

*Wednesday,  
26th September, 1917*

ABSTRACT OF THE PROCEEDINGS  
OF THE  
Council of the Governor General of India,  
**LAWS AND REGULATIONS**

**Vol. LVI**

**April 1917 - March 1918**

**ABSTRACT OF PROCEEDINGS**  
OF  
**THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA**

**ASSEMBLED FOR THE PURPOSE OF MAKING**

**LAWS AND REGULATIONS,**

April 1917 - March 1918

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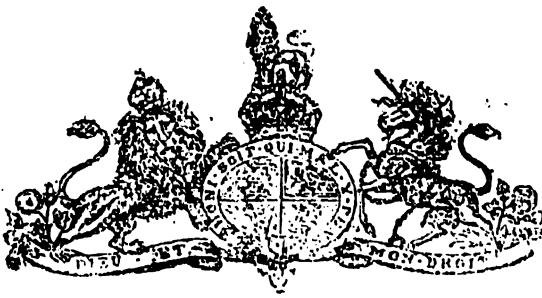


**& Debates Section**

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**1918**



GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

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

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Wednesday,  
the 26th September, 1917.

PRESENT:

HIS EXCELLENCY BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.O.M.G.,  
Viceroy and Governor General, *presiding*, and 55 Members, of whom 48 were  
Additional Members.

### QUESTIONS AND ANSWERS.

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

1. (a) Will Government be pleased to make a statement showing Province  
by Province for the last five years the amounts of Government grants to and  
the proportion of such grants to the total income of Municipalities?  
Government grants to Municipalities.
- (b) Is any portion of the Government grants in any Province debited to  
Imperial revenues? If so, what proportion of the total Government grant  
does this portion represent?

The Hon'ble Sir C. Sankaran Nair replied :—

"(a) A statement<sup>2</sup> is laid on the table.

(b) No portion of the Government grants shown in the municipal accounts  
is in the major Provinces debited directly to Imperial revenues. Grants made  
by the Government of India are made to Local Governments and to Administra-  
tions who may hand them on in part to municipalities. The Government of  
India have no information to enable them to answer the second part of this  
question. Information might be elicited by questions in the provincial Legis-  
lative Councils."

<sup>2</sup> *Vide* Appendix A.

[*Sir Manindra Chandra Nandi*; *Sir C. Sankaran Nair*; *Dr. Tej Bahadur Sapru*.]

[26TH SEPTEMBER, 1917.]

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

2. "(a) Is it a fact that the incidence of income of the Municipalities in Bengal is much lower than in most other Provinces of India?

(b) If so, is this largely due to the comparatively small grants received by the Bengal Municipalities from the Government of Bengal?

(c) What are the considerations that determine the amount of Government grant to Municipalities in each Province?"

**The Hon'ble Sir C. Sankaran Nair** replied :—

"(a) If by the expression 'incidence of income of municipalities' is meant incidence of income per head of population, then the answer is in the affirmative so far as other Provinces in India are concerned, with the exception of Bihar and Orissa. Any comparison however based upon these figures is apt to be vitiated by variations in the size, character and wealth of the towns which in different Provinces are classed as municipalities.

(b) It is impossible to give any satisfactory answer to this question, because the system of making Government grants to municipalities differs in different Provinces, e.g., it may be the practice in one Province to effect works intended for a municipality through the provincial Public Works Department; in another case the subsidy may be handed over to the municipality for the carrying through of the work.

(c) The Government of India have not the material before them to enable them to answer this question. But information might be elicited by questions in the provincial Legislative Council."

**The Hon'ble Dr. Tej Bahadur Sapru** asked :—

3. "(a) Is it a fact—

(i) that the Chief Commissioner of Delhi called Miss Gmeiner, the Lady Superintendent of the Indraprastha Hindu Girls' High School, Delhi, Miss Priest, and the Honorary Secretary of that school, to see him and at that interview took exception to Miss Gmeiner's association with the Home Rule League, Delhi, and told her that unless she withdrew from the League he would withdraw his sympathy from the school;

(ii) that the Committee of the school decided not to dismiss Miss Gmeiner; and

(iii) that Mr. Johnstone, the Personal Assistant to the Chief Commissioner wrote a letter to the Assistant Secretary of the school in which he said: 'As you are no doubt aware from the communications which have passed between your Honorary Secretary and the Chief Commissioner on the subject, the grant-in-aid has been held in suspense for such period as Miss Gmeiner, the Lady Superintendent of the school, continues to act as Honorary Secretary of, or to take an active part in, the management of the Delhi Branch of the Home Rule League'?

(b) If so, will Government be pleased to state the amount of the Municipal grant and any other aid given to the school and withheld from it now, the number of the girls reading in the school on the date on which the order withholding such aid was passed, and the year when the school was established?

(c) Will Government be further pleased to state whether the Chief Commissioner of Delhi has acted in this matter in pursuance of any general policy of the Government of India or whether he has acted upon his own responsibility?"

Bengal  
Municipalities

The Indraprastha Hindu Girls' High School, Delhi.

[20TH SEPTEMBER, 1917.]

[*Sir William Vincent; Mr. M. B. Dadabhoj; Rao Bahadur B. N. Sarma.*]

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

“(a) (i), (ii) and (iii) The facts are substantially as stated. For further particulars the Hon'ble Member is referred to the answer given to a question put by the Hon'ble Mr. Chanda on the same subject on the 24th September.

(b) The school was established in 1904. As regards the amount of grant-in-aid and the number of pupils the Hon'ble Member is referred to the information given in reply to the question put by the Hon'ble Mr. Chanda on the same subject.

(c) The Chief Commissioner, Delhi, did not act in pursuance of any general or particular instructions of the Government of India but on his own responsibility.”

**The Hon'ble Mr. M. B. Dadabhoj** asked :—

4. “(a) Has the attention of Government been drawn to the Circular letter issued by the Patna High Court on 22nd May last (No. 1949-1960—LVI-32 English Department, Civil), informing all the District Judges of Bihar and Orissa and the Judicial Commissioner of Chota Nagpur that ‘a vakil of another High Court who desires to practise in the courts subordinate to this Court (Patna High Court) must adopt one of the two courses: either (1) he must be enrolled as a vakil of this Court, a condition attached to this being that he must remove his name from the roll of the Calcutta High Court before the long vacation of 1917; or (2) he must get himself enrolled as a pleader in the ordinary way as in a case of first admission, i.e., he must be qualified for admission as a pleader under the rules laid down in General Rules and Circular Orders (Civil), Volume I, and the mere fact that he is a vakil of the Calcutta or any other High Court will not necessarily entitle him to practise as a pleader in courts subordinate to this Court.’

*Circular issued by the Patna High Court regarding Vakils.*

(b) Is the above Circular letter of the Patna High Court consistent with the provisions of section 4 of the Legal Practitioners Act?

(c) If not, will Government be pleased to take suitable action in the matter?”

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

“The Government of India have no information on the subject, but the framing of rules for the admission of pleaders to subordinate courts is within the competence of the High Court, and the Government have no power in the matter.”

**The Hon'ble Mr. M. B. Dadabhoj** asked :—

“Will your Excellency permit me to put a supplementary question? Will the Government be pleased to draw the attention of the Patna High Court to my question?”

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

“A copy of the Hon'ble Member's question will be forwarded to the Patna High Court desired.”

**The Hon'ble Rao Bahadur B. N. Sarma** asked :—

5. “(a) Are British civilians in Government employ on military duty in the United Kingdom paid only the military pay due according to their rank in the Army, or are they paid military or civilian pay whichever is higher?

*Pay of civilians on Military duty.*

(b) If there is any departure in the Indian practice from that obtaining in the United Kingdom in this respect will Government be pleased to state the reasons for that departure?”

[His Excellency the Commander-in-Chief;  
Sir Dinshaw Wacha; Sir George  
Barnes; Pandit Madan Mohan  
Malaviya; Sir William Vincent.]

[26TH SEPTEMBER, 1917.]

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

“(a) Civil servants and other Government employecs serving in the Army in the United Kingdom receive their military pay under the ordinary rules and also receive through their civil departments direct their civil pay less army pay and army separation allowance.

(b) Government servants in civil employ in India who join the Indian Army Reserve of Officers receive, while serving within Indian limits, salary at civil rates according to the next below rule, or military pay and allowances whichever is greater; while employed overseas they receive military pay and allowances of rank plus civil furlough pay.

Government servants in civil employ in India who enlist in the regular army receive while in colour service, in addition to army pay and allowances, privilege leave pay up to the extent of the privilege leave due, and thereafter the furlough pay of their civil appointments.

The method of paying civil servants on military duty at home was not taken into consideration when the rates for Government servants in India were sanctioned, though so far as civil officers serving in the I. A. R. O. in India are concerned, there is no material difference between the practice at home and that in India.

The rates of pay were fixed by the Government of India at the beginning of the war with due regard to the prevailing conditions, which were in many respects entirely different to those in the United Kingdom.”

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

Industrial  
development  
in India.

6. “ Will Government be pleased to lay on the table a statement showing the number of individuals and firms, British and Indian separately, to whom concessions of various kinds have been granted for purposes of industrial development, from 1st January 1913 to 30th June 1917, and the nature and terms of the respective concessions so granted? ”

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

“ Two statements\* furnishing the information required by the Hon'ble Member are laid on the table.”

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

Internments  
in Bengal.

7. (a) Is it a fact that in Bengal among the persons dealt with either under the Defence of India Act or under Regulation III of 1913, there has been one case of death and one of suicide? ”

(b) If so, will Government be pleased to state the circumstances attending those events? ”

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

“ During a period of about two and a third years the number of persons who have been dealt with in Bengal under the Defence of India Act is 978. Of these, 179 are at the present time domiciled with their relatives, 505 in villages away from their homes, while 234 have been released or otherwise dealt with. Among this number there has been one death due to natural causes, viz., in the case of the *detenu* who died at the Jessore Sadr Hospital of typhoid fever; one absconder from domicile was killed by a villager while he was committing a dacoity. There have been two suicides: in one case, there

\* Not included in these Proceedings.

[26TH SEPTEMBER, 1917.]

[*Sir William Vincent; Mr. Mahomed Ali Jinnah; His Excellency the Commander-in-Chief; Sir William Meyer.*]

was no assignable reason known; the Police Superintendent had visited the *detenu* on the day before his death, and the *detenu's* own brother had been with him on the night of his death. In the second case the *detenu* had had fever from which he had recovered after being nursed by the local Police, and the verdict of the District Magistrate was that the man had taken his life owing to depression after fever. Amongst persons restrained under the provisions of Regulation III there have not been any deaths or suicides."

**The Hon'ble Mr. Mahomed Ali Jinnah asked :—**

8. "(a) Will Government be pleased to state what is the result of the enquiries made into the cases of Mahomed Ali and Shaukat Ali?"

Messrs. Mahomed Ali and Shaukat Ali.

(b) Do Government propose to release them?"

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

"Restrictions under the Defence of India rules were imposed upon Messrs. Mahomed Ali and Shaukat Ali not merely for violent methods of political agitation but because they freely expressed and promoted sympathy with the King's enemies, thus endangering the public safety. The Government of India have made further inquiries regarding these persons and on a careful consideration of the information and opinions received, and on a re-examination of previous papers, the Government of India are not satisfied that the attitude of these persons has materially changed in this respect, or that these restrictions can safely be removed."

**The Hon'ble Mr. Mahomed Ali Jinnah asked :—**

9. "(a) Has any correspondence passed between the Government of India and the Secretary of State for India relating to the creation of the Indian Munitions Board?"

The Indian Munitions Board

(b) If so, will Government be pleased to place the correspondence on the table?"

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

"(a) The answer is in the affirmative.

The correspondence\* asked for by the Hon'ble Member is laid on the table."

## GOLD IMPORT BILL.

**The Hon'ble Sir William Meyer:—**" My Lord, I move for leave to introduce a Bill to provide for the acquisition of gold imported into British India."

The motion was put and agreed to.

**The Hon'ble Sir William Meyer :—**" My Lord, the Bill I have obtained leave to introduce, a copy of which is already in the hands of Members, provides for the acquisition by the Government of India of gold imported into British India. This is an emergency enactment intended to continue, during the war and for six months thereafter, the powers obtained by us under Ordinance No. III of 1917. The general reasons which made it necessary for us to

\*Not included in these Proceedings.

[*Sir William Meyer.*]

[20TH SEPTEMBER, 1917.]

take the powers in question were fully explained in the Press Communiqué issued at the time of the promulgation of the Ordinance and are, I think, well known to Honourable Members. Briefly, it may be said that our object is not in any way to check remittances of gold to India, but to ensure that such gold as is imported is used in the most effective way possible for strengthening our currency position. We have already acquired £5 million of gold in this way, and we hope that by the same means we shall be able to add further to our stocks of this metal. The gold which we acquire is placed in the Paper Currency Reserve, where it increases the metallic backing to our note issue.

"The provisions of the Bill, however, differ from those of the Ordinance in one important respect, namely that whereas in the Schedule to the Ordinance the rates at which the acquired gold should be paid for were laid down, the Bill provides that gold acquired will be paid for at rates prescribed by the Governor-General in Council. As a consequence of the recent increase in the rates at which the Secretary of State sells his Council drafts, he has decided that a modification should be made in the rates payable under the schedule to the Ordinance for imported gold. As was explained in a Press Communiqué issued on the 19th instant, while he continues to sell immediate telegraphic transfers at 1s. 5d. per rupee, the rate payable for gold will be Rs. 14-8 per sovereign in the case of sovereigns, and in the case of other gold or bullion, Re. 1 for 7.79321 grains troy of fine gold. These rates were fixed by the Secretary of State in consultation with the authorities responsible for the maintenance of the central gold reserve of the Empire with the object of securing the greatest possible advantage to India without conflicting with general Imperial interests; and they are so calculated, making due allowance for all expenses incidental to shipping gold, that neither premium nor discount shall attach to remittances of gold as compared with Council remittances at present rates. In the event of it being necessary for the Secretary of State to make further changes in his Council Bill rates, corresponding alterations will have to be made in the rates payable for imported gold, and it would therefore obviously be impracticable to follow the arrangement adopted in the Ordinance of laying down definite rates in a Schedule. It is intended, however, in order to avoid disturbance of existing contracts, or hardship to those who shipped gold to India on the strength of the terms of the Ordinance, to pay for all gold shipped up to and including the 25th September at the rates prescribed in the Ordinance, and an announcement to this effect was made on the 20th instant. Future shipments will be paid for at the revised rates mentioned above, which we shall now formally prescribe when this Bill passes into law. Should it become necessary to make any further alteration in the rate, it is the intention to allow a similar concession in the case of gold in transit at the time when such alteration is made.

"It is perhaps desirable that I should take this opportunity to make it quite clear that the rates prescribed under this Bill will relate purely to gold acquired for currency purposes, and that there is no intention of altering the internal parity at 1 to 15 of the sovereign and the rupee. Nor will such purchase rates be applicable in the case of sovereigns shipped to the Government of India from an Australian mint, which will merely carry out the coinage of gold for the Government of India from gold supplied by them or on their account. They will however apply to gold bullion and foreign coin tendered in Australia for acquisition by the Government of India, unless such gold was shipped to Australia on a through bill of lading before the 26th instant, in which case it would be allowed the same concession as if it had been shipped to India before that date.

"I need only add that the original intention was to introduce this Bill at the commencement of the present session, so that it would not have been necessary for me to ask the Council to take the Bill into consideration and to pass



GOLD IMPORT BILL; PRESIDENCY SMALL CAUSE COURTS 435  
(AMENDMENT) BILL; REPEALING AND AMENDING  
BILL

[26TH SEPTEMBER, 1917].

[*Sir William Meyer; His Excellency the President; Sir William Vincent; Mr. G. R. Lowndes.*]

it in one day. It has, however, not been possible to settle the exact lines of this legislation in time to allow of the introduction of the Bill at an earlier date, as the basis on which imported gold should be paid for has been under discussion with the Secretary of State, and has only recently been settled.

“My Lord, I now introduce the Bill and move Your Excellency to suspend the Rules of Business to admit of the Bill being taken into consideration.”

**His Excellency the President:**—“I suspend the Rules of Business.”

**The Hon'ble Sir William Meyer:**—“My Lord, I beg to move that the Bill be taken into consideration.”

The motion was put and agreed to.

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

The motion was put and agreed to.

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**PRESIDENCY SMALL CAUSE COURTS (AMENDMENT)  
BILL.**

**The Hon'ble Sir William Vincent:**—“My Lord, I beg to move that the Bill further to amend the Presidency Small Cause Courts Act, 1882, be taken into consideration. I explained the object of this Bill when I asked for leave to introduce it and I have received no criticisms and no notices of amendment in regard to it. I conclude therefore that the Bill has met with general acceptance and that it is not necessary for me to take up the time of this Council by any further statements regarding it.”

The motion was put and agreed to.

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

The motion was put and agreed to.

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**REPEALING AND AMENDING BILL.**

**The Hon'ble Mr. G. R. Lowndes:**—“I beg to move, My Lord, that the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration. The Bill is sufficiently explained in the marginal notes of various sections. We have received no amendments and no criticisms. I therefore move, My Lord, that the Bill be taken into consideration.”

The motion was put and agreed to.

**The Hon'ble Mr. G. R. Lowndes:**—“I now beg to move, My Lord, that the Bill be passed.”

The motion was put and agreed to.

[Mr. C. A. Kincaid; Sir William Vincent.]

[26TH SEPTEMBER, 1917.]

**SIR CURRIMBOY EBRAHIM BARONETCY (AMENDMENT) BILL.**

**The Hon'ble Mr. C. A. Kincaid:**—"My Lord, I beg to move that the Bill to amend the Sir Currimbhoj Ebrahim Baronetcy Bill, 1913, be taken into consideration. My Lord, on the last occasion when I dealt with this Bill, I explained in detail the causes which led to the introduction of this amending Bill. It is not necessary for me to repeat them now, and if any Hon'ble Member was not present on the last occasion when I moved that the Bill be introduced, he can find all the information he wants in the Statement of Objects and Reasons."

The motion was put and agreed to.

**The Hon'ble Mr. C. A. Kincaid:**—"My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

**BILL TO AMEND THE CODE OF CRIMINAL PROCEDURE AND THE COURT-FEES ACT.**

**The Hon'ble Sir William Vincent:**—"My Lord, the Bill to introduce which I now ask for leave, has already been before this Council in a modified form. In March 1914, Sir Reginald Craddock introduced a Bill to amend the Criminal Procedure Code and the Court Fees Act. This Bill was circulated in accordance with the usual practice to Local Governments and others for opinion. When the various opinions were received it was found that the Bill as originally introduced was open to criticism in various respects, and the Government of India decided that the best method of dealing with the question was to appoint a strong but small Committee to examine the various criticisms received, and for that purpose a Committee on which I may say the legal element was very strongly represented, consisting of the Hon'ble Mr. Lowndes, the Hon'ble Mr. Justice Piggott, The Hon'ble Mr. Kumarswamy Sastry, the Hon'ble Sir S. P. Sinha and the Hon'ble Mr. James Walker, was convened. They examined and revised this Bill very thoroughly in the light of the various criticisms, and so many additions and changes were made that the Government of India thought it would be better to abandon the bill originally introduced, and to place the revised Bill before the Council as a new measure. If leave to introduce this Bill is given, it will be circulated to Local Governments and ample opportunity for discussing the various proposed modifications of the law will be afforded when the motion is made to refer the Bill to a Select Committee. I therefore do not propose at this stage to deal with the merits or details of the Bill at all, nor do I think that I could usefully add anything to the value and weight of the Report which is an annexure to the Bill. That Report is a very full one and describes in detail the reasons for the various changes.

"I now move, my Lord, to introduce the Bill further to amend the Code of Criminal Procedure, 1898, and the Court Fees Act, 1870"

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, and in the Local official gazettes in English and in such other languages as the Local Governments may think fit."

The motion was put and agreed to.

[26TH SEPTEMBER, 1917.]

[*Pandit Madan Mohan Malaviya ;  
Dr. Tej Bahadur Sapru.*]**TRANSFER OF PROPERTY (VALIDATING) BILL.**

**The Hon'ble Pandit Madan Mohan Malaviya:**—"My Lord, I beg to move that the Report of the Select Committee on the Bill further to amend the Transfer of Property Act, 1882, be taken into consideration. The Council will remember that when the Select Committee presented their Preliminary Report on the 21st February 1917, they had agreed that it was necessary to validate certain mortgage deeds which had been executed under the practice which obtained particularly in the United Provinces, whereby a witness attested the execution of a deed after receiving a personal acknowledgment—from the executant that he had put his signature to the deed, though he had not seen him actually sign it. The question that was then left over for further consideration was whether claims which had been already defeated on the ground that the attestation so made was not made in accordance with law as was decided by their Lordships' Privy Council, should be restored. The matter was referred to the United Provinces Government, and after considering the opinion of the United Provinces Government, the Select Committee has recommended that certain claims should be restored, namely claims which had been wholly or in part dismissed, rejected or withdrawn after the 30th day of July 1912, and before the commencement of this Act in a court of first instance, by reason only of the fact that some person who purported to attest such deed or instrument as a witness on having received before signing his name thereon a personal acknowledgment from the executant of his signature, did not see the executant sign it. Consequently it has been provided in the Bill my Lord, that within six months from the commencement of this Act an application may be made for the restoration of such a claim. But in order to guard against any injury being done to transferees for value in good faith, it has been provided that the Court to which such an application is made, shall have discretion to refuse the restoration of any claim if it thought that such a restoration would prejudice the rights of any transferee for value in good faith under any transfer made since the 30th day of July, 1912, that is since the date of the Privy Council decision in question. The Select Committee also felt that in the event of a decree being passed upon such an application for restoration, the person against whom the decree would be passed should not be compelled to pay interest at the contractual rate up to the date of the final decree that may be passed against him, but that interest should be allowed at the contractual rate only up to the date of the original dismissal, rejection or withdrawal of such claim and for a period of 6 months thereafter, and that any interest which may be allowed after that period and until restoration should be at the rate of 6 per cent. The Select Committee have also thought it fit to provide that issues of fact which had been already decided by a Court, in which a claim was dismissed, rejected or withdrawn in the beginning, should not be re-opened if they had been heard and finally determined by it. These provisos have been introduced in order to guard against any injury being done to any party, concerned in the transaction.

"The Bill as it now stands, my Lord, provides for two matters. It provides, that the claims of honest creditors should not be defeated merely by reason of a lax practice having been followed in the matter of attestation. It also provides that no injury shall be done to debtors by reason of this enactment and that they shall be dealt with as fairly as they would have been dealt with if this Privy Council ruling referred to above had not come into force." With these remarks I commend the Report of the Select Committee to the consideration of the Council, and I hope it will be accepted."

**The Hon'ble Dr. Tej Bahadur Sapru:**—"My Lord, coming as I do from the province to which this Bill relates, I think it is necessary that I should state a few facts with regard to the local conditions and circumstances.

[*Dr. Tej Bahadur Sapru ; Pandit Madan Mohan Malaviya ; His Excellency the President.*] [26TH SEPTEMBER, 1917.]

So far as clause 2 of the Bill is concerned, I do not think that I shall be justified in raising any objection to that clause. But I must confess that although I have signed the Report of the Select Committee, my mind is not free from doubt as to the utility of clause 3 of this Bill. My Lord, I am perfectly well aware that the Local Government has supported this idea, but at the same time in a matter like this one cannot forget that the High Court, which ought to know better than the Local Government, has not favoured it. My Lord, clause 3 of the Bill provides for the restoration of suits which have been dismissed wholly or in part. Well, no doubt there are certain provisions added to clause 3 which are of a saving nature, and if I refrain from opposing clause 3, it is only because my doubts are not sufficiently strong to justify me in voting against this clause which has been so earnestly put forward by my Hon'ble friend Pandit Madan Mohan Malaviya and which, to a certain extent, has received the support of the Local Government. I must say that in supporting this Bill, my mind is not free from doubt, and I will give only a qualified support."

The motion was put and agreed to.

**The Hon'ble Pandit Madan Mohan Malaviya:**—"My Lord, I beg to move that the Bill as amended be passed."

The motion was put and agreed to.

**His Excellency the President:**—"It only remains for me to close this Session and express the hope that Hon'ble Members will carry away the desire and intention of formulating quietly and dispassionately the views which they wish to place later before Mr. Montagu and myself.

"This is the first occasion on which Resolutions other than those of a purely non-contentious nature have been admitted for discussion at the Simla Session." I think the discussions which have taken place have not been without value, and certainly points have been argued with great force and ability.

"But before I formally declare the sitting closed, I should like to make one or two remarks on the proceedings of this past Session. I have been steadfastly anxious that the tone of our debates here should give a lead to India, and anyone can see that the Government have been scrupulous in their endeavour to discuss even the most contentious questions with studied moderations.

"Still it is in the clash of debate that great issues are forged, and so far as is consistent with the dignity of this Council, I would not for one moment wish to see our discussions here shorn of their force and vitality. Our proceedings would be hollow and unreal if Hon'ble Members, official and non-official, were not free within the recognised limits of controversy to express in temperate language views deliberately formed and honestly held. But I would remind them that this is a matter in which there must be give and take.

"I look to find in India the highest standard of mutual dealing among men engaged in public affairs, even though their points of view may be different, and in this connection we do all honour to the Lieutenant-Governor of the Punjab for his generous action in our proceedings here on the 19th instant. It was the act of a strong man and an honest man, and must command our admiration.

"I could not help feeling after hearing Sir Michael O'Dwyer's remarks that his generous attitude gave to one Hon'ble Member of this Council on that occasion an opportunity of displaying equal generosity in respect of a remark publicly made with reference to Sir Michael O'Dwyer. The opportunity has not yet been taken, but I am glad to hear that the Hon'ble Member in question proposes to withdraw that remark on an early occasion.

[26TH SEPTEMBER, 1917.]

[His Excellency the President.]

"Let me turn to other matters. I have observed that recent events have called forth misleading criticisms of the relations of the Government of India to the Secretary of State on the one hand, and towards Local Governments on the other. Since I have held the Viceregency my relations with the Secretary of State, both with Mr. Chamberlain and with Mr. Montagu, have been most cordial, and both these statesmen have been uniformly anxious to work in full harmony with the Government of India, and I think I may claim that my own attitude towards the heads of Local Governments has been precisely similar. In this connection let me mention the case of Mrs. Besant. We, as a Government, would surely have shown little faith in the policy recently made public or in the appeal for concord and co-operation which I made in my opening speech of this Session, if we had adopted any other course than that which we have followed. Previous to the announcement of that policy the position was somewhat difficult. We have gladly taken the opportunity that has now offered itself for opening a new chapter. The Home Member informed you on Monday that Mrs. Besant has passed her word to me that she will co-operate in obtaining a calm atmosphere for Mr. Montagu's visit. I accept Mrs. Besant's word, and I am sure her remarkable energies will be directed in the way she has indicated.

"But, Gentlemen, while our policy has been conciliatory, it must not be supposed we have altered in any degree our attitude towards the forces of disorder. The prime duty of Government is to preserve order; in time of war it is a paramount duty; it is a duty which the Indian Governments will not for one instant neglect.

"But let us look forward rather than back. *Spero meliora*. We are no longer groping in the dark. We have an objective given to us, and we want the help of all to steer our course to that objective.

"Do not let us then be drawn aside by ephemeral incidents, which have lent themselves to misconstruction, from the great task which we all have in hand. Every interest and class will have an opportunity of putting their views before Mr. Montagu and myself, and provided these are consistent with main principles of the policy formulated by His Majesty's Government, they will receive sympathetic consideration. Let me assure those non-official Members who represent European commercial interests, in this Council, that these important interests will of course be fully considered. Everyone, I am sure Indian and European alike recognises the historic position of the British community in India, and the debt which India owes to its enterprise and its energy. And no scheme of reform which was sound could be based on injustice to the British or to any other community. We want all the best minds and the co-operation of all classes of the community. I will not say more on this point, for does not the time itself appeal to us all, whatever our race or creed or class, to co-operate in the spirit of Macaulay's lines:—

'Then none was for a party,

Then all were for the State?'

"In declaring the Session closed, I bid Hon'ble Members good-bye and wish them all a safe journey to their homes."

The Council adjourned *sine die*.

SIMLA;

The 10th October, 1917.

A. P. MUDDIMAN,

Secretary to the Government of India,

Legislative Department.

## APPENDIX A.

(Referred to in Question No. 1.)

Statement showing the amounts of Government grants to, and the proportion of such grants to the total income of, municipalities in different provinces during the quinquennium ending 1915-16.

Province.	Year.	Total Government grants.	Total income.	Proportion of Government grants to total income.
		Rs.	Rs.	Per cent.
Madras Corporation ... ..	1911-12	5,48,980	29,98,738	18.20
	1912-13	18,94,207	44,41,222	42.65
	1913-14	16,78,350	43,14,244	38.68
	1914-15	10,18,350	38,86,037	26.20
	1915-16	7,60,957	35,88,089	21.50
Madras District Municipalities ... ..	1911-12	9,00,342	64,82,172	17.51
	1912-13	22,82,080	68,93,815	34.17
	1913-14	22,95,004	71,58,985	32.06
	1914-15	20,04,446	71,95,264	27.85
	1915-16	19,95,515	74,66,550	26.73
Bombay Corporation ... ..	1911-12	...	1,32,14,522	...
	1912-13	...	1,27,78,171	...
	1913-14	...	1,29,11,189	...
	1914-15	...	1,24,57,023	...
	1915-16	...	1,33,70,153	...
Bombay District Municipalities ... ..	1911-12	11,97,375	86,50,840	13.83
	1912-13	13,14,836	89,87,116	14.62
	1913-14	14,98,888	98,90,224	15.15
	1914-15	10,66,455	91,97,182	11.59
	1915-16	11,73,288	92,77,634	12.64
Calcutta Corporation ... ..	1911-12	60,738	97,88,768	.68
	1912-13	70,608	99,79,564	.70
	1913-14	63,513	1,08,45,820	.58
	1914-15	62,593	1,19,28,849	.52
	1915-16	65,213	1,19,92,552	.54
Bengal District Municipalities ... ..	1911-12	7,22,807	59,44,754	12.16
	1912-13	3,83,222	50,99,683	7.51
	1913-14	6,26,148	55,73,291	11.23
	1914-15	4,64,711	56,37,830	8.25
	1915-16	1,33,809	54,08,316	2.47

Statement showing the amounts of Government grants to, and the proportion of such grants to the total income of, municipalities in different provinces during the quinquennium ending 1916-16—contd.

Province.	Year.	Total Government grants.	Total income.	Proportion of Government grants to total income.
		Rs.	Rs.	Per cent.
United Provinces ... ..	1911-12	17,32,775	90,10,927	19.23
	1912-13	11,40,639	66,85,850	17.23
	1913-14	20,43,459	90,98,461	22.43
	1914-15	14,92,963	88,71,333	16.82
	1915-16	15,16,160	94,42,268	16.05
Punjab ... ..	1911-12	3,77,735	68,61,547	5.50
	1912-13	7,68,481	65,28,683	11.77
	1913-14	13,44,277	73,85,300	18.14
	1914-15	13,63,371	71,67,771	19.02
	1915-16	5,95,074	66,80,986	8.64
Bihar ... ..	1911-12	5,79,391	84,87,336	6.32
	1912-13	6,73,613	89,23,847	7.54
	1913-14	8,86,308	93,04,637	9.51
	1914-15	9,45,310	95,76,107	9.87
	1915-16	6,94,630	93,90,525	7.39
Bihar and Orissa ... ..	1911-12	...	...	...
	1912-13	2,83,654	21,79,046	13.01
	1913-14	15,41,189	37,52,729	41.06
	1914-15	6,42,070	28,63,824	22.42
	1915-16	3,57,504	26,16,349	13.66
Central Provinces and Berar ... ..	1911-12	3,37,845	26,46,530	12.74
	1912-13	5,68,939	32,26,358	17.63
	1913-14	2,86,577	31,62,928	9.06
	1914-15	6,54,024	33,09,175	19.76
	1915-16	5,06,199	32,80,763	15.38
Eastern Bengal and Assam ... ..	1911-12	3,75,545	18,46,218	20.34
	1912-13	2,38,797	5,21,462	45.79
	1913-14	1,93,364	5,06,247	38.17
	1914-15	3,98,013	7,14,835	54.28
	1915-16	1,06,072	4,70,568	22.54

Statement showing the amounts of Government grants to, and the proportion of such grants to the total income of, municipalities in different provinces during the quinquennium ending 1915-16—concl'd.

Province.	Year.	Total Government grant.	Total income.	Proportion of Government grants to total income.
		Rs.	Rs.	Per cent.
North-West Frontier Province	1911-12	32,609	6,55,214	5-06
	1912-13	4,40,175	10,58,388	40-41
	1913-14	1,40,716	7,74,461	18-16
	1914-15	1,13,933	7,69,622	14-80
	1915-16	2,28,379	9,40,188	24-29
Coorg	1911-12	1,440	27,719	5-19
	1912-13	30,908	69,878	51-78
	1913-14	18,998	47,587	39-94
	1914-15	9,750	37,715	25-86
	1915-16	3,600	31,180	11-56
Delhi	1911-12	Formed part of the Punjab. Delhi was created as a separate province from 1st October 1912.		
	1912-13	6,54,006	16,58,486	39-43
	1913-14	95,061	11,15,661	8-52
	1914-15	4,47,155	15,57,509	28-70
	1915-16	1,96,823	13,37,222	14-71