Provinces, and was considerably higher than in the western division of Bengal. The percentage of increase in public expenditure on education in the five years was no less than 59·6 per cent as against an average increase of 36·8 for the whole of India. The number of Arts College students increased by 150 per cent, the increase in West Bengal being 87, and 56·6 per cent in the country as a whole. The expenditure from public revenues on Arts Colleges went up by 164 per cent, being far higher than any other province during the corresponding period. At the commencement of the quinquennium, there was not a single aided college in the province; at the end of it, there were five aided colleges. Turning to secondary education, the increase in the number of pupils in East Bengal amounted to 82·9 per cent as against 37 per cent in the western divisions, and 41 per cent in India as a whole. The expenditure from public funds on secondary English education rose by 62 per cent against 40 per cent in Western Bengal, and 33 per cent in the whole of India. In view of this remarkable educational progress in East Bengal, due in part to the concentration of official effort in the then newly constituted province, and the consequent awakening among its population, the demand for the establishment of a separate University in that part of the country naturally became more insistent. In April 1910, the Hon'ble Babu Ananga Mohan Naha eloquently pleaded in the local Legislative Council for an early establishment of a University in the city of Dacca.

“ My Lord, the progress of educational evolution in East Bengal was thus going on apace, when suddenly the announcement, on 12th December 1911, of what are known as the Coronation Darbar Administrative Changes created a deep stir throughout the country. The profound effect of that announcement, particularly among the Muslim majority in East Bengal, need not now be referred to. Having been present in Calcutta as an elected member of this Council and being in close touch with my lamented friend, the Hon'ble Nawab Sir Salimullah Khan of Dacca, and my friend the Hon'ble Nawab Sayed Nawab Ali Chaudhri, I well remember the happenings which resulted in the presentation of an address to His Excellency Lord Hardinge by a Muslim Deputation at Dacca on 31st January 1912, in which they gave expression to the feeling, prevalent among the Mussalmans, lest the modification of the partition of Bengal might retard the educational progress of their community. In his reply to that address, Lord Hardinge assured the Deputation that the Government of India ‘ realized that education was the true salvation of the Muhammadans, and that the Government of India, as an earnest of their intentions, would recommend to the Secretary of State the constitution of a University at Dacca.’ (Report, Vol. IV, Chapter 33, paragraph 2.) And, on 2nd February 1912, a Communiqué was issued by the Government of India embodying that declaration. After receiving the general assent of the Secretary of State, the Government of India announced their decision to establish a University at Dacca in a letter, dated 4th April 1912, addressed to the Government of Bengal and invited that Government to submit a complete scheme with the necessary financial estimate. It was stated in that letter that ‘ the Government considered the creation of new Universities as an important factor in educational progress, and that it was desirable that these Universities, where possible, should be of the teaching and residential type, binding together the colleges of a single town or a single circumscribed area.’ (Report, *Ibid.*, paragraph 4.) In pursuance of this decision by the Government of India, the Bengal Government published a Resolution in regard to the proposed University at Dacca and appointed a Committee of 18 members, with Mr. Nathan as President, to frame a suitable scheme. Into the details of the activities of the Nathan Committee, it is not now necessary to enter. They

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made a thorough investigation into the whole problem and, on 10th December 1912, submitted their report embodying a scheme for the constitution of the proposed Dacca University. The Government of Bengal published that report on 26th December and, after consideration of the criticism invited from all classes, framed detailed plans which formed the subject of communication between the local and Imperial Governments, as well as between the latter and the Secretary of State for India.

“ My Lord, it was at this stage that the unrighteous ambition for world-dominion of the German military circles plunged the civilized world into a conflagration unparalleled in the past history of mankind. Great Britain having thrown the weight of her vast power and unlimited resources on the side of the sacred cause of Liberty and Freedom, and India having taken up spontaneously her share in the burden of the Empire in this righteous cause, it was inevitable that domestic schemes involving expenditure, including that of the proposed Dacca University, should, for the time being, remain in abeyance. But with the unexpected prolongation of the world war, urgent domestic problems could no longer be neglected. An inquiry into the condition and prospects of the Calcutta University and the formation of a ‘constructive policy in relation to the questions which it presents’ being considered matters of urgency, your Excellency’s Government, by means of a Resolution, dated the 14th September 1917, appointed a Commission consisting of highly qualified educational experts, presided over by Dr. (now Sir) M. E. Sadler, Vice-Chancellor of the Leeds University, for the proper solution of what may be characterised as the whole problem of Higher and Secondary Education in Bengal. Previous to the issue of this Resolution, the Government had, in reply to a question asked by my friend the Hon’ble Nawab Sayed Nawab Ali Chaudhuri on 7th March 1917, announced that action regarding the Dacca scheme would be postponed until the Calcutta University Commission, then about to be appointed, had reported. Presumably because of this reply, the Nawab then moved a Resolution in this Council on the 20th March urging that the necessary steps be taken to draft a Bill for the establishment and incorporation of the proposed Dacca University. While replying to that Resolution, the Hon’ble Sir Sankaran Nair stated that the Government of India were definitely pledged to the establishment of a University at Dacca, and that there had been no wavering on the part of the Government in this respect. In the speech concluding that Session, your Excellency, referring to this important subject, confirmed in a most distinct and unequivocal manner, the promise made by Lord Hardinge of the foundation of a University at Dacca.

“ My Lord, now that the terrible conflagration which India, in common with the rest of the civilized world, has had to face during the last five years has ended in the complete triumph of Righteousness and Liberty over Militarism, and the arduous task undertaken by the Calcutta University Commission has resulted in a well considered Report which will rank high among historical documents of the first importance, it was but natural for your Excellency’s Government to take the earliest opportunity of fulfilling the solemn pledges repeatedly given to the people of Eastern Bengal by taking immediate steps towards the establishment of a University at Dacca. It is nearly seven years ago when the people of East Bengal were first promised their University. Their growing impatience during the past few years is well-known to those who have been in close touch with the public life of the country, and the inquiries made by me during my recent visit to Calcutta have convinced me that this is undoubtedly a case of ‘Hope deferred maketh the heart sick’. In view of the urgent educational needs of Eastern Bengal, as well as on vital political grounds, your Excellency’s Government have considered it incumbent upon them to introduce the Dacca

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University Bill in this Session. It should, further, be remembered that of the three reforms adumbrated in the Calcutta University Commission's Report, that relating to the establishment of the Dacca University is comparatively more simple than the two complicated schemes relating to Secondary and Intermediate Education and the University of Calcutta. The views held generally, in official and non-official circles, as regards the former, are already fairly crystallised; while the complicated nature of the recommendations concerning the two latter requires a great deal of consideration and discussion. The simultaneous handling of the three great problems would have constituted a task of tremendous magnitude and difficulty, and would have inevitably resulted in a considerable postponement of the Dacca scheme which had already reached a mature stage, and for which the demand in East Bengal was universal, irrespective of class and creed. The step which we are now taking is, moreover, in entire consonance with the policy laid down by the Government of India and with the drift of public opinion in the country. Over and over again have representative Indian spokesmen invited the attention of Government to the need for the establishment of more Universities in principal educational centres in order to meet the growing needs of higher education in India. I well remember the eloquent appeal of the Hon'ble Pandit Madan Mohan Malaviya, delivered in this Council not very long ago when, after quoting statistics regarding the population and the number of Universities in Great Britain, France and America, and referring to the small number of our Universities, he urged upon your Excellency's Government the necessity of taking steps to establish more Universities in India. My Hon'ble and learned friend will, I feel sure, welcome the establishment of a model unitary teaching University at Dacca as the harbinger of a new era which he, in common with other advocates of educational progress in this country, has already desired for so long. The Calcutta University Commission too, in Chapter XXXIII of their Report, after reviewing the past history of the movement for the establishment of a University at Dacca, proceed to observe as follows:—'It will be apparent from other portions of this Report that even if the establishment of the University of Dacca had not been promised by the Government of India, the whole policy of University re-organization in Bengal which we advocate would have led us to recommend the establishment of a University in that town either immediately or at an early date. For, if this scheme of decentralization, of relieving the excessive burden of Calcutta and of gradually creating separate Universities in the mofussil is to be carried out, Dacca is clearly indicated as the first centre for the creation of such a University.' This is to be found in Volume IV at page 132. Again, at page 227 of the same volume, they observe: 'We think that, pending the establishment of the Secondary and Intermediate Board, the Dacca University should have the right to prescribe its own tests for admission,' thus contemplating the necessity of the establishment of the Dacca University even before the Secondary and Intermediate Board comes into existence. And, finally, at page 241 of the same volume, they use the following significant language: 'We strongly urge that the University of Dacca should be established without further delay. The end of the War will, we hope, have eased the financial situation. But if the money available is not sufficient to provide at once for the full scheme which we propose, we hope that the University will be started on the lines laid down, and in such a way as to allow for its early enlargement and development.' Hon'ble Members will note that this recommendation of the Commission, couched in such emphatic language, was entirely unanimous, and I trust that my friend the Hon'ble Sir Asutosh Mukerjee will be gratified that your Excellency's Government are now taking the earliest possible opportunity to carry the recommendations of the Commission into effect. The nervousness visible in certain quarters in Calcutta lest the adoption of the Dacca University scheme might result in the postponement of the

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reform of Secondary and Intermediate Education and of the Calcutta University, as recommended by the Commission, is devoid of justification. I venture to avail myself of this opportunity to assure our Calcutta friends that the Government of India are earnest in their intention of taking steps, as early as circumstances permit, towards bringing about the solution of those two important problems. Educational experts in my Department have already been, for some time, at work in crystallizing the recommendations of the Calcutta University Commission in relation to these two great questions for the ultimate object of undertaking legislation, in so far as it may be necessary, and the Local Government, as well as other authorities interested in these vital problems, will have ample opportunity of studying our proposals and of expressing their opinions thereon. The Government of India hope that after the necessary preliminaries have been gone through, it may be possible for them to introduce the desired legislation in the Delhi Session. Meanwhile, the Dacca University Bill is being merely introduced in this Session and will, after introduction, be circulated in the usual way for opinion, its Committee stage being also taken in the Delhi Session. Those interested in the proposed legislation will thus have ample time for deliberation and submission of their opinions before the next stage in the consideration of the Bill is reached.

“ My Lord, in view of the weight which must attach to the recommendations of a Commission consisting of educational experts of the position and experience of Sir M. E. Sadler and his colleagues, it was but natural that the Bill which I am now about to introduce should, in the main, closely follow the lines laid down in their Report. The Report has now been in the hands of Hon'ble Members for nearly a month, and a comparison of the principal recommendations contained therein with the provisions of the proposed enactment makes the correctness of this position self-evident. The Dacca University will be a non-affiliating body as proposed by the Commission, but it will be of a more perfect type, and its organization will be facilitated by the fact that it will be a unitary and not a multi-collegiate University. Further, as intended by the Commission, it will be an autonomous and not a Government institution. And a new feature of the institution will be the proposed system of control of the staff by the University itself. The Commission and the Government of India have found difficulty in squaring this last proposal with existing facts and with exigencies of recruitment. The provisions of the Bill offer what we consider a satisfactory solution of these difficulties. In the matter of finance and regulations also the proposed University will have large independent powers. The constitution of our older Universities does not sufficiently distinguish between the administrative and the academic sides. According to the proposals embodied in the Bill, there will be an Executive and an Academic Council, each charged with different functions and each, to an appropriate extent, subordinated to the general control of a representative Court whose functions, in the main, will be legislative and supervisory. The new University will have nothing to do with the teaching of the intermediate classes, a branch of teaching which has often been regarded as having no real affinity with University work. I need not, at this stage, enter into a detailed description either of the other provisions contained in the Bill or of the various smaller bodies which will figure in the University constitution.

“ It is sufficient to say that the proposed constitution is more liberal than that devised by the Committee which was appointed in 1912 and was composed, to a large extent, of non-official representatives. I may, however, mention the fact that the Government of India do not stand committed finally to those minor deviations from the Report of the Commission or additions to the proposals embodied in the Report, which it has been thought necessary to introduce in the scheme embodied in the Bill. These, on receipt of opinions after publication,

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will be subject to reconsideration when the Bill is referred to a Select Committee in the Delhi Session.

“My Lord, long have the people in East Bengal waited for their University, and I have reason to believe that all classes and creeds in that part of the country will warmly welcome the near prospect of possessing a University of their own. The proposed University will stimulate the cause of education in a locality where, as I have shown, there has been enormous educational expansion in recent years. It will result in the lightening of the heavy burden which at present falls on the University of Calcutta. It will present to the country a bold and, I trust, a successful experiment in a type of University which, as yet, has had no type in India, but which conforms to the most up-to-date Universities as established in England and Australia. It will, I firmly believe, constitute a profound boon to the population, Hindu and Mahomedan, of a tract of which Dacca forms the centre. The Dacca District is perhaps the most forward in higher education in the whole of India, and the residents of that part of the country have, for long, been conspicuous for their intellectual activity, their energy in establishing educational institutions, and the keenness with which they avail themselves of educational facilities. There could hardly be a more promising soil in which to plant a new tree of knowledge or one more congenial for the success of this experiment. There may, I conceive, be some small apprehension in Calcutta at the severing of so promising a branch from the parent tree. But, in accordance with the inexorable laws of nature, time is inevitable when the dependent shoots of the Banyan Tree must themselves take root and grow into flourishing trees giving shade and rest to the weary traveller. Indeed, the heart of the University of Calcutta should not be filled with misgiving when she sees her off-shoots maturing into independent and life-giving growth. Surely, it is not for her to grudge a generous measure of healthy independence to so promising an offspring as the proposed University at Dacca, and I feel sure that, instead of opposition, she will offer an attitude of fostering care and friendly interest in its creation and development.

“My Lord, the population of East Bengal, irrespective of caste and creed, are ardently looking forward to the realization of their cherished dream of a University at Dacca, and, on their behalf, I claim the unanimous support of this Council and of the educational leaders of Bengal for the Bill which I now ask for leave to introduce.”

1 16 P.M.

**The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:**—“My Lord, it gives me intense pleasure to rise to-day to speak a few words generally in support of the Bill, which is being introduced by my friend the Hon'ble Mr. Shafi, to establish and incorporate a 'Unitary teaching and residential University at Dacca.' It is in human nature, my Lord, to be jubilant, if one wants a thing and gets it, or at least sees a reasonable chance of one's cherished dream being realised at no distant date. In the matter of the proposed Dacca University, I have not merely been entertaining a desire to see the scheme fructify. As a matter of fact, I have been working for its success at considerable loss of time and energy, and have given myself no rest until, at last, to-day I see my dream fairly on the way to realisation. As a member of the Dacca University Committee of 1912, I promoted the idea as far as lay in my power and imparted an impetus to the movement. I may be pardoned for saying so, but, my Lord, I say this in no spirit of vain gloriousness. Standing before your Excellency to-day, I look back with reasonable pride to the memorable 31st day of January in the year 1912, when your Excellency's noble predecessor, Lord Hardinge, replying to a Muhammadan Deputation, which I had the unique privilege to lead at Dacca, pledged himself to the establishment of a University in that city. Two days later, a Communiqué

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[*Nawab Saiyed Nawab Ali Chaudhri ;  
Maharaja Sir Manindra Chandra  
Nandi.*]

was published, stating the decision of the Government of India. But there were dangers ahead. Fortunately, His Lordship remained firm when opposition appeared from certain quarters and the Government of India, after receiving the assent of the Secretary of State, announced their decision on the 4th April, 1912, to establish a University at Dacca. The Calcutta University Commission, after recommending for Dacca a teaching and residential University, with special facilities for the study of that Arabic Philosophy and Science which, to quote from their report, 'gave fresh intellectual life to Europe during the middle ages,' have urged that 'the University of Dacca should be established without further delay.' The Bill under discussion has not, therefore, been placed on the Legislative anvil a day too soon. On the other hand, it was long over-due and the people of Eastern Bengal were getting impatient over it. This fact made it incumbent on me to move a Resolution in this Council on the 20th March, 1917. With reference to this Resolution of mine, your Excellency, on the 23rd March, 1917, was pleased to give us in Council a fresh pledge in unequivocal terms. It is surpassingly strange that, in spite of these facts, opposition is still presented in certain quarters. I refer of course to certain criticisms recently made in Calcutta on the action of Government. But I do not like to waste your Excellency's time by criticising this action. Now that the Bill is at last to be introduced, I hope that, belying the hopes of some and the fears of others, it will soon be passed into law; and the Dacca University will become a reality within the next twelve months. It is expected that, in the ordinary course of business, the Bill will become law during the ensuing cold weather at Delhi, but I do hope that all necessary preliminaries will be finished in the meantime. It is further to be hoped that no time will be wasted, after the passing of the Bill, in carrying out its objects. My Lord, it is impossible for me to give vent to the feelings of joy that are uppermost in my heart to-day. I shall not be far wrong if I say that in this Council Chamber nobody is happier than I am at this moment. As my heart is full, I do not propose to make any observations to-day on the details of the Bill which, however, I reserve for a future occasion. There are certain matters, *e.g.*,

- (1) scope and jurisdiction of the University,
- (2) Government control on the University,
- (3) service system,
- (4) representation and proportion of Muhammadans in the various bodies of the University and their provision in the Act itself, and
- (5) condition of secondary and intermediate colleges of Eastern Bengal in general and Dacca town in particular,

which will require careful consideration of this Council after obtaining the views of the Local Government, and I shall express my opinion thereon after consulting my constituency. It only remains for me to welcome the Bill with all the emphasis that I can command and, before I resume my seat, I would like to express, on my own behalf as well as on behalf of those whom I have the honour to represent in this Council, our sense of thankfulness and gratitude to your Excellency's Government for having taken up the matter in right earnest. The very able and lucid speech, in which the Hon'ble Member in charge has introduced the Bill in Council, brings into clear prominence his genuine sympathy with the educational aspirations of the people of Eastern Bengal who, I am confident, will always remain grateful to him. Your Excellency will ever be remembered by the people of Eastern Bengal as conferring on them the priceless boon of education and your Excellency's name will go down to posterity as one of their greatest and noblest benefactors."

**The Hon'ble Maharaja Sir Manindra Chandra Nandi :—**

"My Lord, I fully appreciate the motives which have prompted your Excellency's Government to introduce the Bill to-day. They are, I understand, the

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extension of higher education and the redemption of a pledge. It is the duty of every Government to extend higher education as much as possible, and I can assure your Excellency that you will have our whole-hearted and unanimous support for any steps that might be taken in this direction. As for the second object, there is nothing which shakes the moral foundations of authority so much as the breaking of a pledge, and I should be the last person to advise Government to go back upon its plighted word.

“ But there are some considerations which make me hesitate to welcome the Bill at the present moment and in its present shape. In the first place, the Dacca University Scheme—which was ready some years back in its original form—was kept in abeyance pending the findings of the Calcutta University Commission. The Report of this Commission has, it is true, recently seen the light of day, but the people interested in education have not had sufficient time and opportunity to consider this Report and, so far as I know, the public bodies have not yet been invited to express their views on it. The present Bill is based largely on the Calcutta University Report, which has raised issues of fundamental importance, and most of whose recommendations are inter-connected and inter-dependent. To my mind, it would be an advantage if, instead of seeking to give effect to these recommendations piecemeal, Government, after taking into consideration the Report as a whole, were to formulate a broad and general policy in regard to secondary and higher education in Bengal, and then to bring forward a legislative measure or a series of legislative measures to give effect to such a policy.

“ The second reason which stands in the way of my lending support to this Bill is the fact that there are several questions of principle involved in it, which ought to be threshed out before being incorporated in this Bill. I may mention as instances the residential system and the question of communal representation. How far the residential system in its purer form is suited to the conditions of life which prevail in India, and whether the communal principle ought to have a place in a seat of learning, are questions which, for good or for evil, are likely to have an important bearing on the educational activities of our people and ought, as such, to receive the most careful and dispassionate consideration.

“ Lastly, the new University will require for its success the support of public opinion. Such support can be secured in a larger measure if the Bill is considered in the reformed Legislature with its increased popular element than in the Council as it is constituted at present. I would urge this particularly in view of the fact that education is expected to be one of the subjects transferred to popular control. As the public will have a voice in the matter of giving financial support to the University, it seems to me to be only right and proper that popular opinion as expressed through the reformed Legislature, should be an important factor in determining its constitution. My Lord, I am not opposed to the establishment of a University at Dacca, but I submit that nothing will be gained by rushing the present measure. Should it be thought undesirable or inadvisable to withdraw this Bill, I would implore your Excellency to defer its consideration till the reformed Legislatures come into existence.”

1-28 P.M.

**The Hon'ble Rai Sahib Seth Nathmal :—**“ My Lord, I am in full sympathy with the Hon'ble Mr. Shafi's request for leave to introduce a Bill to establish and incorporate a unitary teaching and residential University at Dacca, and I am only sorry for the fact that my Province has been very unjustly treated and is yet lagging behind in this respect, and I only trust and hope that I shall have full sympathy from the Hon'ble the Education Member to-morrow when I will have the honour of moving a Resolution on this subject. I will at least have this satisfaction that, as a result of this delay, my Province would have now those advantages of the Report of



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the Calcutta University Commission which otherwise would not have fallen to their lot, and I am sure this will outweigh the disadvantages which one has to experience by such an unfair treatment between a province and a province."

**The Hon'ble Rai Sita Nath Ray Bahadur:**—"My Lord, I beg to congratulate the Government on the introduction of the Bill to-day. As an inhabitant of Dacca I rejoice that the promise of establishing a University at Dacca is at last being redeemed. It has taken the Government so long to mature the plan that we were being reminded of the words of the proverb 'Hope deferred maketh the heart sick.' I am not a little surprised to hear, and I was not a little astonished to find, that a keen supporter of education like the Hon'ble the Maharaja of Kasimbazar should get up and oppose this Bill on the ground that the establishment of a University at Dacca should be postponed till action is taken on the recommendations of the Calcutta University's Commission as a whole. But they forget that the promise to establish this University was made—as far back as 1912—long before a Commission for the Calcutta University was contemplated. Lord Carmichael expressed his regret that war conditions had delayed the fulfilment of that promise. And I am glad the Government have now decided to take necessary action in the matter. 1-23 P.M.

"While according my humble support to the scheme generally, I cannot help taking objection to a few details :

"A number of appointments have been provided for, which seem to be unnecessary and out of all proportion to the requirements of a small University, whose jurisdiction is to be confined to a radius of five miles from the Dacca Convocation Hall. I fail to understand, for instance, why a treasurer should be necessary for a University consisting of only a few colleges, when the affairs of all the colleges in Bengal could be looked after by one Registrar of the Calcutta University. Moreover, the Calcutta University has jurisdiction over all affiliated High Schools and second grade colleges, which the proposed University will not have. So many posts are going to be created and so many sub-divisions are going to be made that, I am afraid, instead of simplifying matters they will only complicate them. I urge that something be done to simplify matters.

"It is proposed to create a Mahomedan Advisory Board. Though I am averse to any scheme of education that differentiates between communities, I do not grudge my Mahomedan friends the privilege of a separate Board. But I fail to understand why, if the interests of Mahomedan students, who I hope will take full advantage of a University in Eastern Bengal—require the watchful care of a special Board—the interests of the Hindu students would not require it. I would, therefore, recommend the addition of a Hindu Advisory Board.

"Lastly, my Lord, I take strong exception to the territorial limitation proposed. My Lord, I remember how the Hon'ble Justice Sir Ashutosh Mukherjee deplored the proposal to establish a University at Dacca on the ground that it would curtail the jurisdiction and income of my *alma-mater* the Calcutta University. But I am sorry to have to differ from him. And I hold that for purposes of more careful supervision there should be a separate University for Eastern Bengal. Unfortunately the proposal now is to have a University with two or three colleges located at Dacca. This, my Lord, reminds me of a proverb current in the province from which my Hon'ble Friend the Education Member comes—'Owns two acres and talks of his head gardener.' When it is a question of more careful supervision I see no reason why the colleges at Barisal, Mymensingh, and Chittagong should not be

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affiliated to the Dacca University and the professors and students there should be compelled to cross the mighty Padma and go to Calcutta to satisfy their educational needs. This anomaly should be removed, and the jurisdiction of the Dacca University should be extended over the whole of Eastern Bengal and the University made really useful to the people."

1.34 P.M.

**The Hon'ble Chandhri Muhammad Ismail Khan:**—"My Lord, permit me to congratulate your Excellency's Government on having at last made up their mind in regard to the Dacca University. There were so many impediments in the way of the scheme materialising since Lord Hardinge promised this boon, that the people of Eastern Bengal had almost begun to despair. And now that we are within a measurable distance of the establishment of a University at Dacca, our amiable friends in Calcutta have raised specious pleas for its postponement. The Senate of the Calcutta University seem to think that the recommendations of the Sadler Committee must be given effect to in one comprehensive measure, if at all. They conveniently forget that the report itself recommends that the Dacca University should be established immediately. The Committee have, moreover, suggested various alternative transitional schemes, in case it should be decided to give effect to their recommendations piecemeal. I can well understand reasonable criticism aimed at improving the Bill in regard to its principal features; but, my Lord, the critics of this measure desire to improve it altogether out of existence. I hope, however, that under your Excellency's fostering care, the Dacca University will fulfil the high expectations entertained by Lord Hardinge about it, and will be a real boon to the people, particularly to the great Mahomedan population of Eastern Bengal."

1.35 P.M.

**The Hon'ble Pandit Madan Mohan Malaviya:**—"My Lord, I offer my cordial congratulations to the Hon'ble the Education Member on the very able speech with which he has introduced the Bill. My Lord, I welcome the Bill whole-heartedly, and I think that my countrymen of Eastern Bengal have every reason to be gratified. I do not share the opinion that the introduction of the Bill should have been delayed for any other reason than that before such introduction a larger consideration of the recommendations of the University Commission as a whole would have been very helpful. If any of my Calcutta friends, friends from Western Bengal, have any feeling of opposition to the University on any other ground, I have no sympathy with them. I think all the intellectual men in Western Bengal will rejoice, as the Maharajah of Kasimbazar rejoices, in the establishment of a new University in Eastern Bengal. It is a matter on which not only the people of Western Bengal and Eastern Bengal, but of the country as a whole, may well rejoice and feel thankful to the Government.

"My Lord, I do not mean to say that the addition of one new University will be sufficient for the needs of the country; but I welcome this addition as an important one, for I feel that the people of Eastern Bengal, keen intellectuals as they are, and largely as they have distinguished themselves in the Calcutta University by adding to the store of knowledge in the field of science, I am sure that the people of Eastern Bengal would have distinguished themselves much more and given a much better account of themselves if a University had been established in Dacca sixty years ago, *i.e.*, when one was established at Calcutta. But, my Lord, while I heartily welcome the Bill for the reasons I have stated, I do think that the Bill is disappointing in several respects. In the first place, it is a matter of regret and surprise to me that after the very able report of the Calcutta University Commission, the authors of the Bill should have contented themselves, on the academic side, with proposing the inauguration of the Faculties of Arts, Science and Law only. My Lord, I understand that over two thousand students attend the law classes in Calcutta, and in view of this fact one should have thought that the branch of law might well

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be relegated for a little while, and that practical science, applied science, might be given a place instead. I do not mean to say that the University should not have the Faculty of Law. Every University ought to provide instruction in all important departments of knowledge; but if funds are not sufficient to enable the University to start all the more important branches of instruction, I would certainly prefer that provision should be made for the teaching of applied science instead of law. My Lord, arts, science and law have been the faculties which have mainly occupied the attention and largely absorbed the funds of existing federal Universities, and therefore I would request the Hon'ble Member for Education and the Government to re-consider section 23 of the Bill which says: 'the University shall include the Faculties of Arts, Science and Law and such other Faculties (whether formed by the sub-division or combination of an existing faculty or faculties or by the creation of a new faculty or otherwise) as may be prescribed by the Statutes.' The Statutes do not give any hope that any faculty of applied science will be created at an early date. I, therefore, most earnestly request the Government to consider the advisability of making provision for instruction in applied science at the very commencement of the University. This is with regard to one branch.

" My Lord, I should like another branch to be brought in, namely, a Faculty of Commerce. It is evident that the framers of the Bill have taken the same model as we of the Benares University did, namely, the modern Universities of England. These have devoted special attention to the teaching of applied science and of commerce, and it is highly desirable that the new University, which is to be started under the fostering care of Government, should start with providing instruction of a high degree in applied science and in commerce. I should also like to see provision made for the teaching of agriculture of University standard in this new University. Dacca is peculiarly happily situated for all these purposes, and it is very desirable that at the very commencement the funds that may be available should be applied at least in a fair measure to the creation of some of these faculties which do not exist in the existing Universities, and not absorbed in creating fresh Faculties of Arts, Science and Law. As I have said before I do not mean to suggest that the Faculties of Arts, Science and Law should be entirely cut out. I am only urging that if funds are not sufficient to start a full-fledged University with seven or eight faculties, even then you should be able in the first instance to introduce at least one of the faculties of applied science, commerce or agriculture. The Council will be pleased to hear that the Benares Hindu University, with its limited resources, has already established a college of engineering, and that provision has been there made for instruction of a high class character in mechanical and electrical engineering, and I have every hope that it will very soon develop a technological side also. We are also very anxious to create a faculty of agriculture, but we are hampered for want of funds. The Dacca University, however, my Lord, has, I understand, a fund of a crore and 20 lakhs ear-marked for its purposes—I wish we at Benares had half that fund available to us for starting new faculties—and so my countrymen of Eastern Bengal should have the advantage of these new important Faculties being started from the commencement of their University.

" We have long heard the complaint that Indian students do not take up practical science, that they do not take to commerce and industry, that they do not take up scientific agriculture. My Lord, Indian students are not to blame for this. They need facilities for training, guidance and fostering care. Let such facilities be provided at least at the proposed unitary and residential teaching University, and you will find that Indian students will take full advantage of it. I hope the Government will seriously consider the advisability of making an advance in this important direction.

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Sachchidananda Sinha.*]

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“ My Lord, I wish to say a few words about the administrative side of the University also. I regret I cannot congratulate the Government on the frame of the Bill on this side either. The Dacca University is coming into existence when great changes in administration are in sight ; but even if these changes were not in sight, if constitutional reforms were not under consideration, I would say that once you have constituted the administrative body of the University, consisting of scholars, of the guardians of the students, and heads of departments, who are to find employment for the students who will be produced by the University, you should leave the administrative control entirely to them.

“ While I should like the University to have the honour of having the Viceroy and Governor General as its Lord Rector, as the Benares Hindu University has, I think that the rest of the provisions prescribing the power which the Governor General will exercise over the University as Visitor, should be reconsidered. In the case of the Dacca University the Governor of Bengal will be the Chancellor. I think, my Lord, the Court and the executive and the academic Councils, should be trusted to manage the University without any interference by the Visitor. I hope that this matter will be re-considered. Then there are provisions which give certain special powers to the Chancellor which also require reconsideration. The Chancellor is empowered, where there is a Committee of Selection to be constituted, to appoint one or more members of the Committee. I should like the Chancellor to take part in the University as a member of the University, as one belonging to the University, but not as one standing apart from or outside it. I want him to guide the work of the University as an inside member.

“ In regard to the appointment of the Vice-Chancellor, I think the liberal provisions which the Government agreed to pass in the case of the Benares Hindu University, should be adopted. The Government have recognised the wisdom and usefulness of allowing the Court, in the case of the Benares University, to elect its own Vice-Chancellor, and I wish the Court of the Dacca University to enjoy the same privilege. Then, my Lord, with regard to the duties imposed and the powers given to the executive and academic Councils of the University, I submit that the provisions of the Bill should be more liberal than is the case at present. Official control and interference should be eliminated to a large extent ; it should be left to the bodies constituted under the Act to deal with the Executive and academic administration. That is all I would say for the present. So far as the introduction of the Bill promises an early establishment of the Dacca University, this is a matter which I hope will be welcomed by every Indian ; but so far as the details are concerned, I have no doubt that the Bill will receive, as it needs, the closest criticism from the public, and that before it is referred to a Select Committee we shall know the opinion of those vitally concerned in high education in Eastern and Western Bengal and even outside those areas. I hope that, as in the case of the Patna Bill, there will be a complete transformation of the Dacca University Bill before it assumes its final shape. My Lord, I accord my hearty support to the proposal that the Dacca University Bill be introduced.”

**The Hon'ble Mr. Sachchidananda Sinha :—**“ My Lord, I rise to support the motion before the Council, and in doing so my first words will be those of congratulation to the Hon'ble Mr. Shafi for the very able and lucid speech in which he has introduced the measure. In regard to the delay that has taken place, I confess I do not quite see the justification for the postponement of the measure for so long. Mr. Shafi says that the war was the cause of this four years' delay, but during the same interval, while the war was going on, the Government placed the Patna University Bill on the Statute-book and there appears to be no reason why the Dacca University Bill was not passed.

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[Mr. Sachchidananda Sishu.]

However, I am glad that it has now been brought forward and I congratulate my countrymen of Eastern Bengal on the promise of the fruition of their hopes and especially my friend the Hon'ble Nawab Ali Chaudhri who has worked so hard to bring the University into existence.

"I have read the Bill rather cursorily, but there are one or two points that strike me as involving questions of principle and, my Lord, with your permission, I should like to say a few words on them. The first is as regards what the Hon'ble Mr. Shafi said that this University is going to be an autonomous and not a Government institution. On reading the Bill, however, I find there is a very large number of officials in its constitution; in fact, their number really is preponderating. I find here the Commissioner, the Collector, the Sessions Judge, the Director of Agriculture, the Civil Surgeon, the Engineer, the Chairman of the Municipality, the Inspector of Schools, and many other officials of similar position. Now it is not strictly in consonance with the claim put forward that this is an autonomous and not a Government institution—on which so many officials will have a permanent place. In an official institution I have no doubt they serve a useful purpose, but I do not see why in a University, which ought to be as far as possible self-governing and self-controlling, there should be so many officials introduced into the court of the University. I should like to have an explanation as to how this provision is in consonance with the claim put forward as to the autonomous character of the proposed University. The second point of principle is this. This is the first time that in a measure of this character,—for it is not like the Benares University, frankly, Hindu,—I find a provision as to communal representation. Now in the Patna University Act there is a small reservation made for the representation of Orissa; all people who have permanently been domiciled there have got the right to return a certain number of representatives. The province of Orissa has thus representation on a territorial basis and to that no exception can be taken. But here for the first time we have representation provided for certain communities. I must tell your Lordship frankly that I have no objection to reasonable Muhammadan representation. The Bill, however, says:—'Provided that should a committee so constituted not include both a Hindu and a Muhammadan member, the Chancellor shall nominate an additional Hindu or Muhammadan member or both, as the case may be.' That is how it finds a place in the Bill. I am simply addressing your Lordship on the question of principle, as to how far it is consistent with a Government measure for education, to provide for the representation of the Hindu or the Muhammadan, as such. That is a point that requires careful consideration.

"The Hon'ble Mr. Shafi told us that this Bill has been drawn up in consonance with the recommendations of the recent University Commission. I have not read carefully the whole of their Report, which is a prodigious one, but I shall be glad if he can refer me to any such recommendation of the Commission where they lay down—I only want information and nothing else—that in the Dacca University provision should be made for communal representation as such. But any way, these are matters, besides the others referred to by the Hon'ble Pandit Malaviya, which require very careful consideration. The Hon'ble Mr. Shafi has frankly said that he is not tied down to the measure as introduced. He hopes in course of time when opinions will be elicited from the public and considered, and when the matter goes to the Select Committee, all these points will be carefully taken into consideration. I am, therefore, only inviting the attention of the Council to these two points. In the Bill I find two things, the over-representation of officials and communal representation, and these *prima facie* go against sound principles, whatever the recommendations of the Commission. With these few words, my Lord, I give my cordial support to the motion before the Council."

[*Mr. Kamini Kumar Chanda.*]

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1-33 P.M.

**The Hon'ble Mr. Kamini Kumar Chanda:**—"My Lord, in the first place I wish to associate myself with my Hon'ble friend Pandit Malaviya and the Hon'ble Mr. Sinha in offering our sincerest congratulations to our friend the Hon'ble Mr. Shafi on the very lucid exposition of this Bill. My Lord, this Bill for establishing a University at Dacca is a very much belated measure. The promise to give a University to Dacca was given, as the Hon'ble Mr. Shafi has said, as late as 1912, and I much regret that there should have been so much delay, and this delay has almost been interpreted in certain quarters as a breach of faith on the part of Government; and in so far as this Bill seeks to redeem that old promise, it is most welcome, and I wish to give my humble and cordial support to it.

"My Lord, my province and my district are not directly interested in this matter. We are under the Calcutta University, and, I believe, we shall remain so. But I find, my Lord, that our province will have some share in the administration of the new University, as the Chief Commissioner of my province will have the right of nominating certain members of the Court. That apart, my Lord, we are much interested in this matter as the inauguration of another University in the country. My Lord, the Calcutta University, as has already been referred to by some previous speakers, is rather opposed to this legislation. My Lord, the ground on which it is opposed is not very objectionable. I think it possesses some weight. It objects to this legislation before the report of the Calcutta University Commission shall have been considered as a whole. If it was not for the fact which I have alluded to that this matter is very much belated, I would be prepared to support the objection of the Calcutta University of which your Excellency was pleased to nominate me a member lately. But, my Lord, as it is, I am bound to support the introduction of this measure. As I said, it is very much belated, and in so far as it removes this want from Eastern Bengal, it has my cordial and hearty support.

"But, my Lord, there are certain features of the measure to which exception must be taken. Here my Hon'ble friend Pandit Malaviya has anticipated me. Only this morning I spoke to my Hon'ble friend Mr. Sharp about the inadequacy of Faculties. My Lord, in a new University which is going to come into being after the publication of the report of the Industries Commission, and may I add, in view of the constitutional reforms and responsible government which will be granted to this country, and in view of the undoubted fact that the economic condition is very acute, I would expect, my Lord, that in a new University, in addition to the existing Faculties, provision would be made for new Faculties which may, to some extent at least, help to improve the economic condition; the Faculty of Commerce, for instance, the Faculty of Technology and so forth. But, my Lord, it is a matter for disappointment that far from providing for any new Faculty, we find that even the existing Faculties, which are very important, the Faculty of Medicine and the Faculty of Engineering, which are existing in the Calcutta University, are not provided for. No doubt, there is a provision in section 23 of the Statutes for constituting new Faculties. But, my Lord, it would be far more desirable and will evoke more enthusiasm if new Faculties and the older Faculties of Medicine and Engineering are provided for in the Bill itself. Then in the second place, my Lord, there are certain other features concerning the constitution of the University which are open to objection. Some of these have been referred to by my Hon'ble friend Mr. Sinha, and I associate myself with his remarks. My Lord, I would remark that a University, which is a seat of learning whose motto must be advancement of learning should be the last place where the new fetish of communal representation should find a place. These features I beg your Excellency's Government to seriously consider, and at this stage there is nothing more for me than to give my hearty support to the introduction of this measure."

[11th SEPTEMBER, 1919.]

[Mr. W. E. Crum ; Mr. Shafi.]

**The Hon'ble Mr. W. E. Crum:**—"My Lord, I fully approve <sup>1-50 P.M.</sup> of this Bill, and that for several reasons. First of all, it shows that however slow its growth the University Commission Report is going to bear fruit rapidly, and secondly, from the figures which the Hon'ble Mr. Sharp has given us it is very evident that education is spreading so fast in East Bengal that a University there is a necessity, and the third point is, that Calcutta is so crowded at present that the more we can discourage visitors coming to Calcutta, the better. Of course I do not refer to visitors like your Excellency and the Members of your Excellency's Government whom we shall always welcome in Calcutta."

**The Hon'ble Mr. Shafi:**—"My Lord, I am naturally highly <sup>2 P.M.</sup> gratified at the reception which the motion before the Council has received at the hands of Honourable Members. Representatives of various provinces have welcomed the motion for the introduction of this measure, and on the whole, barring one voice, one discordant voice, the spokesmen have all been unanimous in welcoming the measure.

"And even as regards the one discordant note which has been struck—I allude to the speech delivered by the Hon'ble the Maharaja of Kasimbazar,—I noticed that he himself was willing to admit that the Government was bound to carry out its pledge. Secondly, he said that he was not opposed to the creation of a University at Dacca. Now, in the face of these two admissions, it seemed to me somewhat difficult to understand the position of the Hon'ble Maharaja when he raised certain objections with reference to the introduction of the Bill. In brief the objections amounted to this. Although I admit that Dacca ought to have its University, although I also admit that the Government is bound to fulfil its pledge, yet I would rather the fulfilment of that pledge and the consequent establishment of the University at Dacca were postponed. That was really the net result of the speech delivered by the Hon'ble Maharaja. Well, my friend, the Hon'ble Pandit Malaviya has dealt with that portion of the Maharaja's speech. He has pointed out that there is really no valid reason whatever disclosed in the points raised by the Maharaja for the postponement which he has advocated.

"Certain other Hon'ble Members pointed out that the number of Faculties which we propose to create is too small, and that there ought to be a Faculty of Commerce, a Faculty of Engineering and a Faculty of Technology. In reply to that criticism I wish only to point out that there are at this moment at Dacca materials in existence for the immediate creation of the three Faculties which are expressly mentioned in clause 23 of the Bill, and in consequence, those three Faculties have been named in the clause; but at the same time a provision is made in that clause for the creation of other Faculties hereafter. The reason for that is obvious. No statutory enactment could in express terms at the outset provide for the creation of Faculties in the manner in which clause 23 has provided, unless there was either the material in existence already or a likelihood of the material coming into existence immediately after the passing of the enactment. That is the sole reason why none of the other Faculties are mentioned, but provision is made in clause 23 for the creation of other Faculties, and I have no doubt that when the University does really come into existence and the various bodies, the creation of which is contemplated by the Bill, actually are created, if they find that there are prospects of successfully running those Faculties which my Hon'ble friends have mentioned, then I have no doubt that the authorities of the University will create those Faculties. But in any case the addition of one or two more Faculties is a matter which can be considered in the Select Committee stage. As I said in my opening speech, the Government is not tied down finally to every provision of the Bill as it has now been framed.

[*Mr. Shafi.*]

[11TH SEPTEMBER, 1919.]

"Some of my friends objected to the introduction of communal representation in the University bodies. My Hon'ble friend Mr. Sinha asked me to point out in the Report of the Commission any reference to the application of the principle of communal representation. Well, I need only refer him to just two or three places in the Report of the Commission to show that we have in this respect merely carried out the recommendations of the Commission. If he will refer to page 217 where the constitution of the Court is described in the Report of the Commission, he will find for instance, in regard to the representation of graduates—'30 graduates of the University elected by the registered graduates from their own body, of whom 15 should be Muslim graduates elected by the graduates registered as Muslim graduates.'

"Then he will find '40 members appointed by the Chancellor, of whom not less than 20 shall be Mussalmans.'

"Then in another part of the Report, at page 219, in the constitution of the Executive Council, he will find '4 persons appointed by the Chancellor, of whom 2 shall be Mussalmans.' Then 'four persons elected by the Court, two of these being elected by the Muslim members of the Court,' and so on. I think it is hardly necessary for me at this stage to cite for the benefit of my Hon'ble friend the various passages dealing with the question of Muhammadan representation in the Report. He must have seen from the few references I have made that the Commission have provided for Muhammadan representation, and we have simply embodied in the Bill the recommendations of the Commission.

"Certain other matters to which Hon'ble Members have invited attention are really matters of detail which do not require any discussion at this stage. It will be open to Hon'ble Members to invite the attention of the Select Committee to them, and as I said in my opening address, opinions received from Local Governments, from the Universities and from public bodies between the date of the introduction of the Bill and its reference to the Select Committee, will be duly considered by the Select Committee.

"I am grateful to my Hon'ble friends for their kindly references to myself and I am very glad indeed that the Bill has received such a warm welcome at the hands of representatives of all provinces."

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 Council then adjourned till 11 A.M. on Friday, the 12th September, 1919.

SIMLA ;

H. M. SMITH,

The 18th September, 1919.

Offg. Secretary to the Government of India.