

*Wednesday,
6th February, 1918*

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
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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, Imperial Secretariat, Delhi, on
Wednesday, the 6th February, 1918.

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 56 Members, of whom 49 were
Additional Members.

OATH OF OFFICE.

The following Additional Members made the prescribed oath or affirma-
tion of allegiance to the Crown :—

- The Hon'ble Mr. Patrick James Fagan, C.S.I.**
,, **Mr. Ganesh Shrikrishna Khaparde.**
,, **Sir Robert Bailey Clegg, K.C.I.E.**
,, **Mr. Arthur William Botham.**
,, **Mr. Surendra Nath Banerjee.**
,, **Sir John Stratheden Campbell, K.C.S.I.,**
C.I.E.
,, **Mr. Sidney Robert Hignell, C.I.E.**
,, **Mr. Arthur Herbert Ley, C.I.E.**
,, **Surgeon General William Rice**
Edwards, C.B., C.M.G.
,, **Sir Alfred Hamilton Grant, K.C.I.E.,**
C.S.I.

[*His Excellency the President.*] [6TH FEBRUARY, 1918.]**HIS EXCELLENCY THE PRESIDENT'S SPEECH.**

His Excellency the President :—“ I extend a warm welcome to Hon'ble Members now entering on their labours here in another Session.

“ It is with regret that at the very outset of your deliberations I find myself constrained to refer to a very painful topic. It is, however, impossible to pass over without a word the gross outrage so recently perpetrated upon the peaceful Moslem population of Shahabad and certain neighbouring areas. I speak not only for myself, but for the Government of Bihar and the Government of India, and I am sure that I carry with me the whole of my Council, and, I hope, the great mass of Hindu opinion as well, when I say that those outraged people have our profound sympathy. The Local Government are doing their best to bring the culprits to justice without delay; they are pushing on their investigations regarding compensation as quickly as possible, and taking measures to strengthen the police. But I cannot conceal from myself that it must take time to soothe the sore and injured feelings produced by these events, and I can only hope that the leaders of both communities will continue the efforts, which I am glad to see that some of them have been making, to heal these wounds as speedily as possible.

“ I know well that the question at issue in these disturbances is linked with unhappy memories of hatred and violence; but India has long since advanced beyond the stage when the appeal in such matters lies to the discreditable agency of brute force. In these days, recognised leaders stand forth who are capable of influencing the masses of their fellow-countrymen, and surely it is not too much to hope that, on their initiative and through their guidance, methods may be devised to prevent a recurrence of these regrettable incidents.

“ And now I gladly turn from that subject to those questions with which it is customary for me to deal when we first meet in Session.

“ There is one matter involving a change in the procedure in the discussion of our Financial Statement to which I should first like to invite the attention of Hon'ble Members. As they are aware the present system is that the Financial Statement is introduced without any general discussion on its proposals. Hon'ble Members of course have power to move Resolutions on what are known as the First and Second Stages of the discussion, but there is no general discussion on the financial policy of my Government until the Financial Statement re-appears as the Budget, when financial proposals are presented to Council in their final shape at the end of the Session. I think there has been a general feeling that this system which is rendered necessary by the existing rules is unsatisfactory, as, on the one hand, we have not the advantage of a free interchange of views as to our general policy at the time when this would be most valuable to us and, on the other hand, Hon'ble Members are certainly handicapped in dealing with our Budget proposals, especially where legislation is involved. For on a Bill only those matters which arise directly out of the proposed legislation can be brought up for discussion, and, when once the Bill has been passed, a discussion at the end of the Session must largely be infructuous and academic. Accordingly we addressed the Secretary of State last November proposing certain amendments in our rules for the discussion of the Annual Financial Statement, and we have recently received his sanction to our proposals. The necessary amendments will be notified in the Gazette in due course and will be in your hands very shortly. But I may explain briefly for the information of Hon'ble Members that the main changes we propose are that, after the Financial Statement has been introduced in accordance with our present practice, its further consideration shall be postponed for some days in order that Members may have an opportunity of making themselves acquainted with its contents which is not always an easy task; On the appointed day, which this year will be the 8th of March, we shall proceed to a general discussion of the Financial Statement. This discussion will take the place of the Budget discussion at the end of the Session which, as I think Hon'ble Members will recognise, has not been very profitable. Members will be at liberty to offer any observations on the Statement as a whole, or on any question of principle involved therein. After this general discussion has terminated, we shall

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proceed to the Second and Third Stages of the discussion of the Financial Statement which will represent what are under the existing rules called the First and Second Stages, and at these stages Members will be at liberty to move Resolutions in the same manner and to the same extent as is permissible under the existing rules. The Budget will be laid before the Council at a subsequent date when the Hon'ble Finance Member will explain the changes he has made with reference to the opinions expressed by the Council or on the basis of later figures, but there will then be no discussion. To this extent the existing procedure must be maintained. Hon'ble Members will, I hope, agree that we have endeavoured to give them a system which provides a more effective and satisfactory method of bringing forward their criticisms and suggestions regarding our policy at a stage when that policy has not been cast into final shape.

" Certain further changes will also, I think, be necessitated by this revision of the existing system. As Hon'ble Members are aware, it is our present practice when new taxation is imposed to proceed immediately after the Financial Statement has been introduced with any Bills that may be proposed for additional taxation. This is, as Hon'ble Members will readily understand, necessary for obvious reasons. But if a period for consideration and discussion is to be interposed, it will be equally necessary that any taxation Bills which may subsequently be introduced, should, if and when passed, be made to relate back to the date of their original announcement. It is of course only on this understanding that the present somewhat inconvenient procedure can be revised.

" Let me now as usual summarise such of our departmental activities as are likely to be interesting to Hon'ble Members who have been out of direct touch with the working of Government since we last met. Special preoccupations outside the usual scope of our work we have had, as Hon'ble Members well know, and I shall be brief. But those special preoccupations have not interfered with departmental work; nor have the departments been allowed respite from the varying and heavy anxieties of the times we live in.

" Since I last addressed you, one or two schemes of considerable commercial importance have been inaugurated. The position of the planting industries in India has for some time been causing me much anxiety. The provision of adequate tonnage has become a chronic difficulty, and I fear that we can hardly look forward with confidence to any possibility of increased supplies of freight in the year that is before us. The effect of this shortage has necessarily reacted most severely on the trade in certain commodities which are not held to be of essential national importance. But one of our great industries, the tea industry, can, I think, congratulate itself on the scheme which has recently been inaugurated for the purchase in India and Ceylon of the full civil and military requirements of the United Kingdom. We have appointed a Tea Commissioner who is engaged in purchasing for the Food Controller in the United Kingdom at rates which represent a reasonable amount of profit to tea gardens in this country. Under this scheme a market for at least a considerable proportion of the crop is assured, and I think I may safely say that the prospects of the tea industry, which during part of last year gave cause for anxiety, have now materially improved.

" Our anxieties were at one time perhaps even more acute with regard to the disposal of the rice crop. These again arose out of the difficulties of securing freight. In October last a much larger proportion than usual of last year's crop remained to be shipped. The new crop which has just been harvested was at the same time expected to be abundant, and a very serious glut in the market seemed inevitable. Prices in Burma dropped to an exceptionally low level, and the position of the cultivators naturally gave the Local Government cause for the gravest anxiety. I was not slow to represent the difficulties of the situation to His Majesty's Government, and I am glad to think that we have now been able to initiate a scheme for the purchase of large quantities of rice monthly for the Royal Commission in England on behalf of the United Kingdom and our Allies. Prices have been fixed which will give a reasonable return alike to the cultivators and to the millers, and the control of purchases has been placed in the hands of a Rice Commissioner in Rangoon. In order to exercise effective control, it has been necessary to

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prohibit exports generally, but licenses will be given freely for export to many of the destinations which normally depend on India for supplies, provided that this can be done without interference with, or prejudice to, the requirements of the Royal Commission. I think that we have every reason to congratulate ourselves on this solution of what at one time threatened to be a very grave difficulty indeed.

“ I come now to certain questions connected with coal production and railway traffic. The difficulty as regards coal production has throughout been one of labour, especially of skilled labour, and the difficulty has recently been greatly increased by a diversion of labour from the collieries producing the higher grades of coal to collieries and outcrop seams which only produce coal of a very inferior quality. This diversion it was necessary to check both because the demands for better class coal on account of railways and the Indian Marine are large and must be met, and because the production of very inferior coal involves a large economic loss in transport and other directions. Power was taken accordingly, and placed in the hands of a Coal Controller in Calcutta, to restrict the working of low grade collieries, and under this power their production has been regulated in such a way as to prevent their interfering with collieries producing higher grades of coal. It is too soon to judge finally the results of this action, but it is hoped that it will improve the situation. In order to supplement the shortage of labour, an experiment has lately been carried out of employing Turkish prisoners at an outlying colliery, and, as more prisoners wish to be employed and those already at work seem anxious to learn the business of cutting coal, we propose to continue the experiment on a larger scale.

“ You will readily understand that the effect on our railways of the short production of coal was very serious. In the first place their own stocks of coal and those at the ports were reduced to a dangerously low level. Then, when the raisings of coal improved, the railways had to give all their energies to taking the coal through to its destination and to replenishing stocks. Further the demands of military and other essential traffic have been constantly increasing. Finally, the difficulties on the North-Western Railway were aggravated by a serious outbreak of sickness, due to the unusually heavy rain in the Punjab. As a consequence it has been exceedingly difficult to maintain the services for passengers and goods. One very unfortunate result has been that it became necessary in view of the great *mela* which is being held at Allahabad to prohibit the sale of tickets to stations within a certain zone round that centre of pilgrimage. The occasion, I recognise, is one of special sanctity, and it was with the greatest reluctance that we decided on this action, but in view of the peremptory necessity of maintaining the coal and military traffic it was unavoidable, and to have done otherwise might have led to disastrous results. I have given special attention to this matter of pilgrim traffic, and I deplore the fact that, owing to the necessities of the war, the railways are not in a position to provide full facilities for the purpose of a great religious festival, and I am glad that it has been found possible, in view of the special sanctity of February 11th, to remove the prohibition on the sale of tickets for Allahabad and the neighbourhood by the ordinary trains on February 8th, 9th, 10th and 11th.

“ I am afraid that in other directions also there has been a large interruption and dislocation of ordinary traffic. It is impossible under present conditions largely to increase the capacity of our railways. We can adopt and have adopted various expedients, such as the introduction of the train control system, and the multiplication of crossing stations, both of which help the capacity of the lines ; we have taken steps to ensure that the maximum use is made of the rolling-stock and to conserve the engine power. The success attained by the railways of India in carrying an enormously increased traffic, without substantial additions to their lines or equipment, has in fact been remarkable. But inevitably there is a limit to their capacity. The essential traffic at the same time is constantly growing. To give you some idea of the bulk of this traffic I may mention that the single item of coal is estimated to absorb permanently 40,000 wagons, or at least one-third of the whole supply of wagons in the country. And the more nearly the limit of capacity is

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approached, the more frequent must be the dislocations of traffic and the inconvenience and loss which result from them. The problem is engaging my earnest consideration. I trust we shall be able to find some methods of alleviating the position.

"I am proud to think that we have given freely of our railway staff and our materials for the equipment of railways overseas in the interest of the Empire, and in this country we have subordinated other requirements to military needs. While no restriction has been imposed which was not dictated by considerations of our Imperial interests, no one regrets more than I do the inconvenience which has of necessity resulted; but I hope and believe you will consider it a small thing when compared with the great causes involved in the present war.

"We have been engaged in the struggle now for 8½ years, and hitherto India has not felt the burden and suffering which war brings into the houses of the poor with anything like the same severity as less favoured countries nearer the main theatres of operations. But the pinch is at last beginning to be felt, and one of the matters which has given my Government cause for the most anxious consideration has been the recent rise in the price of many of the necessities of life. I am not going to attempt to analyse here the various and complex causes to which the general rise in prices is due. The rise has been world-wide, but I think you will not question me when I say that in respect of some articles (I am thinking at the moment particularly of salt) the market rates which have recently been prevalent have soared far higher than could be justified by economic circumstances. Salt and clothing are among the prime necessities of life, and the prices at which they have been sold have pressed with great hardship on the poorer classes in this country. The discontent and uneasiness to which this has given rise have resulted in several regrettable instances of lawlessness in parts of Bengal, Bombay, Bihar and Assam. The Local Governments have taken timely measures to police the affected areas, and the Government of India have endeavoured to grapple with the situation, so far as it is possible to deal with circumstances in which economic forces play the major part.

"It will, I think, interest you to hear the steps which we have taken to alleviate the position. The high prices of salt were caused in their origin by the shortness of supplies from sources overseas, and speculators took advantage of the position. We are endeavouring both to secure an increased import of salt from abroad and to develop our internal resources as far as we possibly can. The output from the Khewra Mine is increasing month by month, and we hope that by the middle of April it will be double what it was in pre-war days. The powers which we took a year ago to provide local authorities with salt in priority over ordinary indents were calculated to ease the market and are now being freely used, but we have recently gone a good deal further than this. We have taken powers by Rules under the Defence of India Act to fix the prices of any commodities, the supply of which it is necessary to control in the interests of the public safety. It is obvious that the actual fixation of prices and the measures necessary to ensure adequate control must rest in the first instance with the Local Governments. We have addressed them on the subject and have already notified salt as a commodity the supply of which it may be necessary to regulate. The control of prices in the case of cloth is obviously a question of much greater difficulty than in the case of salt, but we shall not shrink from any action which may be found, in consultation with Local Governments, to be both practicable and desirable.

"May I add that we are always ready to listen to those who criticise our measures, and our Council is above all the place where such criticisms may legitimately be made. But I confidently look to Hon'ble Members, who know our practical difficulties and understand the grave needs of the time, to help us by instructing the general public as to the reasons underlying our action.

"Having touched on these pressing questions of supply and demand which, though both difficult and acute, are merely questions of the moment for which altering circumstances must in course of time furnish an automatic solution, I will not dip further into industrial questions. Hon'ble Members know the

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high hopes I entertain of industry in India, and they may have noticed that at the opening of the recent Madras Industries Exhibition I dealt with the important subject of industrial development. I shall not revert to that topic to-day, but content myself with re-emphasising the fact that no reforms in India will achieve their purpose unless they have their counterpart in the industrial sphere. A great industrial advance, reacting strongly on social and educational conditions, is, I am convinced, a condition precedent to the full development of healthy political life in this country.

“In the sphere of education we have to record an event of the greatest educational importance, namely, the meeting in November last of the Calcutta University Commission under Dr. Michael Sadler. The Commission, as you know, is composed of men of high repute, and we have never before had at our disposal in this country so distinguished and experienced a body of expert advisers on educational affairs. They have commenced their inquiries by the widest consultations of all classes of opinion and by diligent and unobtrusive personal observation of the conditions upon which they are to advise. I look with confidence to receiving from them during the summer of this year a report which will contain a useful exposition of the principles upon which University education should in future be conducted in Bengal, and I have little doubt that much of their advice will be of the greatest value in dealing with University questions in other provinces also.

“Of education at the other end of the scale—of primary education—I made some mention in addressing you last September. I said that we were agreed that a definite advance must be made in this sphere, and that it was only the fact that there were other connected problems awaiting solution which prevented my giving an indication of the policy which we had in view on this most important question. The support of primary education is a function of local bodies and its extension is, in the main, an operation of finance. While, therefore, the future powers of local bodies and the future relations of local, provincial and Imperial finance are still undetermined, it is, as you will readily understand, a matter of no small difficulty to set forth a definite policy of future development for our primary schools, and it will be necessary for us to wait a little longer before we can take definite steps for the realisation of such a policy. In the meantime, we have determined to place no obstacle in the way of such local legislatures as may decide on any reasonable measures to forward the same end, whether those are the precise measures which we would ourselves be prepared to initiate or not. The last few months have accordingly seen the first beginnings of legislation to allow of compulsory education in this country. A private Bill has been introduced and passed into Law to admit of the adoption of compulsion by district municipalities in Bombay. Arrangements have been made for the introduction of similar Bills in Bengal and in Bihar and Orissa. The Punjab Government has drafted a Bill dealing with the same subject on comprehensive lines and has published it for criticism. I need hardly say that I shall watch with deep interest the use which local bodies make of the powers conferred upon them by measures of this description.

“In the cognate sphere of local self-government I desire to invite attention to an important move which has been made by Lord Ronaldshay's Government in Bengal. A Bill has recently been introduced in that Presidency in which an attempt has been made to institute a general system of village government. The question is complicated in Bengal by the absence of real village units and the pre-existence of local Committees for dealing with watch and ward; but, whatever the ultimate fate of the Bill in its details may be, I cannot but welcome its preparation, as representing a bold and comprehensive effort to provide a code of rules for a difficult and little trodden field of administration, and as a step along one of those main lines of advance—detailed by me, as Hon'ble Members will recollect, in my opening speech at the September Session—which lead to the accepted goal of British Rule in India.

“In accordance with my intention to be brief in surveying the departmental field, I shall not to-day touch on some important aspects of our general administration, but shall now turn to matters immediately connected with the war and our military administration.

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"Nearly a year has elapsed since the Indian Defence Force Act came into operation. As regards the European Branch of the Force, a very large measure of success has been achieved. The duty of military service has been undertaken by the European population of the country cheerfully and in a spirit of patriotism, and the Government of India gladly acknowledge the sacrifices which have been made by a community which has otherwise made large contributions to the fighting forces of the Empire, and is in the pursuit of its civil avocations, working at high pressure with depleted staffs. The burden, the Government of India are well aware, has been particularly felt in the matter of raising the General Service Units, the formation of which for the time being was necessitated by the exigencies of the military situation, and they are grateful to the commercial community for the good spirit in which the obligation has been accepted. I am pleased to be able to announce that the reorganisation of the Armed Forces in India, in which the newly-constituted Indian Defence Force plays a considerable part, has enabled His Excellency the Commander-in-Chief to dispense for the present with these units, which will be disbanded at an early date.

"It is not necessary to explain that the obligation for general service when required remains unimpaired, and it will, as a matter of fact, be necessary, as an offset to the disbandment of the larger units, to maintain in certain places smaller units permanently embodied for the purpose of local defence.

"With regard to the Indian portion of the force, recruiting was under the Indian Defence Force Act closed on 28th August 1917, by which time the number of applications sent in had reached over 9,000. Not all of the applicants, however, appeared when called on for medical examination, and of those who did appear only a little over 3,000 have been passed as medically fit, and in only three of the six areas into which India was divided for the purpose has the number of fit men approached 1,000, the minimum which it was proposed to require before a unit was raised. The Government of India, however, wishing to give the movement every possible encouragement, agreed not to insist on this minimum, and one or more units have been formed, or are in process of formation, in each of the areas referred to, and it has now been decided to give a further opportunity to fill up the cadres of these units by re-opening recruiting, and an amendment to the Indian Defence Force Act will be introduced in Council for this purpose. Hon'ble Members will, however understand that our hands are not free in the matter of numbers. The demands of the military situation and the calls upon our *personnel* for service in the field necessarily limit the opportunities which we can offer in respect of training for auxiliary troops, and these opportunities naturally vary from time to time. We therefore propose to open and close recruiting for the Indian portion of the Indian Defence Force in the various provinces by notification in the Gazette of India, as the above considerations shall dictate.

"As regards the work of our forces in the field, the past few months have seen a series of successes in Mesopotamia and in Syria, where a notable advance has been made. The operations in East Africa have been uniformly successful, and the Indian troops who have aided so largely in securing this result are now returning to India to refit,

"The war is now entering on a new phase. The added burden thrown on the Allies by the situation in Russia is one which is likely to increase rather than lessen, and India, in common with the rest of the Empire, must be prepared for greater efforts and greater sacrifices, and for a fuller organisation of her military resources, in man-power and in material.

"Recruiting for the Indian Army and for the subsidiary services has, during the past year, shown a distinct improvement, and the results of the last few months are encouraging. At the same time, we are not, even now getting the full numbers we require, nor do the numbers obtained nearly approach the contribution that India could supply without in any way affecting her own requirements.

"If we are to obtain a supply adequate to our needs, a sustained and combined effort on the part of all is now necessary. The Central Recruiting Board is keeping in close touch with all recruiting questions, and has arranged for a division of the total requirements among the provinces, with special regard to

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their resources. Provincial Recruiting Boards have been established in most Provinces with very satisfactory results, and their efforts have undoubtedly contributed in no small degree to the measure of success that has attended recruiting operations during the past few months.

"The Punjab is maintaining its proud position as the chief supplier of recruits, but, with the co-operation of the various Provincial Boards, it is fully expected that other Provinces and States will shortly contribute a share more in proportion to their population.

"The Native States generally maintain their record of high achievement. The first fruits of victory in one field of battle have been manifested in the return of war-worn battalions of Imperial Service Troops to our shores. The Kashmir battalions, which returned last summer with a distinguished record in an arduous campaign, have now replaced their losses and refitted and are about to retake their places in the fighting line where they will, I feel confident, earn fresh laurels. The States of Bharatpur, Jind, Gwalior and Kapurthala have more recently welcomed the return of their contingents with fitting honours and rejoicings, and the Rampur Infantry, the Faridkot Sappers and Miners, and a Kashmir Mountain Battery may shortly be expected. The splendid services rendered by the troops which have reached India have been acknowledged by the General Officer Commanding in messages which will be treasured in the annals of the States and have been a source of deep gratification to myself and the Government of India.

"The Bharatpur Infantry in particular, who suffered heavy losses in the recent fighting, have earned the special appreciation of His Majesty's Government and the thanks of the Army Council. The Durbars are already planning to reform their units for further service after the men have enjoyed their well-earned leave.

"From Palestine also news has been received of the admirable work done in the battle of Gaza, and in the subsequent pursuit, by the Imperial Service Troops of His Exalted Highness the Nizam and of Their Highnesses of Mysore, Gwalior, Patiala, Alwar, Bahawalpur and Khairpur.

"The stream of gifts and contributions from the States still flows strongly. Among others I may mention a gift of 5 lakhs from the Maharaja Holkar, a lakh of rupees each from the Maharao of Sirohi and the Maharaja of Nawanagar, Rs. 45,000 from the Maharaja of Jind for the purchase of a bomb aeroplane, 5 lakhs and 25 thousand rupees and 100 horses, besides other gifts, from the Maharaja of Nabha, whose Imperial Service Infantry will, I hope, soon take the field, one lakh and eight thousand rupees from the Chiefs of Northern Shan States for the purchase of aeroplanes, and, lastly, yet another gift from the Maharaja of Gwalior, namely, £6,000 for the benefit of disabled naval officers and men and their families.

"The Central Recruiting Board has received considerable assistance from some States in the matter of recruiting for the Indian Army, notably from Kashmir, Jaipur, Alwar and Bharatpur, and in the Punjab, from Patiala, Jind, Nabha and Kapurthala, and besides this the Kashmir, Patiala, Jind, Kapurthala and Bahawalpur Durbars have undertaken, on the request of the Government of India, to increase considerably the strength of their Imperial Service units in order to meet the rapid wastage of modern war,

"If I were now to resume my seat, Hon'ble Members would perhaps have a right to complain that there remains a subject of momentous importance to India, second in importance to nothing except the war, upon which I have not so far specifically touched. It is a subject which naturally claims at this hour the serious attention of every man interested in the welfare of India. But Hon'ble Members will on reflection realise that at this stage it is not possible for me to say much on the topic of Constitutional Reform. For the past three months the Secretary of State and I have been in daily consultation on the subject. We have received numerous deputations and given still more numerous interviews. In the addresses presented to us we have had clearly placed before us the hopes and aspirations, as well as the doubts and fears, of the various communities in India. In the interviews we have endeavoured to elicit the opinions of those whom we were meeting. We have probed those opinions by searching cross-examination, not

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for the pleasure of mere dialectic but to satisfy our minds that beneath the opinions expressed there was a solid substratum of fact and experience. I can say for my part—and I believe I can also speak for the Secretary of State—that we regarded these interviews as a liberal education. They enabled us to clear our minds, and they assisted us to see how far opinions expressed in addresses were based on genuine conviction and solid thought. The whole scheme of the tour and the arrangements made at each centre seemed to me admirably suited to the purpose which the Secretary of State and I had in hand; and I should like to pay a tribute to the great ability with which so many of the addresses we heard had been drafted and to the careful labour and thought which they embodied. I also take the opportunity of cordially acknowledging the almost universal spirit of genuine co-operation which animated those who came to meet us in interview. Availing ourselves then of all the help that offers, we are threshing out the great problems with which we have to deal, and I have every hope that the Secretary of State may be able to take home proposals embodying a sane and sober advance, with future steps duly outlined, so that, provided we get that co-operation on which the announcement of August the 20th laid stress, we shall be able to progress towards the realisation of responsible government. Let me remind you of the words of the announcement, that 'ample opportunity will be afforded for public discussion of the proposals which will be submitted in due course to Parliament'. If His Majesty's Government accept our request for publication, then it will be for those who represent the numerous communities interested to put their heads together and make reasoned representations to me upon them for transmission to His Majesty's Government. I notice that it has been suggested that a deputation should go home and lay the case for the Congress-League scheme before His Majesty's Government. The same intention may exist in other quarters. I think that at the right moment that is a course worthy of consideration, and I would not have it thought that there is any desire on the part of Government to hamper any such representations. On the contrary I will gladly give all the advice and all the help which it lies in my power to give.

"You will observe that the procedure we propose to adopt is that which was followed on the occasion of the Morley-Minto Reform Scheme. It opens the door to full discussion, and seems to me a highly convenient course to pursue. I do not disguise from myself that there will be those who will criticise our proposals, whatever they may be, as not going far enough, while others will regard them as going dangerously far. That is inevitable. But they will represent a sincere and honest attempt to give effect to the announcement of August the 20th, which the Secretary of State and I have regarded as constituting our terms of reference and therefore binding upon us. I would ask people generally to re-read that announcement as a whole resisting the temptation to select that portion which suits their particular views and to reject the rest. I believe that in the main the announcement commanded general acquiescence, and it behoves us all to endeavour to work together in general harmony with it and to accept its spirit.

"The first practical step in fulfilment of that announcement has a directly personal aspect in that it accounts for the presence here in Delhi to-day of the Right Hon'ble Edwin Montagu, Secretary of State for India. It is our privilege to be able to greet him in our midst, and I am sure that all Hon'ble Members would wish me to extend to him a most sincere and cordial welcome on behalf of the Imperial Legislative Council of India. His task and mine is a joint task, and in its discharge we stand in a relationship peculiarly personal; but this consideration will not deter me from thanking him here and now for the whole-heartedness of his co-operation with me. He has moreover met others freely and widely, the leading figures in our political life, official and non-official; and, knowing as I do the spirit which has animated him, I feel sure that Hon'ble Members would like me to express to him on behalf of India as a whole our great appreciation of the manner in which he has approached his task. We do not know whether our work of the past three months will lead us to success. It will be for history to record the result of those labours. 'Tis not in mortals to command success', but if ever a man engaged in a task beset with difficulties deserved success, that man, I most emphatically hold, is the Right Hon'ble the Secretary of State."

[*Rai Bahadur B. D. Shukul; Sir Claude Hill.*] [6TH FEBRUARY, 1918.]**QUESTIONS AND ANSWERS.****The Hon'ble Rai Bahadur B. D. Shukul asked :—**

Forest offences relating to cattle trespass.

1. "(a) Are Government aware that the general condition of cattle has deteriorated owing to inadequate supply of fodder and restrictions of grazing facilities in forest areas ?

(b) Will Government be pleased (i) to state the number of forest offences relating to cattle trespass for the last ten years, Province by Province, and (ii) explain the cause of the increase, if any, in the number of such offences ?

(c) Will Government consider the advisability of relaxing the forest laws so as to afford greater facilities for grazing ? "

The Hon'ble Sir Claude Hill replied :—

"(a) As stated by Sir Robert Carlyle in reply to a question asked by Maharaja Ranajit Sinha on the 18th January, 1915, it is impossible to decide whether, taken as a whole, Indian cattle have deteriorated in recent years.

(b) I lay on the table a statement * showing the number of cases of grazing without permission during the ten years ending 1915-16. For explanation of increases in particular provinces I must refer the Hon'ble Member to the annual provincial reports, but the general increase shown in the statement is probably due to the larger number of cattle grazed and the increased efficiency of the forest staff.

(c) As stated by Sir John Miller in reply to a question asked by Mr. Dadabhoj on the 18th February, 1910, the rules under the Indian Forest Act are framed for each province by the Local Governments concerned, and Local Governments are fully aware of the importance of providing grazing facilities in forests. The Government of India see no necessity for amending the law on the subject."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

Agricultural education.

2. "(a) Is it a fact that in this country the want of an adequate supply of manual labour is being more and more acutely felt by agriculturists, and that till now the mechanical side of agricultural education has received but little attention ?

(b) Will Government be pleased to consider the advisability of providing for the mechanical side of agricultural education so as to make the farmer familiar with the fundamental laws and principles of mechanics, and encourage the adoption and extended use of improved tools and implements and labour-saving machines ?"

The Hon'ble Sir Claude Hill replied :—

"(a) *first part.*—The Government of India are of course aware that manual labour is short of requirements at harvest time and on other seasonal occasions when the demand is heavy, but they have not information which confirms the view that the supply of manual labour for agricultural operations is becoming progressively more inadequate.

(a) *second part and (b).*—The introduction of improved agricultural implements and labour-saving machines is already recognised as one of the most important functions of the Agricultural Department in the various provinces; and land-owners and cultivators are instructed in their care and use at Government Demonstration Farms. Several provinces, moreover, namely, Madras, Bombay, Burma, the United Provinces and the Punjab, have Agricultural Engineers attached to their Agricultural Departments with the object of assisting and instructing the agricultural public in the use of such implements; and the Governments of Bihar and Orissa, and the Central Provinces contem-

[6TH FEBRUARY, 1918.] [Rai Bahadur B. D. Shukul; Sir Claude Hill; Sir William Meyer.]

plate the appointment of Agricultural Engineers after the war. It will thus be seen that Government is already fully alive to the importance of this matter."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

3. "Are Government aware that in some of the countries of the West, such as Italy and France, Government subsidies are granted to agricultural societies for the purchase of agricultural implements and machines? Will the Government of India introduce a similar system in this country?" Government Grants for the purchase of implements.

The Hon'ble Sir Claude Hill replied :—

"The Hon'ble Member presumably refers to agricultural societies organized on a co-operative basis. The Government of India understand that such societies are assisted in some European countries by loans from Government or from State-aided banks. They have no information that any special subsidies are granted for the purchase of agricultural implements and machines. In regard to the second part of the question, the Hon'ble Member's attention is invited to paragraph 213 of the report of the Committee on Co-operation which indicates the extent to which Government advances are made to agricultural societies generally in this country. The Committee expressed the view that no change in the existing rules regarding these initial advances was called for and were of opinion that they will be even less used in the future than in the past. The Government of India do not consider that the need for any material modification of their present policy has as yet been established."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

4. "Will Government be pleased to lay on the table a statement showing the number of appeals made against the assessment of Income-tax for the last three years in each Province and showing how many such appeals were accepted and how many rejected?" Appeals against the assessment of Income-tax.

The Hon'ble Sir William Meyer replied :—

"I lay on the table a statement* derived from Income-tax Return V showing by Provinces the number of petitions presented to Collectors and Commissioners under the Income-tax Act, 1886, during the years 1914-15 to 1916-17. The Government of India have no information whether the petitions, figures of which are shown in Return V, relate solely to appeals against the assessment of income-tax, and it is possible that the basis on which the statistics are compiled differs in different Provinces.

2. Local Governments, with whom the actual administration of the Income-tax Act rests, are not required to furnish to the Government of India statistics showing the number of petitions under the Act, which were successful in whole or in part, and the figures of successful and unsuccessful petitions in all the Provinces of India, which the Hon'ble Member asks for, are accordingly not available."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

5. "(a) Will Government be pleased to lay on the table a copy of the various circulars issued in the different Provinces by the Department of Education regarding the attendance of teachers and students of schools and colleges at public meetings?" Student strikes and Advisory Boards.

(b) Will Government be pleased to state the number of students' strikes during the years 1916-17 in different schools and colleges, Province by Province?"

* Vide Appendix B.

[*Sir C. Sankaran Nair*; *Rai Bahadur B. D. Shukul*; *His Excellency the Commander-in-Chief.*] [6TH FEBRUARY, 1918.]

(c) Have the Provincial Governments inquired into the causes of such strikes and with what results?

(d) Will Government consider the advisability of appointing an Advisory Board of Education in each Province consisting of persons, partly nominated and partly elected, to advise the Government on all educational matters?"

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

"(a) A copy of the circulars * is laid on the table.

(b) and (c) The Local Governments are being requested to supply the information asked for and it will be communicated to the Council when received.

(d) The Government of India have given discretion to Local Governments to constitute Advisory Education Boards where these may be considered necessary, and in some Provinces Boards of this nature already exist. The Government of India do not propose to take any further steps in this direction at present."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

Grants to District Boards.

6. "(a) Are Government aware that the system of making earmarked grant to District Councils and other local bodies has been found to cause much inconvenience in practice, and is it a fact that a new scheme of consolidated grants to District Boards has been introduced in the Punjab, abolishing as far as possible all earmarked grants?

(b) If so, will Government instruct other Provincial Administrations to adopt a similar scheme?"

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

"A system of consolidated grants for purposes other than educational has been introduced in District Boards in the Punjab, but the Government of India are not prepared to say that earmarked grants to local bodies are in all cases productive of inconvenience. They approve generally the view of the Decentralization Commission that grants-in-aid should normally take the form of a lump grant or a percentage towards specific services, but the system to be adopted in making grants is a matter purely for the decision of Provincial Governments, and the Government of India do not propose to instruct Provincial Governments to adopt exclusively any particular system of making grants."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

Relief and comforts fund for the Indian Defence Force University corps.

7. "(a) Are Government aware that much hardship is felt by the mofussil students who have to pay the out-of-pocket expenses for their board and lodging during the period when they join the Indian Defence Force?

(b) Is it a fact that the Vice-Chancellor of the University of Bombay has started a fund for the relief and comforts of such graduates and undergraduates as have joined the University corps of the Indian Defence Force?

(c) Has the same course been adopted in other Provinces also? If not, will Government recommend this course to other Provinces?"

His Excellency the Commander-in-Chief replied :—

"(a) The question, it is understood, refers to University companies of the Indian Defence Force, the training of which is divided into two portions, a preliminary training of one month carried out at the Universities, and a period of two months in camp. During the second period all men serving receive pay

[6TH FEBRUARY, 1918.] [*Rai Bahadur B. D. Shukul ; Sir Claude Hill.*]

and allowances as for the corresponding ranks in the Indian Army. During the period of preliminary training, pay and allowances are not generally necessary, as the men are living at their own houses and serving under conditions similar to Europeans of the Indian Defence Force when not called out for actual military service; moreover it is only proposed that they should perform 86 hours' drill during the month. But to meet special cases of men not actually resident at the Universities, pay and allowances during the period of preliminary training have been allowed in the Calcutta and Allahabad University units for men who do not reside at the places of training. A similar concession for the Bombay University unit is now under consideration.

(b) The Government of India understand that a fund has been started in the University of Bombay on the lines described in the question.

(c) The Government of India believe that a similar fund has been started in the University of Calcutta, but have no information as regards the Allahabad University, the only other University which has a separate unit of the Indian Defence Force. They think that the adoption of such a course should be left to local initiative as all necessities are provided by Government."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

8. "(a) Is it a fact that the inadequate strength of the superior staff interferes with the expansion of the activities of the Agricultural Department over a wider area in the various Provinces of British India? Recruitment of officers for the Agricultural Department.

(b) If so, will Government be pleased to state what special arrangements, if any, have been made, or are proposed to be made, with a view to ensure an adequate supply of officers in this country in the near future?"

The Hon'ble Sir Claude Hill replied :—

(a) "The reply is in the affirmative.

(b) Local Governments and Administrations have been addressed regarding the extent to which it will be necessary or desirable to expand the Provincial Agricultural Departments after the war. All replies have not yet been received and the matter is still under consideration. Difficulties have been experienced by the India Office in securing suitable candidates for the Indian Agricultural Service during the war for the posts already sanctioned. Every endeavour is, however, being made to secure candidates for the superior service either by direct recruitment of qualified Indians and others, or by promotion of qualified men from the Provincial Service."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

9. "Is it a fact that in the Bombay Presidency when a general classification of the soil of any area has been made a second time, or when any original classification of any area has been approved by the Governor in Council as final, no such classification is again made with a view to the revision of the assessment of such area? If so, will the Government of India advise the other Provincial Governments to adopt a similar policy in case of re-settlements? Settlements and soil classification.

The Hon'ble Sir Claude Hill replied :—

"The answer to the first part of the question is in the affirmative. The Government of India are not prepared to take the action suggested in the second part of the question as they still adhere to the policy in regard to the legitimate grounds for a re-assessment of land revenue which was laid down in paragraph 22 of their Resolution No. 1, dated the 16th January 1902. I would invite the attention of the Hon'ble Member to this Resolution."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

10. "Have the Government of India received the views of the Local Governments on their proposals regarding the revision of the Indian Arms Act? Revision of the Indian Arms Act. If so,

[*Sir James DuBoulay ; Rai Bahadur B. D. Shukul ; Sir Claude Hill.*] [6TH FEBRUARY, 1918.]

will the same be placed on the table, and will the Government be pleased to appoint a Committee consisting of officials and non-officials to consider the whole question of the administration of the Arms Act before introducing a Bill to amend the same ? ”

The Hon'ble Sir James DuBoulay replied :—

“ The Hon'ble Member is under a misapprehension in thinking that the revision of the Arms Act is in contemplation. The Government of India, as explained by His Excellency the Viceroy in this Council on September 5th last, have the question of the administration of the Arms Act under their consideration, and will not accept any solution of this question which continues to base exemption on racial distinctions. They have not yet received all the replies of Local Governments, one is still outstanding: those that have been received are voluminous but are now being examined, and when the examination is complete Government will consider whether the replies should be laid upon the table, and whether it is desirable to obtain further official and non-official opinion. ”

The Hon'ble Rai Bahadur B. D. Shukul asked :—

Agricultural training.

11. “ Is it a fact that in the Punjab one of the means adopted for popularizing improved methods of agriculture is the provision of a short English course for Revenue and Irrigation officers, and also a 6 months' vernacular course as Lyallpur Farm, and that the experiment has been found useful? If so, will the Government of India advise other Provincial Governments to adopt at similar course? ”

The Hon'ble Sir Claude Hill replied :—

The practice in the Punjab is as indicated in the Hon'ble Member's question, and the Government of India understand that the results of this practice have been found satisfactory. They consider, however, that what is suitable to the conditions of one Province may not be equally so to those of another, and that it may safely be left to other Provinces to adopt such courses as may be held suitable to local requirements. A copy of the question and of this reply will, however, be communicated to all Provinces for their information.

The Hon'ble Rai Bahadur B. D. Shukul asked :—

Medical relief in rural areas and improvement of the indigenous system.

12. “ (a) Are Government aware that the arrangements for medical relief in rural areas are inadequate? And is it a fact that the depletion of medical staff both higher and subordinate owing to the war and the consequent disorganization of medical relief has necessitated the closing of dispensaries in certain rural areas, especially in the Madras Presidency? ”

(b) If so, will Government state what action they propose to take with a view to improve the present condition? ”

(c) Is it not a fact that any wide extension of medical relief in rural areas on Western lines would involve a prohibitive cost? ”

(d) Are Government aware that the indigenous system of medical relief is cheaper, and that people in this country have to resort to this system? ”

(e) Have Government any information that the Mysore Government have devised a scheme to place the practice of the Ayurvedic system on a scientific footing? If not, will they be pleased to obtain the same from the Mysore Government and place it on the table? ”

(f) Will Government consider the advisability of trying a similar experiment in British India? ”

The Hon'ble Sir James DuBoulay replied :—

“ (a) It is unfortunately probably the case that the arrangements for medical relief in some rural areas in India, as indeed of most countries, are inadequate. The subject, however, is one which has received the closest and most anxious attention at the hands of both the Government of India and the Local Govern-

[6TH FEBRUARY, 1918.] [Rai Bahadur B. D. Shukul; Sir C. Sankaran Nair.]

ments, and in the years preceding the war considerable improvement in this respect was effected. The triennial reports for the years 1914, 1915 and 1916, showed that there was as a result of war conditions a slight decrease in the number of dispensaries open in some provinces, for example, Assam where the number fell from 225 to 215, but there was an increase in Madras, Burma and the Punjab during the same period. The figures for 1917 are not yet available.

(b) Effective action cannot be taken so long as the war lasts and the demands on the cadre of the civil departments for medical officers for military purposes continue.

(c) The Government of India agree that a wide extension of gratuitous medical relief in rural areas on Western lines will involve considerable further expenditure.

(d) So long as practitioners of the indigenous systems receive no scientific education in the principles and practice of those systems it would no doubt be possible to obtain such men at cheaper rates than would attract men trained in the principles of Western medical science.

(e) and (f) The Government of India have no information about the Mysore scheme, but have under consideration the question whether it is possible to place the Yunani and Ayurvedic systems on a scientific footing and to increase their usefulness. They are awaiting a representation from the All-India Ayurvedic and Unani Tibbia Conference."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

13. " (a) Will Government be pleased to state how much has been spent on the Patna excavations carried on by the Archaeological Department? The Patna excavations.

(b) Is it a fact that the whole excavated area is not properly cared for and that no efforts are made to preserve the remains of ancient bricks, wooden walls and pavements, etc.? If the answer be in the negative, will Government be pleased to state what steps have been taken to conserve the old monuments excavated? If the answer be in the affirmative, will Government be pleased to take early action to ensure their preservation?

(c) Is it a fact that many old relics discovered in India have been removed to other countries, and are Government aware that such removal has been resented by the people? If so, will Government be pleased to see their way to put a stop to this practice?"

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

" (a) The sums expended on the Patna excavations have been published in the Annual Reports of the Superintendent, Archaeological Survey, Eastern Circle, and the cost to Government has amounted in six years to Rs17,512. The remaining cost of the excavations has been borne by Sir Ratan Tata.

(b) The discoveries include moveable antiquities, and wooden and brick structures. The moveable antiquities are preserved provisionally in the office of the Archaeological Superintendent, while the wooden structures of Mauryan date can only be preserved either by flooding them with water or covering them again with earth. When the excavations are complete, Government will decide which of these two courses will be followed, meanwhile they are being preserved by water. The brick remains are of later date and a small proportion of them will be permanently conserved and kept visible to the public, the remainder will be buried again beneath the soil. The site at Patliputra is protected under the Ancient Monuments Preservation Act, 1904, and chaukidars are maintained there. Government is satisfied that all necessary precautions are being taken for the preservation of these remains.

(c) The only body relics which have left India in recent years were a Buddhist relic which was presented to the Buddhists of Burma by Lord Minto in 1910, and another to the Buddhists of Ceylon by the present Viceroy in 1917. Arrangements have been made by which it is hoped that the Buddhists will be able in future to preserve such relics on Indian soil."

[*Rai Bahadur B. D. Shukul; Sir Claude Hill.*] [6TH FEBRUARY, 1918.]

The Hon'ble Rai Bahadur B. D. Shukul asked :—

The Co-operative Societies Act of 1912.

14. "(a) Did the Committee on Co-operation in India in their report of 1915 make the following recommendations :—

(i) Where individual creditors refuse to disclose claims, societies should be empowered to ascertain the debts of a member by serving a notice on such a creditor requiring him to state his claim subject to discharge of his debt on failure to comply and prosecution for wilful falsehood ?

(ii) The lien of a society under section 19 of the Act should be converted into a charge ; otherwise there is no bar to outside attachment unless a decree has been passed in favour of a society ?

(iii) Provision should be made for the summary recovery of members' debts by a Liquidator on the cancellation of a society's registration ?

(b) If so, will Government take early action to revise the Co-operative Societies Act of 1912, with a view to give effect to these recommendations and to make such other provisions in the Act as may in the interest of the Co-operative movement seem necessary in the light of experience gained on the working of the co-operative system in this country since the introduction of this Act ?

(c) Will Government state what steps they have taken or propose to take with a view to provide for the custody of the cash balances of Co-operative Societies and Banks at Government Treasuries or Police Stations, or in the Postal Savings Banks ? "

The Hon'ble Sir Claude Hill replied :—

" (a) (i) and (b).—The Committee on Co-operation recommended the experimental introduction of such a provision in Burma only in the first instance. As the Burma Government is now of opinion that such a measure is unnecessary, the proposal has been dropped for the present.

(a) (ii) and (b).—Yes, when the Act next comes under revision. As the Committee points out, the difficulty has arisen out of a ruling of the Calcutta High Court ; and as the Bengal Government are not satisfied that the existing provisions of the law are insufficient to meet the difficulty, no further action is contemplated at present.

(a) (iii) and (b).—Yes, when the Act next comes under revision. A provision to this effect has already been made in the Public Demands Recovery Acts in Bihar and Orissa and Bengal ; and the proposal will be considered further when the amendment of Act II of 1912 comes under consideration.

(c) The orders issued by the Government of India on the subject are embodied in their Circular* letter No. 807-262-1, dated 3rd October, 1916, a copy of which is placed on the table."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

15. "Was the following resolution passed by the Board of Agriculture which met at Poona in December last :—

The economic condition of the agricultural classes.

'That an improvement in the economic condition of the agricultural population in India is a matter of the most fundamental and urgent importance to the country' ?

If so, will Government consider the advisability of appointing a mixed committee of officials and non-officials to consider the whole question relating to the economic condition of the agricultural classes, and report as to the best means of ameliorating the same ? "

The Hon'ble Sir Claude Hill replied :—

"The reply to the first part of the question is in the affirmative; but as the proceedings of the Board have not yet been submitted to the Government of India they are not yet in a position to discuss its recommendations.

[6TH FEBRUARY, 1918.] [*Rai Bahadur B. D. Shukul; Sir George Barnes; Mr. K. K. Chanda.*]

The Hon'ble Rai Bahadur B. D. Shukul asked :—

16. “ (a) Has the attention of the Government of India been drawn to the alleged case of ill-treatment accorded to one Amritammal and her son working in the Poosellah Estate, Perkadu Post, Ceylon, as coolie, particulars of which are reported on page 4 of the “ Hindu ” of the 23rd November 1917 ? Case of Amritammal in Ceylon.

(b) Will Government be pleased to inquire if it is a fact that the reply which the Ceylon Labour Commissioner, Trichinopoly, has received from the Superintendent of the said Estate, in Ceylon, with regard to this case differs altogether from the letter of Amritammal, the aggrieved? If so, will the Government of India arrange with the Ceylon Government to hold a joint enquiry into the matter ? ”

The Hon'ble Sir George Barnes replied :—

“ The attention of the Government of India has been called to the case referred to in the first part of the Hon'ble Member's question, and enquiries are being instituted both from the Government of Madras and the Ceylon Government on the subject.”

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

17. “ Is it a fact that Bengal has got an extensive sea board and people used to make salt in Bengal formerly? Will Government be pleased to consider the expediency of granting licenses for making salt in Bengal, at least for home consumption? ” Grant of licenses for making salt in Bengal.

The Hon'ble Sir George Barnes replied :—

“ The Hon'ble Member is referred to the answer given to a similar question asked by the Hon'ble Maharaja Sir Manindra Chandra Nandi in this Council on the 12th of September last year. A copy of the Memorandum by the Government of Bengal on the subject of salt production in that Province referred to in the answer is laid on the table for the information of the Hon'ble Member. The question of granting licenses for salt manufacture is a matter for consideration by the Local Government who are responsible for the administration of the Salt Department in Bengal.”

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

18. “ (a) Is it a fact that there have been recent cases of looting of *hats* in Bengal and parts of Assam, the commodities looted being cloth and salt? Looting of hats in Bengal.

(b) Is it a fact that the price of these commodities has been enhanced enormously, causing great hardship to the poor people?

(c) Will Government be pleased to state what action, if any, has been, or is proposed to be, taken by Government to meet the situation? ”

The Hon'ble Sir George Barnes replied :—

“ (a) Yes.

(b) It is true that the price of cloth and salt has risen greatly, and this rise in prices has pressed heavily on the poorer classes.

(c) The attention of the Hon'ble Member is invited to Rule 11 J of the Defence of India (Consolidation) Rules recently enacted, under which Government have powers to control the supply of any commodity of general use, where it is necessary to do so, for the purpose of securing the public safety. These powers include the power to fix prices. Salt has already been notified as an article the supply of which it is necessary to control, and Local Governments have been invited to take such action in accordance with the rules as may be found to be necessary. With regard to the price of cloth, the question of the action to be taken to meet the situation is under consideration.”

[Mr. K. K. Chanda; Sir James DuBoulay.] [6TH FEBRUARY, 1918.]

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

Grant of permission to State prisoners to enlist in the Bengali Regiment.

19. "Will Government be pleased to consider the expediency of permitting State prisoners under Regulation III of 1818 or detenus under the Defence of India Act, or such of them as offer to do so, to enlist in the Bengali Regiment, if they are considered fit by the military authorities, forming if necessary a separate company or companies for them?"

The Hon'ble Sir James DuBoulay replied :—

"It has been ascertained that the military authorities are unable to entertain the proposal."

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

The Committee to investigate and report on the revolutionary movement in India.

20. "(a) Will Government be pleased to amplify the scope of the Committee announced on the 10th December last enabling it to examine individual cases of persons interned under the Defence of India Act or detained under Regulation III of 1818 with a view to recommend, if it considers proper, the release or relaxation of restraints in the case of any such person?"

(b) Will Government be pleased to state what procedure is to be adopted by the Committee for ascertaining the existence of any revolutionary party in the country, namely, whether it is to examine witnesses or to base its findings merely on files placed before it by or on behalf of Government?"

(c) If the answer to the above question is that the Committee is to base its findings on such files only, will Government be pleased to modify such procedure and enable the Committee to examine the parties whose statements are placed before the Committee or such other persons as the Committee may consider necessary or desirable, such examinations taking place *in camera* if the Committee considers it expedient and persons examined before the Committee being granted immunity from any prosecution or other legal proceedings as the result of the information they give during such examination?"

(d) Will Government be pleased to reconsider the desirability of relieving the Committee of the necessity or duty of making any recommendations for introducing any fresh legislation?"

(e) Will Government be pleased to state the reasons why fresh legislation is desired for dealing with any revolutionary conspiracy which the Committee may find to exist in Bengal or any other Province, and why the existing laws are considered to be inadequate?"

The Hon'ble Sir James DuBoulay replied :—

"(a) The Government of India do not propose to modify the scope of the Committee's enquiry in the manner suggested. It is however at full liberty to examine the records of individual cases, and if it felt moved to make any recommendation in regard to any specific case, the Local Government and the Government of India would attach the greatest possible weight to such an expression of opinion.

(b) and (c) The Resolution with regard to the appointment of this Committee contained the following words :—

'It will be given full access to all documentary evidence in the possession of Government bearing on the existence and extent of revolutionary conspiracies in India, and will supplement this with such other evidence as it may consider necessary.'

No change is contemplated in the procedure indicated.

(d) and (e) Under the terms of the Resolution of the 10th of December, 1917, no necessity or duty has been imposed upon the Committee to recommend the introduction of fresh legislation if it does not think it necessary. If it does think it necessary, it will doubtless give the reasons."

[6TH FEBRUARY, 1918.] [Sir Gangadhar Chitnavis; Sir William Meyer; Mr. Abdur Rahim; Sir C. Sankaran Nair; Maharaja Sir M. C. Nandi.]

The Hon'ble Sir Gangadhar Chitnavis asked :—

21. " Will Government be pleased to consider the advisability of forecasting ^{Budget for 1918-19.} the Budget of the Government of India in consultation with a small representative Committee consisting of official and non-official members of the Legislative Council, before it is presented to the Council on the 1st of March ? "

The Hon'ble Sir William Meyer asked whether the Hon'ble Member in referring to the Budget meant what is technically known as the Financial Statement.

The Hon'ble Sir Gangadhar Chitnavis said this was so.

The Hon'ble Sir William Meyer replied :—

" A suggestion similar to that made by the Hon'ble Member was considered in 1907, but it was decided at that time not to proceed with it. The reasons for this decision were that it was desirable that proposals which may have an important effect on the price of commodities—such alterations in duties for instance as have been made in recent years—and, therefore, on the course of commercial speculation should be kept secret until the time comes for making them public. In the second place, it was thought essential that there should be full opportunity for a confidential exchange of views among the responsible authorities before criticism is invited on their conclusions; and that if the proposals of the Government of India were, as a matter of course, laid before a Budget Committee, there would be a probability that if there were subsequent divergencies of opinion between the Secretary of State and the Government of India these would become known to persons outside responsible circles.

2. The matter will however again come under consideration in connection with the question of constitutional reforms on which the Government of India and the Secretary of State are at present engaged."

The Hon'ble Mr. Abdur Rahim asked :—

22. "(a) Will Government be pleased to state the number of Muhammadan and Hindu members, respectively, of the Senate of the Calcutta University? ^{Muhammadan representation on the Senate of the Calcutta University.}
(b) Are Government aware of any existing dissatisfaction in regard to the inadequacy of Muhammadan representation on the Senate, and will Government be pleased to consider the question of increasing such representation ? "

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

"(a) The Muhammadan and Hindu Fellows of the Senate of the Calcutta University number at present 8 and 47, respectively.

(b) The Government of India are aware of the desire of Muhammadans for an increased representation on the Senate of the Calcutta University and the matter is already engaging their attention."

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

23. "(a) Are Government aware that in several districts of Bengal market-places have been looted for cloth and salt? ^{Increase in price of cloth and salt in Bengal.}

(b) Will Government be pleased to state if the increasing high prices of these commodities are due to unavoidable economic causes or to speculation or cornering of any kind ?

(c) Are Government prepared to regulate the prices of these commodities and to offer facilities through the District Boards, Local and Taluka Boards, and village unions all over the country, for the sale of these goods under duly notified prices ?

(d) Will Government undertake any organisation for the establishment of a large number of salt factories round the sea-coast of Bengal, and offer greater facilities for the growth and production of long-staple cottons in India ? "

[*Sir George Barnes ; Rai Sita Nath Ray Bahadur ;* [GTH FEBRUARY, 1918.]
Sir Claude Hill.]

The Hon'ble Sir George Barnes replied :—

" (a) Yes.

(b) The causes of the rise in prices are complex, but there has undoubtedly been a considerable amount of speculation.

(c) The Hon'ble Member's attention is invited to the reply I have given to-day to a question by the Hon'ble Mr. Kamini Kumar Ohanda on the subject of the regulation of prices. As far as salt from the Northern India salt sources is concerned, facilities are being given for supply to local authorities in priority to the indents of other persons.

(d) The manufacture of salt in Bengal rests with the Local Government and I would refer the Hon'ble Member to the reply which I have given to-day to another question by the Hon'ble Mr. Kamini Kumar Ohanda.

The possibility of extending the cultivation of long-staple cotton in India is at present being investigated by a special committee. The Hon'ble Member will find the Resolution appointing the Committee, on pages 2108-2109 of the Supplement to the *Gazette of India* dated the 29th September, 1917, and if the Hon'ble Member wishes I shall be very glad to send him a copy. The whole question will be carefully considered by the Government of India on receipt of the Committee's Report."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

The glass industry in India.

24. " Will Government be pleased to state whether in connection with the glass industry in India (a) the efforts initiated by the United Provinces Government to capture the Austrian trade in bangles and glass have met with some measure of success ; (b) what steps, if any, Government propose taking to encourage the establishment of the industry in India ? "

The Hon'ble Sir George Barnes replied :—

" Various steps have been taken to stimulate the glass industry in the United Provinces. The bangle industry at Ferozabad is reported to have made great progress and the outturn to have improved in quality as well as in quantity. A new factory has been started in the Moradabad District which is producing superior glassware for lamps and laboratory work. The Allahabad factory is also doing well under its present management. The Government of the United Provinces has engaged a glass expert from England who is helping the industry in the Province and whose services have been lent at different times to other Provinces. The Local Government has also decided to make a loan to the Moradabad factory on favourable terms, and assistance is being given to the industry where possible in securing raw materials and favourable railway freights. It is hoped that as the result of these measures the industry will be firmly established in the United Provinces before the end of the war.

(b) The general question of policy must await the report of the Indian Industrial Commission which the Government hope to receive at the end of March. "

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Appointment of a Bureau of Information for the sugar industry.

25. " (a) Is it a fact that at the recent session of the Board of Agriculture at Poona, it was decided to appoint a Bureau of Information for the sugar industry ?

(b) If the answer be in the affirmative, will Government be pleased to state the scope of the Bureau ? "

The Hon'ble Sir Claude Hill replied :—

" The Board of Agriculture have recommended the establishment of a Bureau of Information on the sugar industry, but since, as I pointed out in replying

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to the Hon'ble Mr. Shukul, the Government of India have not yet received the report of the Board's proceedings, they are not in a position to say what action will be taken on this recommendation, or what the scope of the Bureau, if established, will be."

The Hon'ble Rai Sita Nath Ray Bahadur asked:—

26. "In reply to a question in this Council (September 12, 1917) did Government state that the question of increasing the output of salt in India had been under the consideration of the Government of India for some time and the Governments of Madras and Bombay had been addressed on the subject ?

(a) Will Government be pleased to state (i) the result of the communication with the Governments of Bombay and Madras and (ii) whether any steps have been taken to increase the output of salt in India ?

(b) Is it a fact that since the submission of the memorandum by the Government of Bengal, dated the 5th April, 1917, on the production of salt in that Province (Appendix B, Proceedings of the Council 12th September, 1917), in which it was stated that 'Bengal stands in an unfavourable position as regards the supply of good brine'—that Government has admitted the possibility of the manufacture of salt on the Chittagong side of the Bay of Bengal ?

(c) If the answer be in the affirmative, will Government be pleased to state what steps they intend taking to encourage the manufacture of salt in Bengal ?

(d) Is it a fact that in December, 1917, in consequence of an abnormal rise in the price of salt in Bengal resulting in the looting of numerous bazars, the Government of Bengal were constrained to issue a communiqué on the 10th December in connection with the supplies of salt in the Province ?

(e) With a view to preclude the possibility of a recurrence of such a condition of the market, will Government be pleased to take necessary steps to encourage the production of salt in Bengal ? "

The Hon'ble Sir George Barnes replied:—

"(a) The Government of Bombay are completing arrangements for the construction of new salt works at Bhandup, which, when in operation, are expected to produce annually about 15 lakhs of maunds of salt. They are also considering the possibility of extending the works at Kharaghoda. In Madras, numerous extensions on a smaller scale are reported, but the increase of production is slow, as the average yield of new pans is, for the first few years of production, considerably below the general average. In Northern India additional plant was last year sanctioned for the Mayo Salt Mine. The output from the mine is increasing month by month. We have raised the output from 14,000 maunds per day to 18,000 maunds, and we hope that by the middle of April it will have reached a total of between 27,000 and 28,000 maunds per day, that is to say, double what it was before the war.

(b) and (c) The Government of India are not aware whether the Government of Bengal now consider that the manufacture of salt on the Chittagong side of the Bay of Bengal is possible, but they understand that the whole question is now being examined by that Government.

(d) Yes.

(e) The attention of the Hon'ble Member is drawn to the reply I have given to-day to a similar question asked by the Hon'ble Mr. Kamini Kumar Chanda. The production of salt in Bengal is a matter which rests with the Government of that Province."

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

27. "Will Government be pleased to state the number of one rupee and two and a half rupee currency notes respectively received from England, issued to the banks, and in circulation ? "

One rupee and two and a half rupee currency notes.

[*Sir William Meyer.*] [6TH FEBRUARY, 1918.]

The Hon'ble Sir William Meyer replied :—

"The number of one rupee notes so far received from England is 20 millions, the number issued up to the 26th January, 1918, 2,804,246, and the number remaining in circulation on that date 2,139,418. The corresponding figures for Rs. 2½ notes are 8·8 millions, 285,738 and 254,914. Separate figures are not maintained for notes issued to banks and to the public.

2. In addition 210,000 one rupee notes and 100,000 two and a half rupee notes have been issued to treasuries, and 4 lakhs of one rupee notes have been sent to Basra."

THE INDIAN INCOME-TAX BILL.

12-26 P.M.

The Hon'ble Sir William Meyer :—"My Lord, I rise to introduce the Bill to consolidate and amend the law relating to income-tax. The Bill was published in the Gazette of India on the 27th October 1917. It is not, therefore, necessary for me to make a separate motion for leave to introduce it, and I shall presently proceed to move that it be referred to a Select Committee. But before doing this I desire to make some explanatory remarks in respect of the Bill.

"I do not intend to occupy the time of the Council with any lengthy account of our reasons for bringing forward this measure; for these have been described with some fulness in the Statement of Objects and Reasons. It will, I think, be of more practical interest if I confine myself in the main to explaining the intentions of Government in regard to some of the principal clauses of the Bill, and to clearing up a few points on which apparently a certain amount of misapprehension exists.

"I wish to emphasise at the outset that a change in the rates at which the tax is levied on various scales of income is not one of the objects of the Bill. Such an alteration where it may be expedient should be undertaken as part of the Budget proposals of a particular year. It would be out of place in a Bill the aim of which is simply to remedy certain defects in the machinery of assessment provided by the existing Act, that have resulted in unequal assessments on persons of equal means, or in a certain amount of our just dues from the tax escaping the Government, which in such a matter is of course the trustee of the public, and to meet as far as possible a reasonable demand that the basis of assessment applied throughout India should be uniform.

"When in 1916 a graduated scale of taxation was grafted on to the old Act with its system of water-tight assessment on different sources of income, it was obvious that inequalities in the incidence of the tax on individual assesses must arise. An income derived from more than one source would often have to pay at a lower rate than an income of equal amount but derived from one source only. This was the first flaw in the Act which we set ourselves to mend, and we have done so by imposing the tax on the aggregate of an assessee's taxable income from all sources and by adopting a uniform period of receipt as the basis of assessment, from whatever source or sources the income is derived.

"I should like here to clear up some misconception in regard to the period in respect of which we assess people to income tax, in other words, the definition of 'year of assessment' in clause 2 and the provisions of clause 14. These provisions have been subjected to a good deal of unfounded criticism in Calcutta. We have been told that we are starting a new and most undesirable precedent in taxing people on past instead of on current earnings. The result will be that men will, in effect, pay twice over in the same year; and so forth.

"Now we have no such Machiavellian intention. The proper principle, of course, is that a man should pay income tax out of his current earnings or profits; but it is quite impossible, in practice, to assess these during a year in which they have not fully accrued and when he himself cannot tell how he

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will eventually stand, and this is specially the case in regard to businesses which have been newly founded or expanded. We, therefore, say that we will take the tax with reference to income which an assessee has actually received, *i.e.*, what he has made in the year preceding; and, in practice, that is already done under sections 11 and 15 of the existing Act. The English practice is similar, save that they take a three years' average instead of figures of the immediately preceding year.

"What we have done is to make the existing practice more clear and definite. If you depart from it, you will get endless trouble. A Collector of Income-tax will say to a man: 'I know or believe you made so much last year, but how am I to know that you are not making more than this' and the ultimate result would be chaos. Our principle, which as I have said is not in practice a new principle, of going on past actuals does away with such complications; and in the long run it is quite fair, since if a man is taxed this year, during which time his business may have fallen off, with reference to the profits he made last year, next year he will probably pay less (on this year's actuals) than his current profits would then justify.

"In logical pursuance of this principle, we have omitted section 33 of the present Act, which said that if a company or person ceases to carry on business, or dies or becomes insolvent, or from any other specific cause is deprived of or loses the income on which assessment was made, it or he might, on application, obtain a refund. That section is obviously unnecessary when the assessment is made with reference to income actually received in a given year; and it has been brought to our notice by various Local Governments as a fruitful cause of trouble, assesses being inclined to use it on the 'heads I win, tails you lose' principle. That is if a man considered that he was making more this year than last, he kept quiet and was satisfied with the basis of last year's figures, but if things were the other way he claimed a refund under that section. People cannot have things both ways in this manner, and as I have already said, such inequalities as arise from taking the last year's profits as the basis of assessment are automatically remedied as time goes on.

"I shall be quite ready, however, in this and other respects, to consider any practical suggestions for the amendment of our Bill which may be made in Select Committee.

"Of course there is nothing in the argument that under our scheme a man pays income-tax twice over on the takings of a single year, *e.g.*, 1917-18. He does nothing of the sort, since the 1917-18 assessment was based on the profits of 1916-17, as that of 1918-19 will be on the profits of 1917-18.

"In the past complaints of the lack of uniformity in the bases of assessment applied in the various provinces have been chiefly directed against the methods employed for calculating the profits of business, particularly with regard to allowances for depreciation of plant and machinery. We have attempted to meet these complaints by a clear statement in clause 9 (2) of the Bill of the allowances from gross earnings which will in future be permissible. With regard to depreciation, we provide in clause 9 (2) (vi) for an annual allowance which will enable a fund to be built up, free of income-tax, sufficient for the eventual replacement at the original cost of the particular machine or plant when the time comes for it to be scrapped. The aggregate allowance thus granted will normally be distributed equally over the series of years taken as representing the life of the plant; but where in any given year or years a company or firm is not in a position to set aside the full amount thus permissible it will be permitted to carry forward the balance to be claimed in subsequent years, so long as the allowance claimed in any one year does not exceed twice the normal annual maximum. For instance, if in the first five years of its life a company is unable to set aside any sums for depreciation, it will be permitted to make up for its failure to do so by claiming twice the normal maximum allowance in each of the next five years. The account will carry on. We have imposed a limit of twice the maximum for the allowance to be granted in any one year in order to prevent undesirable fluctuations in our revenue or any manipulation of accounts with the object of avoiding legitimate taxation.

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" We have not been able to lay down in the Bill the exact rates of depreciation allowance which will be given on different classes of machinery and plant. The Council will recognise that, as conditions vary in different provinces, it is doubtful whether these rates can be made entirely uniform ; and even if we were now able to tabulate all the different classes of machinery our list would probably become obsolete in a few years' time. But we wish to secure as large a uniformity as possible, and we have therefore asked Local Governments, in consultation with expert opinion and with local Chambers of Commerce, to classify the main existing types of machinery, etc., and to recommend the rates of depreciation allowances to be given in each case. When we have received their replies, it is our intention, if important differences in the rates proposed are still apparent, to convene a small committee to consider the whole question and submit recommendations as to the rates to be finally adopted. It will be obvious that the question cannot be settled in time for next year's assessments, and for these assessments the existing rates allowed in the various provinces will be continued. But where as the result of the final decision more liberal rates are fixed, assesses will be permitted to make up in subsequent years any shortage in the allowance granted in 1918. On the other hand,—though that is not, I think, very likely—if any reduction is finally made in existing rates, retrospective effect will not be given to it.

" Clause 32 of the Bill contains new and important provisions which will enable us to reach the Indian profits of foreign firms, which in the past we have often failed to do. As an example, I may mention the case of a German firm dealing in aniline dyes which was registered as a separate limited liability company in India with a capital of Rs. 20,000. The shares of this company were never placed on the market in India and were practically all held in Germany. The registered capital was nominal in comparison with the value of the stock-in-trade, and the parent firm in Germany sold the stock-in-trade to the subsidiary Indian company at a price leaving a margin only just sufficient to cover the expenses of the subsidiary company, or causing an actual loss to be shown. Under the old Act the subsidiary Indian company, by this manipulation, entirely escaped our tax, and this, I am sure every one will agree, was a situation we should not allow to continue. In future, under clause 32 of the Bill, where we suspect any such manipulation, we shall be able to assess the subsidiary Indian company on the profits which it may reasonably be considered to have derived from its Indian business, while where any difficulty is experienced in determining what these profits are, it will be possible to base the assessment on a percentage of turnover, or other suitable method, by issuing a rule under clause 43(2) (d) of the Bill.

" We have also to deal with cases in which non-resident firms set up Indian agencies and by similar methods manage to escape assessment to Indian income-tax. Clauses 32 (1) and 33 of the Bill will enable us to reach the profits of these agencies. They would also—and this is even now the case under section 21 of the existing Act—enable us to tax consignment business carried on through an Indian agent. But we have not in practice enforced this last mentioned liability, and it is not our intention to do so now. To make this clear I will read to the Council an extract from the instructions which we have issued to Local Governments in the matter.

' Indian agents of non-resident firms, of which they are not technically either branches or subsidiary firms, will be liable for the payment, on account of their principals, of the tax on their principals' Indian income or profits under the provisions of clauses 32(1) and 33 of the Bill; and it will be observed that these provisions would permit the levy of the tax on a non-resident's business not only where he has established a regular agency in India, but also where he conducts his business regularly through a particular agent or casually through various agents.

* * * * *

The Government of India do not, however, desire that in practice the liability to assessment should be enforced except where something definitely of the nature of an agency exists, and in particular the freedom from taxation which the profits of consignment business pure and simple enjoy as a result of the instructions contained in Mr. Howard's letter No. 7701-Exc., dated the 27th December 1907, should be continued.

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No attempt should therefore be made to tax the profits of consignment business merely because the non-resident consignee habitually uses a particular resident as his agent. I am to request that instructions to this effect may be given to Collectors of Income-tax. In all cases it will be a question of fact whether the connection between the non-resident and the resident is such that an agency can be held to exist.

"There is one particular class of business carried on by non-residents to which I must make a special reference. Shipping companies have hitherto under section 5 of the existing Act been exempt from income-tax on their profits made in India. In 1916, when we were discussing the Indian Income-tax (Amendment) Bill, Mr. Vijiaraghavachariar proposed that this exemption should be cancelled, and I promised that the question should be fully considered when a general revision of the Act was undertaken. We have now decided not to continue the exemption in the new law. It was originally granted in 1888 because it was then considered that it would be very difficult to estimate the Indian profits of such companies, or to collect the tax. With the provisions of the present Bill to help us, we do not anticipate a similar difficulty now. We might, for instance, with the aid of a rule under clause 43 (2) (d), calculate the profits on the same proportion of the total profits of the shipping company as the Indian receipts of the company on account of goods shipped or passengers carried from India bear to its total receipts; and we have asked Local Governments for their opinion what would be a suitable method. In the meantime we have omitted from the Bill the existing exemption, so that when the time comes we may have a free hand to deal with the matter. So long as war conditions continue we do not, however, propose to take any active steps to tax these companies, and the existing exemption will be maintained by a notification under clause 44 of the Bill, leaving the final decision over for consideration when peace conditions return.

"Finally, I wish to refer to a complaint which has been made in some quarters that we have shown undue haste in bringing this measure before the Council. I do not think we are open to this charge. It was as long ago as July 1916, that we first asked for the views of Local Governments on amendments in the Income-tax Act, and the opinions which we received from them, from Chambers of Commerce, and from other public bodies and private individuals were most carefully considered before the Bill was drafted. In many instances their recommendations have been incorporated in it. The Bill in its present form has now been before the public for over three months, and we have received the opinions on it of Local Governments and other bodies. I again repeat that the points raised in these opinions will be fully considered in Select Committee.

"I now move that the Bill be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir George Barnes, the Hon'ble Rai Sita Nath Ray Bahadur, the Hon'ble Mr. Muddiman, the Hon'ble Mr. Howard, the Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia, the Hon'ble Rao Bahadur B. N. Sarma, the Hon'ble Lieutenant-Colonel Aplin, the Hon'ble Sir Hugh Bray, the Hon'ble Mr. Hogg, the Hon'ble Sir G. M. Chitnavis, the Hon'ble Sir John Campbell, and myself."

The Hon'ble Maharaja Sir, Manindra Chandra Nandi:—^{12-37 P.M.} "My Lord, I do not believe that there is any member of this Council who would quarrel with Sir William Meyer in his anxiety to consolidate and amend the law relating to income-tax in the country with a view to remedy certain inequalities in the assessment of individual tax-payers under the existing law, to define more precisely the methods whereby income and profits of various descriptions are to be calculated for the purposes of this tax, and to effect improvements in the machinery of assessment. But My Lord, as the representative of the class of men in Bengal who derive most of their income from agricultural sources, I feel it my duty to enter my humble protest against section 4 of this Bill which, under cover of a graduated scale of tax, is likely to contravene the very spirit of Lord Cornwallis's understanding with the owners of permanently-settled estates. Section 4 of the Bill under discussion provides that the net amount of the agricultural income in excess of Rs. 1,000 received by any particular assessee

[*Maharaja Sir M. C. Nandi ; Mr. B. D. Shukul.*] [6TH FEBRUARY, 1918.]

in the year of assessment shall be taken into account in determining the rate at which the tax shall be levied thus laying him open to be assessed as a landlord at a higher rate than at present. My Lord, it may appear quite equitable to Sir William Meyer to decide that, in assessing the rate on which a person should pay his income-tax on his non-agricultural income, his income from agriculture should be also taken into account as we are told on the authority of our Finance Member, it is not fair for a wealthy landlord to pay the tax at rates 'intended only for the poor.' The question of equity does not arise in this connection at all, as the existing exemption from the tax of all agricultural incomes is based on solemn pledges for well over quarter of a century. Last year, however, on the occasion of presenting his financial statement to this Council, Sir William Meyer sounded for the first time a note of warning, declaring that 'while we refrain on the present occasion from imposing additional taxation on agricultural incomes, we can give no pledge that we shall refrain from doing so hereafter, should future necessities oblige us to take this course.' Fortunately, the proposed indirect imposition upon agricultural incomes does not follow the hard necessities to which the Finance Minister so darkly hinted for he distinctly states that the present Bill is not designed to raise money or higher revenue for the State. If, my Lord, more money is not the object of the present Bill, why give the men with agricultural incomes of over Rs. 1,000 an occasion to think that this is only the thin end of the wedge and that in the name of equity and the improvement of the machinery of assessment, solemn pledges are being disregarded? My Lord I consider the Bill contemplates a momentous departure of principle and, as the representative of the community which will be hard hit by it, I repeat my protest. If the State wants more money it is certainly entitled to have it, and men with large agricultural incomes will not shirk their responsibility in this connection, but I pray, my Lord, the Government must not lend themselves to be misunderstood only for the sake of an 'improvement in the machinery of assessment.'

12-45 P.M.

The Hon'ble Rai Bahadur B. D. Shukul :—"My Lord, the present Bill which seeks to consolidate and amend the Income-tax Act, of 1886, is a measure of far reaching importance. The existing Act has already become antiquated and the income-tax imposed under it remains to this day in its most crude and unscientific form. In so far as this Bill seeks to remove the defects existing in the present Act by improving the machinery of assessment and removing inequalities and other anomalies in the assessment of income-tax payers it deserves our wholehearted sympathy and support. I welcome the introduction of the principles of graduated rates of income-tax and that of abatement in respect of depreciation. These are all measures, my Lord, which have been conceived in a right spirit. So far as the income-tax is concerned, it is bound to play a prominent part in the future finances of the State and none could object to any attempt being undertaken by Government to find out ways and means for the development of their financial resources especially during the stress of war as at present, rather we would be but too glad to strengthen the hands of the Government in adjusting the financial machinery at this juncture, but my Lord, it shall have to be safeguarded at the same time, that the machinery provided by the Bill should not prove to be an engine of oppression amongst the people who will be affected by it. I shall, therefore, attempt to lay before the Council some of the hardships which the passing of this Bill is likely, in my opinion, to entail and which involve the consideration of important principles.

One of the outstanding features of the present Bill is the inclusion of 'Agricultural incomes' in the total income of the assessor for the purpose of determining the rate of the tax on his 'Taxable income'. This is an innovation, my Lord, against which we, the landholders, have got particular grievance and I take this opportunity to enter my humble protest against it. This provision will directly affect the landholding classes who are already overburdened with taxation and whose economic condition is far from being satisfactory. In no other country of the world does the Government demand on land is as so heavy as in India. The average Government demand here is 20 per cent. of the gross produce against 4.8 in France, 3.0 in Germany, 4.9 in Australia, 7.0 in Italy, 2.8 in Belgium, 2.8 in Holland, 8.3 in the United Kingdom.

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The inclusion of 'Agricultural income' which is already assessed to such a high pitch of land revenue would tantamount to the introduction of the principle of double taxation, as it were, which will be very much resented. Apart from having to pay such a high rate of land revenue, the annual contribution of the landholding classes to the Imperial Exchequer in the shape of other taxes and duties such as Excise, Salt, Forest, Stamps and Registration, etc., are by no means small. Rather, the whole scheme of Indian taxation taken as a whole, it will be found, that the burden of taxation falls comparatively heavier upon the shoulders of the landholding classes than on that of any others. My Lord, it is needless to remind this Council that it is in the interest of the country on the whole, that the burden of taxation upon the landholding classes should be light. If you want to make India more happy and prosperous you must improve agriculture which is the mainstay of the Indian nation, and if you wish to see agriculture improved you must place the agriculturists in a sound financial position. To think of further saddling them with additional taxations is a policy suicidal to the real interests of the State. My Lord, I am fully alive to the present necessities of the State arising out of war, but in the matter of levying rates of assessment, we have not to look merely to the necessities of the State but we must as well have in view the whole scheme of taxation first from the standpoint of the requirements of the State and secondly from the standpoint of the comparative ability of the different classes to contribute their own quota of the total revenue of the country. The high rate of land revenue assessments from the landholding classes hardly leaves any scope for further encroachment upon their pockets. This is not only the point of view of the landholders, which, I am afraid, may seem to be interested. Rather it was the deliberate opinion of so able an official as the late Mr. J. B. O'Connor who recommended all round reduction of one-third of the revenue demand as it stood in 1904 and it will be borne in mind that the revenue instead of being reduced has considerably increased, since then. It has gone up by more than 2 millions.

"It is true, my Lord, that the agricultural incomes will still enjoy the benefit of exemption, but as I have just stated, the very inclusion of the agricultural income for the mere purpose of determining the rate, will eventually cause an appreciable increase in the income-tax demand leviable from the landholders. The introduction of this novel departure from the accepted policy of the income-tax assessment in the past has not only given rise to serious misgivings but has furnished ample justification for the apprehension already aroused with regard to the general attitude of Government towards the taxation of agricultural income, by the pronouncement of my friend the Hon'ble Finance Member, when he at the time of presenting the last Financial Budget, declared on behalf of the Government, that no pledge could be given that Government would refrain from imposing any additional taxation on agricultural income in future. What wonder then, my Lord, if after this, the introduction of the new proviso in the Bill is regarded by the landholding classes to be merely a thin end of the wedge and has created so much discontent amongst them. I, therefore, urge with all the earnestness and emphasis that I can command that this aspect of the Bill be seriously considered by the Select Committee and that the agricultural income should not in any manner be taken into account for the purpose of the income-tax assessment.

"Next I have to refer to the principle underlying provisions relating to the new powers given to Collectors. The Bill empowers the Collector to issue notices to all the proposed assesses; to submit duly verified statements of their incomes and also to call upon the assesses to produce accounts and other documents in support of the statement if necessary and in case of non-compliance with the terms of the notices the assessee is subjected to more penalties than one. My Lord, I come from the mofussil and I know the conditions prevailing in the backward rural areas and I dare say from my own personal experience the petty money-lenders and traders carrying on business in rural areas will be subjected to much hardships and unnecessary harrassment. The majority of them will find in these drastic provisions of the Bill a Damocles' sword ever hanging over their heads,

[*Rai Bahadur B. D. Shukul; Rai Sita Nath* [6TH FEBRUARY 1918.]
Ray Bahadur; Sir Hugh Bray.]

In this connection I have to point out two things, *vis.*, in the first place every business man in this country does not keep regular accounts, rather I would say the majority of them have practically no accounts in the true sense of the word and secondly, those who keep accounts are loath to produce them publicly for the very obvious reason of upholding their credit and prestige in the money market by avoiding any publicity being given to their real assets and liabilities, especially because borrowed money forms an integral part of their working capital, which they would never like to disclose so far as they could prevent it. Even in the United Kingdom the tax-payer cannot be forced to produce his account books and the legislation has provided for other devices to gain the desired end, without having had to enforce such heavy penalties as this Bill provides. In my opinion it is sufficient that the tax is gradually raised to a point when the assessee is forced to produce his accounts if he has any of his own accord.

"The penalties imposed for the non-compliance of the term of notices issued under the Act, will not only be found harsh but excessive as well. The defaulting assessee is not only subject to the payment of the double rate of income-tax, but would at the same time be liable to a further penalty, *viz.*, a fine extending to Rs. 10 daily till the continuation of default and to add to grievances still further, he will not be even given a chance to establish the 'bona fides' of his mistake, as clause 38 at present stands. This is a matter which deserves serious consideration at the hands of the Select Committee.

"My Lord, before I conclude I have only to refer to one more point *viz.*, the longstanding general grievance against the manner in which the income-tax has been hitherto administered in this country, how the people are thrown entirely at the mercy of the assessing officer and how prefunctorily the objections and appeals preferred by the dissatisfied assesseees are disposed of is already a theme of loud complaint. These are all matters, my Lord which should not be overlooked and in view of this the bar to Civil Suits as provided in the Bill should be removed. In England, the dissatisfied party can refer to the High Court for opinion and the High Court has a right to reverse, affirm or amend the orders of the assessing Commissioner, and the decision of the High Court is final and binding on all parties concerned. In my opinion similar powers should be given to High Courts in India.

"These are the few observations, my Lord, which I beg to make with regard to some of the principles underlying the Bill and I hope the Select Committee will so modify the Bill as to make it more popular in character and less oppressive in application."

The Hon'ble Rai Sita Nath Ray Bahadur :—"My Lord, as I shall have an opportunity of discussing this Bill in the Select Committee, I do not like to trouble the Council with a detailed criticism of its provisions at the present stage. But I cannot help taking strong exception to clause 4 of the Bill. It was after the Mutiny, in 1862, that the first attempt was made to impose income-tax on agricultural incomes. At that time the then Maharajah of Burdwan, the grandfather of the present Maharaja, acquiesced in the proposal of the income-tax being levied on agricultural incomes. Instead of attempting to impose the tax directly, which would be much better, what the Government now propose to do is to impose it in an indirect way. I therefore, beg to take exception to this indirect attempt to impose a tax on agricultural incomes. I need not trouble the Council with the other provisions of the Bill."

The Hon'ble Sir Hugh Bray :—"My Lord, I do not propose at this stage to say very much about the Bill. The Committee of the Bengal Chamber of Commerce have put forward their views very fully in their letter to their Local Government and those views are, or, I believe shortly will be, also in the hands of the Government of India, and I hope they will be given very full consideration in Select Committee.

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"There is one point, however, to which I want to draw the attention of this Council. It is a point which the Hon'ble Finance Member has already referred to. He naturally has referred to it from his own point of view, in the way he looks at it, and I should like to refer to it from my point of view and the way I look at it. Income-tax legislation is a complicated matter and one that few perhaps take very much interest in or take the trouble to study very carefully. I know for a fact that in this case there are people who scrutinise this Bill very carefully and have yet missed the point altogether. The point I refer to is this. Up to now income-tax has always been paid on the current year's income. It is true that in the case of such incomes as those of firms, companies, etc., the amount of the tax payable has been arrived at by taking the figures of the previous year's income, and if, ultimately, it has been found that that basis is a wrong one, adjustment under the present Act has been possible. Now the Hon'ble the Finance Member by this Bill proposes to make a very drastic alteration in that practice or principle. By this Bill the previous year's income will no longer be the basis for fixing the amount of tax payable for the current year. So that, although a company may hold a receipt from the Collector of Income-tax to the effect that it has paid its income-tax for 1917-18, yet on the 1st of April next, if by that date this Bill should become law, it will again become liable for income-tax on its income for 1917-18, and should its profits for 1918-19 be much less than was estimated it will still have to pay that higher rate, since, under this Bill, provision for adjustment is omitted. Now, I understand that the Hon'ble Member justifies this in a way by saying that it will average out all right in future years. Well that may be a fair risk for Government to take, but why force that risk on the unfortunate tax-payer. Government lives for ever: the tax-payer comes to an end sooner or later; and if he comes to an end, as he does, where does his chance of averaging out come in? It is all in Government's favour as far as I can see. I think from what the Hon'ble Member said last year in the matter of the super-tax that he forecasted then the possibility of bringing the income-tax into line with the super-tax in this particular respect. Well, last year when he adopted the principle of retrospective taxation, my Lord, if I may use a colloquialism, it made us sit up, but we took it lying down because it was a war measure and because it was a levy on the large profits we had made. Though we disliked the principle extremely, we acquiesced purely from patriotic motives. But when it comes to adopting the same principle in regard to the income-tax we must protest most emphatically. Nowhere in the British Empire is the income-tax levied on anything except the current year's income. The proposal to make a new departure should be most carefully considered; and I hope if there are any Members of this Council who have not fairly appreciated this particular point and what the Bill means, that they will give it their further and most careful study.

"There is much more that I could say on this point and on the other features of the Bill to which the Honourable Member referred, but I think I will say no more now because I hope that this Bill will emerge ultimately from the Select Committee in a very much more acceptable form than it appears at present."

The Hon'ble Mr. Malcolm N. Hogg:—"My Lord, I am glad to learn from the Hon'ble the Finance Member that it is not the intention of the Government to introduce any change in the principle as to the year in respect of which the tax is levied. The present system is that the tax collected in, let us say, 1918-19 is a tax on the current income for that year which is primarily assessed for purposes of convenience, upon the ascertained income of the previous year. If I understand the Hon'ble Member rightly, it is the intention of Government that that principle should be maintained and continued.

12-54 P.M.

"But while I am glad to learn of the innocence of the Hon'ble Member's intentions, I must confess that they appear to me to be wrapped in obscurity in the present Bill. I am quite unable to see how section 14 of the present

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Bill, read in conjunction with the definition of 'the year of assessment' in section 2, can in the absence of any provision similar to section 33 of the present Act, mean anything else than that the tax collected in the year 1918-19 is a tax upon the income of the previous year. However, as I shall have an opportunity, I hope, of debating this point with the Hon'ble Member in the Select Committee, I need not say anything more about it here.

"There is one other point to which I should like to refer. The Hon'ble Member, in his opening remarks, justified the omission of any provision similar to section 33 of the existing Act from this Bill on the ground that it operated entirely in favour of the assessee. The Hon'ble Member complained that the assessee only called attention to the incorrectness of an assessment if his income proved to be less than the income of the previous year upon which the assessment was made. I really do not see why the Hon'ble Member should expect the shorn lamb to return to the shearer and point out that there is a little wool left on his back. Just as it is for the assessee to point out if his income proves to be less, so I should have thought it was for Government to call attention to the matter if the assessment should have been greater. I quite agree that in section 33 of the present Bill there does not appear to be any provision for enhancement of assessment but only for reduction of assessment. Personally I think it would be quite equitable that there should be provision for enhancement as well as for reduction, and I think this Bill should contain a provision for both enhancement and reduction of assessment in the event of the actual income of the current year proving to be greater or less than the income of the previous year upon which the assessment is made."

12.57 P.M.

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I fail to understand the procedure that has been adopted on this occasion in dealing with a proposal for taxation. The Hon'ble the Finance Member says that this Bill is not a Bill by which it is designed either by altering the rate of the tax or otherwise to raise money. He emphasises that point very clearly; but I submit, my Lord, that the Bill does result in raising taxation. It does affect the rate of taxation at which the tax to be paid by a particular person is to be determined. Section 4 says agricultural income shall not be chargeable to income-tax. That is very good. But the net amount of such income in excess of Rs. 1,000 which has been received by an assessee in the year of assessment shall be taken into account in determining the rate at which the tax shall be levied on any income chargeable under this Act. Now the income-tax chargeable under this Act, but for this provision of section 4, would be on the income which a man derives from non-agricultural sources; the Hon'ble the Finance Member says he does not want to touch agricultural income; but he says if a man has an agricultural income in excess of a certain amount, that shall be taken into account and shall determine the rate of the tax which he has to pay on his non-agricultural income. That is to say, by this device the rate of taxation for a person who happens to be the unfortunate recipient of an income from agricultural sources is raised. I do not think, my Lord, that this is the right way to proceed about this business of raising the rate of taxation which is to be paid by persons who are in possession of large incomes. I think the straighter course would be for those concerned to say that money is needed and to ask those people to contribute.

"But I am puzzled on a second point also. I think this is the first occasion, so far as I remember, in this Council, of a proposal for taxation being put forward without there being any justification presented for such proposal. We have not yet any idea what the Financial Statement will be like; we do not know whether we shall have a surplus or be short of the requirements for the year. We have not been told for what reason more money should be raised by taxation; and yet here under the guise of a consolidating and amending Income-tax Act a proposal for taxation is put before the Council. I submit, Sir, that unless the Hon'ble the Finance Member is able to tell the Council that there is need for further

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taxation being raised during the coming year, this Bill ought not to be allowed to go before the Select Committee, because the principle underlying it is one of fresh taxation. In so far as the mere adjustment of the existing machinery is concerned, in so far as the removal of inequalities in the administration of the income-tax which does not lead to fresh taxation on the people is concerned, I have not the slightest objection to a Bill like this being prepared and placed before the Council. But in so far as the Bill purports or must result in increasing the amount to be paid by a certain class of persons—and that a very large class—I do object to the Bill in its present form. I think, my Lord, therefore that this Bill ought not to be allowed to be referred to a Select Committee in its present form, unless the Hon'ble the Finance Member is able, with Your Excellency's permission, to tell the Council that there is a necessity for fresh taxation, and, in that case, that the form proposed is the best form of raising more taxation."

The Hon'ble Mr. Surendra Nath Banerjee:—"My Lord, I 1-1 P.M. desire to associate myself with the observations which have fallen from my Hon'ble friends on my right in their protest against section 4 of this Bill. Both my friends are zemindars, inheritors of large estates; and one of them is the descendant of Kantu Babu who played so prominent a part in connection with the early establishment of British rule in India. He is the inheritor of property which has come down to him from generation to generation. He is the holder of a solemn league and covenant entered into between the British Government and his ancestors; and he now tells us in this Council before Your Excellency, the head of this Government, that section 4 of the Bill makes a serious encroachment upon the rights guaranteed to Bengal Zemindars by the permanent settlement. Is that so or is it not so? I want a straight answer from the Government. The permanent settlement may be a good thing; in the opinion of some it is a very bad thing, it is an evil. But be it a good thing or be it an evil thing, it is there and it has come to stay. You cannot get rid of it; you cannot discard a solemn covenant entered into by the Government in 1793 which has been consistently acted upon for a period of over a century. 'The word of a British Officer' says Macaulay in his life of Warren Hastings 'is more binding than the most solemn oaths which superstition can inspire.' And our reading of Anglo-Indian history is this that when a pledge is given, when a solemn contract has been made on behalf of Government, that pledge and that contract are never departed from. Is it to be departed from on this occasion? Are the terms of the permanent settlement encroached upon by section 4 of the Bill? My friends here say 'yes.' We want a straight answer from the Government in this connection. There seems to be the less justification for it because as my Hon'ble friend the Finance Minister has told us there is not the smallest desire to add to the taxation of the country. It is a readjustment of the machinery for taxation. If that be the case I am sure my friends will submit to all measures; but if it is merely a question of administrative re-arrangement, it seems to me that that section is absolutely indefensible.

"My Lord, there is a further consideration which I desire to submit to Your Excellency's Government. If you tax agricultural income you may do it frankly; it may be dexterous enough, but there is not the slightest doubt that you do tax agricultural income when you include it in the general income of a zemindar. Now, who will pay the tax? The zemindars? But do you really mean to say that the zemindar will pay? Will he not try to extract as much as he can out of the ryot? Therefore, in the interests of zemindars and in the interests of the ryots alike I desire to record my most emphatic protest against section 4 of the Bill. Above all in the interests of good government, in the interests of the good name of the Government, I desire to record my protest. The Court of Directors said on a memorable occasion that not only should the British Government administer justice, but that the people should be convinced that justice had been administered. I venture to submit that that principle is applicable in this case. It would create a most unfavourable impression if the

[*Mr. Surendra Nath Banerjee; Mr. K. V. Rangaswami Ayyangar.*] [6TH FEBRUARY, 1918.]

feeling were created in the minds of the great zemindars of Bengal that there has been in this case an attempt made to interfere with the solemn rights guaranteed by the good faith and the honour of the British Government, for after all popular confidence in the good faith of the Government is the greatest bulwark of States, and Thrones. I venture, my Lord, therefore, to enter my most emphatic protest against section 4 of the Bill."

1-6 P.M.

The Hon'ble Mr. K. V. Rangaswami Ayyangar :—" My Lord by the new Bill that is before us the principles of graduated taxation seem to have become an established and settled fact. Last year when this principle came to be realised I tried my best to point out to the Council the injustice of this kind of progressive taxation. The finance minister then said that my remarks against these socialistic innovations were refreshing but now there seems to be no end to this principle and tighter grips are being forged as are evidenced in this new Bill.

" My constituency has asked me to protest emphatically against the new innovation of taking into consideration the agricultural income for the purpose of levying a higher rate of income-tax. It is virtually an attempt to bring agricultural income within the scope of taxation though not fully yet partially. The principle followed by the Government till now has always been that agricultural income should not be subject to income-tax, the land being otherwise heavily taxed. I wish to point out that this principle should never be violated. Even at the risk of repetition I beg to say that zamindars hold a covenant from the Government that no kind of assessment will be levied beyond their fixed payment to the State and even the local cesses that are levied on them are considered to be a gross encroachment on their rights. In Bengal this levy of the cess was carried by the executive after a very sharp division—the Council dividing half and half and the casting vote being given in favour of the levy. And now this Bill goes against the pledges solemnly made.

" There is another point that requires the sympathetic consideration of the Council, namely, that a single dwelling house which is a bare necessity of every one should be free from income-tax. There is no objection to taxing houses if they are partly or fully leased out. It is certainly assessing an imaginary income if one's own dwelling house is included in estimating his taxable income. The Punjab Government while emphasising this point aptly cites the cases of persons, inheriting palatial ancestral houses which are often their only earthly possessions. It would, therefore, be only fair if the dwelling house is excluded in calculating the income of the assessee.

" Then in Madras, the largest bankers of India, the Nattukottai Chetty community, apprehend the greatest hardship since the Bill compels them to submit their account books to the Collector of the district where they live. Their firms are conducted in far off places such as Rangoon, Siam and the Straits Settlements. It is only in five years or at longer intervals that these proprietors go to those places to satisfy themselves that their business is conducted safely. To compel them to produce their account books at their place of residence would dislocate their business considerably. The matter was brought to the notice of the Madras Government through a Resolution moved in the Local Legislative Council that a profit and loss statement prepared by approved, chartered or certified accountants may be accepted in lieu of their account books. Owing to the reasonableness of this Resolution it has been accepted by that Government. Now the present Bill should either accept the principles of this Resolution or declare that the place of assessment may be where the business is carried on and not at the place of residence of the assessee.

" Due consideration should be given to the depreciation in the value of Government securities, municipal debentures and the like. Depreciation in Government securities has been of late very heavy. The reason that applies to the depreciation in buildings and machinery and plant applies also to the depreciation in Government securities and other investments. Temporary fluctuations need not be considered.

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"There is also a widespread feeling that no distinction should be made in the rate of assessment between an individual and a joint-stock company. The struggling nature of these companies that are floated in India should weigh with the Government to do away with unnecessarily burdensome higher rates.

"Then in the matter of treating the wife's income as part of the husband's, due care should be exercised to distinguish between the proceeds from any money given to her or invested in her name by her husband and the proceeds derived from the property given to her by her own parents or relations other than the husband. Under the Hindu Law a husband has no right over the *Stridhanam* of his wife, that is, over the property given to her by her own relations. What she receives from such property must be treated as her own in the same way as the income from any business carried on independently by her.

"The natural reserve and timidity of Indians will stand in the way of their exerting themselves for applying for refunds. We have seen the working of the Land Revenue Act, how many resort to the system of refunds under it. Considering the large percentage of people who do not know the intricate provisions of the law but only pay tax simply because it is demanded of them, the law should necessarily be made suitable to all classes by doing away with over-collections first and refunds afterwards. Even without the Government exhibiting the feverish anxiety as implied in over-collections first and refunds afterwards, the assesseses will not escape higher rates if their income is found at any time to fetch higher rates.

"I suppose section 37 will not apply to life assurance companies where refunds can be obtained only after five or three years when alone the valuations are made by the actuary.

"Throughout the world any tax-payer who feels aggrieved has got the right of appeal in a court of law. The Taxes Management Act of 1880 in England, I understand, and the Colonial Income-tax Acts—all provide for such right. Only in India is the executive unwilling to trust the judiciary and so restricts appeal to a court of law. When other principles of Indian Law are assimilated to English and Colonial ideals, this right of appeal to the judiciary on every doubtful point should be the first deserving of such assimilation. I trust my remarks will receive favourable consideration in the Select Committee."

The Hon'ble Sir Gangadhar Chitnavis :— "My Lord, at 1-11 P.M. this stage, I think it my duty to support the previous speakers in the objections they have raised to include agricultural income in the income-tax assessment. This is a novel principle in India. Agricultural income is an uncertain income subject to many vicissitudes of seasons and other complex considerations. It is also sufficiently taxed at the time of the settlements which comes off in many parts of the country every 15 or 20 years. I, therefore, think it my duty to oppose it and place before Government the resentment felt against it by the landholders who in their humble way have done and will ever be ready as loyal citizens of the Empire to do what they can in this war and on other occasions. I would reserve my remarks on the other provisions of the Bill for the Select Committee."

The Hon'ble Rai Bahadur Krishna Sahay :— "My 1-13 P.M. Lord, I feel that I would be wanting in my duty to the great landholding classes in Bihar and Orissa and also in my duty towards the agricultural population of that province if I did not enter a strong protest against the principles underlying section 4 of the Income-tax Bill. My Lord, my colleagues representing the landholders of the different parts of India have expressed themselves with due emphasis on that point. There was a pledge given to the landholders of my province at the time the Permanent Settlement was concluded in Bengal, Bihar and Orissa that there would be no further taxation on land. It is quite true the present Bill, so far as this matter is concerned, is silent, but

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it is silent only to the extent that it does not say plainly that the landlords are going to be taxed. One has to read sections 2 and 4 to arrive at the conclusion as to what the real intention of the measure is. Clause 4 says agricultural income shall not be chargeable to income-tax, but the net amount of such income in excess of one thousand rupees which has been received by an assessee in the year of assessment shall be taken into account in determining the rate at which the tax shall be levied on any income chargeable to income-tax under this Act. My Lord, that is an indirect method—and I am sorry to have to say not a very approved method—to tax the landholders. If they are going to be taxed, as a previous speaker said, they ought to be told in plain terms that the Government is in need of money and that there is no other source that can be tapped and that they ought to pay. But to approach their pockets in this indirect way is objectionable from more than one point of view. I do not desire to say more, I have felt it my duty to enter this protest, all the more because of the absence of my colleague from Bihar and Orissa who represents the land-holding classes."

1-15 P.M.

The Hon'ble Khan Bahadur Mian Muhammad Shafi:—"My Lord, without entering into a detailed discussion of the question at this stage, I desire to associate myself with all that has been said by my Hon'ble friend Mr. Malaviya with reference to the effect and nature of the enactment embodied in section 4 of the Bill. Should this section come back to us from the Select Committee unamended, I reserve to myself the right to reopen the question at a later stage of the case. To-day I would add my protest to those of my Hon'ble friends who have already spoken about this."

1-16 P.M.

The Hon'ble Rao Bahadur B. N. Sarma:—"My Lord, I cannot understand how Hon'ble Members find themselves in this discussion opposed to clause 4 and why they have charged Government indirectly with a breach of the covenant entered with landlords in the early part of the last century. But I fear that if we analyse the principles on which graduated income-tax is based there will be little ground or justification for the complaint against Government. It may be that on grounds of policy and because money is not required at the present juncture, in Select Committee Government may accede to the wishes of the zamindars and remove this clause against which there have been strong protests. I suppose graduated income-tax proceeds on the principle that a man who has a superabundance should give to the state a little more out of his excess than his less fortunate brother. Once the principle is accepted I cannot see how we can escape from the conclusion that whether income is derived from agriculture, from commerce or from any other source it ought to be included within the total aggregate assessable income for the purpose of the graduated income-tax. It does not matter to a man who possesses a lakh of rupees whether that money comes to him from land, from money-lending, from commerce or from trade. If it is a question of proportional taxation, certainly he ought to pay at the rate of 4 pice just as a man who receives an income of one thousand rupees does. But if it is not a question of proportional taxation, if it is a question of graduated taxation, if a person who possesses superabundance is expected to pay at the rate of two or three annas because so much of his income is not required for his needs, it passes my comprehension as to why any serious objection should be taken to agricultural incomes also being included within assessable incomes for the purposes of income-tax assessment rate. Well, whether any exception should be made in the case of land-holders is a matter of policy with which we are not concerned at present. But I think that it would be wrong to take exception to section 4 on the ground that the Government are intending to introduce the thin end of the wedge or that agricultural incomes are intended in an indirect manner to be brought within the purview of taxation in violation of any pledges that might have been given at any previous time.

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“There are one or two other points which I shall have an opportunity of discussing in the Select Committee and to which I shall not allude at the present moment at length. One of such matters is the question as to whether any detailed provision ought to be made in the case of assessing members of an undivided Hindu family. Hon'ble Members will remember the discussion that took place when the Super-tax Bill was under discussion, and I hope that, inasmuch as these two Acts have to be read together for various purposes, the Select Committee will consider whether the objections that were then taken to the undivided Hindu family being treated as a unit for all purposes should be taken up and disposed of.”

The Hon'ble Mr. G. S. Khaparde :—“My Lord, this Bill 1-20 P.M. reminds me of a picture which I used to see in my school days. If you looked at it from the front you saw the features of Her late Majesty Queen Victoria; if you looked at it from one side it showed the Prince Consort, whereas from the third side it presented the then Prince of Wales, afterwards King Edward VII. This Bill is somewhat similar in character. It is said that the Bill is not intended for raising money, but it is to be merely a consolidating measure designed to remove inequalities and afford facilities for the collection of income-tax hereafter. This is the impression which it makes at first sight, but when you examine its provisions a little more carefully you find that it is really a measure for introducing taxation. See the definitions of the words ‘agricultural income,’ ‘total income’ and ‘taxable income.’ Then you will see that the agricultural income which has hitherto never been assessed is now brought in indirectly. It is brought in to be taken into consideration to determine the rate of the tax on the taxable income. In other words, it actually indirectly taxes the agricultural income. To do so would be against principle, because land when it pays assessment to Government already pays a tax. Then the produce raised on the land ought not to be further taxed. The agriculturist has obtained by paying his assessment permission to raise crops. Government, therefore, cannot tax the crops again. I see in the opinions circulated there is an attempt to look upon the Government assessment on land as rent, but it cannot be called so because Government never assumes the responsibilities of a landlord. It merely collects so much tax on so much land according to its quality. That being so I do not understand why the agriculturists should be doubly taxed once as land-tax and again on the income.

“My Lord, this tax last year came before this Council in another shape, namely as a super-tax, and it was supported by the Hon'ble Members of this Council because it was distinctly understood that it was to be a war measure. Now it gets into this Bill as a permanent tax, I humbly submit that when our house is on fire we call in the fire brigade and we make it as comfortable as we can, but after the fire is extinguished we do not like that the brigade should be quartered upon us permanently. When they have done their purpose they ought to, depart, so too should a war measure. During the war I am willing that money may be raised in all possible ways, but I do not like that these war measures should become permanent. So long as you treat them as temporaries and accommodate them only like necessary guests in tents outside in the compound you can easily get them to leave by merely pulling down the tent. But if you accommodate them in your main building and make them comfortable and they do not choose to depart you have nothing left but to apply for eviction, which is a tedious process. Similarly, if this super-tax and measures like it are once made permanent and are put in the Statute Book, it will be very very difficult to take them out again. My Lord, I submit that temporaries should be temporaries and should never become permanencies.

“Then the principle of exclusion in this Bill has not been properly brought out. Land-tax when paid can be deducted from the taxable income, then why not the municipal taxes? They go to reduce the income of a person just as much as land-tax does. What, then, is the principle

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on which land-tax is allowed to be deducted and not the other taxes? There are similar matters, but on this occasion it is not necessary to go into details. The measure is by itself objectionable, because there is really no case made out for raising money. There are many other points in connection with this measure on which one could speak, but they will no doubt be discussed in the Select Committee. At present, therefore, I join my humble voice to the protest that has been raised from all sides of the Council."

1-29 P.M.

The Hon'ble Sir William Meyer.—"My Lord, an Income-tax Bill always calls forth what some theologians call a rational love of self. In some cases voiced in to-day's speeches, I might even call it irrational.

"A certain class of people talk as if the Government were a hostile, foreign power trying to grab money out of their pockets; and that it therefore becomes a positive virtue on their part to evade its demands. Well, as I said in my opening speech, the Government are the trustees of the general community; and in that character they are repeatedly asked to do this, that and the other—to develop education, to develop sanitation, to defend the country and so on, and they have got to have the means for it. We must keep in mind the fact that people who are paying the income-tax are contributing to the needs of the general community and not, as the Hon'ble Mr. Khaparde seems to think, to some mysterious force outside the community which sends the police into his compound.

"May I say, my Lord, that I was very glad to hear once more the Boanerges blast of the turgid eloquence of my Hon'ble friend Babu Surendra Nath Banerjee; and not surprised to find the rafters resound once again with his charges of breach of faith....."

The Hon'ble Mr. Surendra Nath Banerjee.—"May I rise to offer a personal explanation. I said that there is this allegation made and we ought to have a straight answer from the Government. I did not make that charge at all. I said it has been made and that it was the duty of the Government to say 'yes' or 'no' to that charge."

The Hon'ble Sir William Meyer.—"I understood the Hon'ble Member to take up the matter with some gusto, but I now gather that he was merely an ingenuous inquirer for information. Well, the Hon'ble Member has been devoting himself so assiduously of late to the political future of India that I rather think he has forgotten what is after all the not very remote past. The first Income-tax Act of 1860 deliberately taxed all landed profits. The same procedure was continued in other Acts so that even if we were to tax agricultural profits now—which we are not proposing to do—it would be a mere question of expediency. There can be no question of breach of faith, or of rending covenants that have remained untouched for over a hundred years, as my Hon'ble friend said....."

The Hon'ble Mr. Surendra Nath Banerjee.—"One bad precedent does not justify another, does it?"

The Hon'ble Sir William Meyer.—"It disposes of my Hon'ble friend's argument that anything which brought agricultural profits into an income-tax would be a unique departure. It has been done before.

"Then we get to the Hon'ble gentleman from Madras, the Hon'ble Mr. Ayyangar, who stands forth once more as an unabashed extremist defender of capitalist and landlord interests, and has told us that it is wrong even to levy local cesses from the landlords. To his mind, the landlords ought to be, like the old French aristocracy, a privileged class, paying no taxation and living on the rest of the community.

"My friend the Hon'ble Mr. Shukul struck a quite new argument, for he said the landlords were entitled to our special consideration because of

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their contributions to the excise revenue. Do I understand that my Hon'ble friend alleges that the landlords drink more than other classes?

"Well, my Lord, there is no question of breach of faith—nor do we tax agricultural incomes directly at all. We have merely said that, for the reasons explained in the Statement of Objects and Reasons, when there is a graduated scale of income-tax, and the rich man pays at a higher rate than the poor man it is equitable, in assessing a landlord in regard to his non-agricultural profits, that we should also take into account, in fixing the rate of assessment, the exempted amount he makes from agriculture.

"The Hon'ble Pandit has started a new constitutional theory of taxation, that taxation should only be imposed in connection with the Budget speech and says that this Bill imposes an additional taxation. I say it is not a taxation Bill, though it is a Bill which will in some ways get us more revenue....."

The Hon'ble Pandit Madan Mohan Malaviya:—"May I say that what I said was not that taxation should not be introduced at any other time than when the Budget is before the Council, but that, as the Financial Statement is not before us, I should like my Hon'ble friend to tell the Council what need there is for this extra taxation. I take it he has to justify his proposal as fresh taxation."

The Hon'ble Sir William Meyer:—"I take note of the Hon'ble Pandit's supplementary speech. He says that he asked me to justify the reasons for fresh taxation put into this Bill. Well, I say there is no direct fresh taxation, though the Government will get more money in certain ways. Its object is to make income-tax more equitable. We have always found it a difficulty in past times, in dealing with the income-tax, that there was material objection to its enhancement, because people felt that it pressed unequally; that the honest man paid more than the dishonest man; and that our present Act with its water-tight compartments enabled, as I have said in my opening speech, men who are getting the same aggregate income to be taxed at different rates. We desire to get rid of these anomalies in the interests of the community, to bring people within the income-tax net who have escaped—improperly, as we think. We desire, in applying the graduated scale, to have reference to income on which a man has not paid taxation under this Bill, but only as a matter of equity in considering the rate on which he shall pay on the remainder of his income. If the Hon'ble Pandit chooses to say that making our Bill more equitable, by bringing people into the net who ought, in our opinion, to be in it is fresh taxation, well, he is welcome to his opinion. I am not in the least ashamed of imposing such taxation, and I do it in the interests of justice and equity.

"Well, my Lord, these matters—the various criticisms that have been made—will be dealt with in the Select Committee—this question of agricultural profits especially. As I have said, there is no question of breach of faith; there is nothing which we are not absolutely entitled to do; it is a matter of expediency. I have taken note—my Hon'ble Colleagues around me have taken note—of the universal anxiety of the landlords that they should not pay any money they can help. I have taken note of the Hon'ble Mr. Banerjee's declaration that if the zemindars have to pay extra taxation to Government they will obtain all of it and more also from their tenants . . ."

The Hon'ble Mr. Surendra Nath Banerjee:—"I did not say all; I said a portion of it, and I stick to that."

The Hon'ble Sir William Meyer:—"Well, as I said, we shall consider the matter with an open mind in the Select Committee.

"The only other question raised which purported to be one of principle is the one I mentioned at the beginning of my speech as to the 'year of

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assessment,' on which we have had remarks from the Hon'ble Sir Hugh Bray and the Hon'ble Mr. Hogg. I do not think there was anything in the Hon'ble Sir Hugh Bray's point about his income-tax receipts for 1917-18. He says 'I paid the tax of 1917-18 and how can you assess it on me again?' Well, as I said at the outset, he paid the tax in 1917-18 on his assessment in 1916-17. The Hon'ble Mr. Hogg—taking, if I may say so, a broader view—while he presses for the retention of section 83 of the existing Act, recognises that the Government, as the trustees of the community, are entitled to a share of increased profits, as against the liability to refund on decreased profits, if you are going to revise assessments with reference to the current year. I shall be very glad to consider in Select Committee any suggestions he may have to make for restoring section 83 in that form, and I will leave him to consider whether the last state of things may not be worse than the first whether he would prefer to pay his income-tax on last year's assessment as soon as he has satisfied the Income-tax Collector of the correctness of his accounts as I am sure he would, or whether he would like a fresh duel between himself and the Collector with reference to what he was likely to make in the current year. That is a question of expediency and I will not detain the Council longer, my Lord. I repeat that the criticisms that have been made, and the remarks we have received from Local Governments, Chambers of Commerce and the like, will be most carefully considered in Select Committee."

The motion was put and agreed to.

THE CINEMATOGRAPH BILL.

1-40 P.M.

The Hon'ble Sir James DuBoulay:—"My Lord, I think I may safely say that this is only a little Bill: The Cinematograph Bill will not take up very much of the time of the Council especially as Hon'ble Members will be rather hungry. In moving that the Cinematograph Bill be referred to a Select Committee, I do not think it is necessary for me to traverse again the ground covered by the Hon'ble Sir William Vincent when he moved for leave to introduce the Bill. He pointed out that it had two main objectives—one to provide for the safety of the audience; the other to prevent the exhibition of objectionable films. On the one hand, the inflammable nature of cinematograph films and the special danger of fire are the most important considerations; on the other the evil effect of depraved exhibitions, especially upon children, is a consideration which must appeal irresistibly to all responsible men.

"Sir William Vincent indicated the haphazard provisions of the existing law so far as the safety of the public is concerned and their inadequacy to prevent the exhibition of objectionable films, and he showed how this Bill, by requiring that such exhibitions should not be given except in duly licensed places and by constituting central boards of censorship, would meet the two objects in view: and lastly, he explained that a clause had been inserted at the end of the Bill to enable its provisions to be extended, with such modifications as might be necessary, to other similar spectacular performances. This Council gave leave for the introduction of the Bill and ordered it to be published.

"We have received a number of suggestions on various points, but I will only deal with those that seem to me the most important.

"There is a considerable conflict of opinion regarding the figure 50 entered in the proviso to clause 3, which practically takes private exhibitions at which less than 50 persons are present outside the scope of the Bill. On the one hand, it is urged that the worst films are often displayed before small private audiences; on the other hand, opinions have been expressed that the provisions of the law need not be applied in the case of private exhibitions even if the audience is much larger than 50; nor in the case of exhibitions given before school children under responsible authority. There is room for considerable difference of

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opinion on this point, but I venture to think it would be unwise to exclude exhibitions given by educational authorities to school children from the provisions of the Bill, inasmuch as the protection of school children from danger should be our peculiar care, while it is obviously undesirable that they should be allowed to see films of which the censors disapprove.

"It has been pointed out that there is overlapping between this Bill and the provisions of the Punjab Municipalities Act, III of 1911, as well as draft clause 217 of the City of Rangoon Municipal Bill, both of which purport to make provision for the licensing of various premises among those where cinematograph exhibitions are given. The Punjab suggest that their Act should be modified so as to avoid the possibility of having two licensing authorities. The Rangoon Municipality, on the other hand, prefer that municipal areas in which legislative provision for the regulation of such exhibitions exists should be excluded from the purview of the Bill. I am doubtful whether any sufficient cause has been shewn for either course. The Bill enables the Local Governments to constitute any one they please as the licensing authority, and there is nothing to prevent them from utilising the services of Municipal Committees for this purpose. It should I think be possible in this way to secure their interest and co-operation in the matter of licenses of buildings without sacrificing the advantage of a single standard of censorship provided by the Bill.

"Clause 6 is the penal clause, and the most important suggestion in regard to this is that the operator should be subject to penalties as well as the owner of the cinematograph, and the owner or occupier of the place where it is exhibited. Another suggestion is that the film should be kept in deposit when a prosecution is instituted to prevent contumacious continuance of its display. The Advocate-General of Madras has also made some suggestions which are deserving of our attention, that the word 'owner' should be defined so as to include persons in temporary possession, while he would like to see the owner or occupier of the place of exhibition freed from liability for the exhibition of an unauthorised film if it is without his knowledge and consent.

"As regards the censorship of films dealt with in clause 7, there is a considerable, though not absolute, unanimity of opinion that the imprimatur of one board of censorship should be valid throughout India, and I think that that opinion will probably commend itself to this Council, though it may be desirable to retain the power of cancelling a certificate to provide against the possibility of a serious error of judgment on the part of the board.

"As regards clause 8, the Government of Burma and, I think, of Bombay think that Local Governments should also have the rule making power here given to the Government of India. This is rather a difficult point. It is quite true that there might be special local conditions requiring special treatment in the matter of licenses and certificates, but on the other hand the conditions are roughly identical all over India, and it would be very embarrassing to the trade if they had to comply with different conditions in the different places they visited.

"Some doubts have been expressed regarding the necessity of Clause 10, but the illustration which will be found among the opinions of objectionable advertisement posters is an indication that this clause might be very useful and might even be made wider in its terms than it is at present. The Advocate-General, Madras, has also raised a point regarding the drafting of this clause and the opinions received suggest other slight alterations of drafting throughout the Bill as well as in the preamble.

"I have now rapidly indicated the principal criticisms that have been recorded, and I think Hon'ble Members will agree with me that while they indicate a general acceptance of the principal of the Bill, there are a good many points of detail that need examination and that the Bill should be referred to a Select Committee for that purpose.

"We have so far been fortunate in India in the matter of disasters from cinematograph fires, but I have here the details of 15 fires in recent years,

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any one of which might have produced a catastrophe. Only last November there was a fire in Calcutta resulting in the destruction of 100,000 feet of films.

"In these cases the fires for the most part occurred when the auditorium was empty; and in one or two cases the fire was prevented from becoming serious by the fact that the buildings were of corrugated iron or fitted with fire proof doors. But on the whole, it may be said, that we have escaped rather by good luck than good management and when this Council remembers the appalling calamities that have occurred through faulty arrangements in various parts of the world, I think they will agree that it is time that we put our house in order.

"I beg to move that that the Bill to make provision for regulating exhibitions by means of cinematographs be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes; the Hon'ble Mir Asad Ali; the Hon'ble Sir James Walker; the Hon'ble Sir Edward Maclagan; the Hon'ble Khan Zulfikar Ali Khan; the Hon'ble Mr. Sastri; the Hon'ble Mr. Walsh; the Hon'ble Mr. Surendra Nath Banerjee and myself."

The motion was put and agreed to.

THE INDIAN FOREST (AMENDMENT) BILL.

1.50 P.M.

The Hon'ble Sir Claude Hill :—"My Lord, in introducing this Bill, which, like Sir James DuBoulay's, is a very little one, I have very little to say in amplification of what is contained in the Statement of Objects and Reasons. This Bill is really the result of minor defects which have been found to exist in the Forest Act during the past 7 years; and I think the department is entitled to congratulate itself in that the amendments are so few. They are practically only three in number. The first relates to section 29 of the Act under which a Local Government may from time to time by notification declare that a portion of a protected forest may be closed for such time not exceeding 'twenty' years as the Local Government thinks fit. Well, experience has shown that the period of twenty years is not enough to allow for regeneration, at all events in many cases; and it is therefore proposed to take power to extend that period to thirty years in clause 2 of the Bill.

"Then we propose by clauses 3 and 5 of the Bill to add to sections 52 and 63 of the Act. Section 52 at present reads as follows :—"When there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all tools, boats, carts and cattle used in committing any such offence may be seized by any forest officer or police officer." Section 63 permits of the arrest of any person against whom a reasonable suspicion exists of having been concerned in a forest offence punishable with imprisonment for one month or upwards. In neither case is there any provision for the release on bond or bail, as the case may be, of the property or person of the offender. By clause 3 of the Bill we propose to remedy the omission in section 52 by providing that any officer of a rank not inferior to that of a Ranger may release the property which has been seized on the execution by the owner of a bond; and in the case of section 63 the amendment embodied in clause 5 of the Bill provides that an officer not below the rank of Ranger may release the individual arrested on his executing a bond to appear if necessary before a magistrate. I do not think there will be any question as to the advantage of these amendments. The third amendment to which I need refer relates to section 78 of the Forest Act under which privilege holders are bound to furnish any information respecting the commission of a forest offence and to assist in extinguishing any fire occurring in a forest. It was represented some five years ago by one Local Government, and all Local Governments admit the validity of the representation, that this obligation on the part of privilege holders is not sufficient and that they ought to be compelled—those who are in possession of certain advantages in State property ought to be compelled—of their own motion to take steps for the prevention and extinction of forest

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fires. It is therefore proposed by clause 6 of the Bill to substitute the following: privilege holders shall forthwith take steps whether so required by any forest officer or police officer or not:—(a) to extinguish any forest fire in such forest of which he has knowledge or information, and (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest. In other words those who have derived certain privileges from State property are held responsible for taking steps to protect such property. Finally, in order to make this new provision effective it is proposed by sub-clause (2) of clause 6 to provide a penalty. I do not think I need say anything in regard to the minor and purely consequential amendments. I therefore 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 Council adjourned for Lunch till 3-15 P. M.

RESOLUTION RE REDISTRIBUTION OF PROVINCIAL AREAS AND THE CONSTITUTION OF PROVINCES ON A LANGUAGE BASIS.

The Hon'ble Rao Bahadur B. N. Sarma:—"May it please Your Excellency, I rise, with a confidence new born in me, to move the resolution which stands against my name. The resolution reads thus:— 3-15 P.M.

"This Council recommends to the Governor General in Council (a) the redistribution of provincial areas, and the constitution of provinces, where necessary, to secure complete success for self-governing institutions in British India; (b) the rearrangement of provincial areas on a language basis wherever and to the extent possible, especially where the people speaking a distinct language and sufficiently large in numbers, desire such a change.

"It is with feelings of profound satisfaction and joy that the people of India welcomed the memorable announcement of the 20th August last, wherein responsible government in India as an integral part of the British Empire has been declared to be the goal of British policy. The Indian people cannot be too grateful to His Majesty and the British public for the imaginative, sympathetic foresight and wisdom which dictated the policy of the Cabinet, and fortunate indeed are we for the happy combination which brought together a Lloyd George, a Montagu and Lord Curzon. May we be permitted to congratulate your Excellency on your rare good fortune, that it was on your initiative and during your régime are being laid the foundations of the fabric of a constitution destined to make the British Empire the mightiest, the loftiest, purest and the most high souled the world has ever seen. Now that the work of reconstruction has been undertaken and not a day too soon, I have ventured to seek the assistance of the Council in pressing upon the attention of the Government for their acceptance my long cherished ideas, dreams, hopes, may be, illusions, and I am deeply grateful that your Excellency has ushered the dawn of a new era in allowing this important subject to be treated as an open question.

"Responsible government as an integral part of the British Empire being the object to be achieved, we are confronted with the problem of laying the foundations well and truly for the construction of a federation within a federation a federal unit, part of a larger whole. The problem is simplified to the extent that the burden and responsibility of enunciating foreign policy in the fullest sense of the term rests largely with others, and British Indian federalism deals only or mainly with problems of internal administration. We are not confronted with another difficulty, which faced the federalists of other times and at other places in that the privileges, powers and rights,

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financial, legislative and administrative, of the component parts proceed from the centre. India is fortunate in that she has for untold ages been in the midst of her diversity accustomed to a central control, however feeble at times such control may have been, and the essential unity of her economic interests, her geographical position, and the community of beliefs, traditions, the sense of oneness and nationhood, the product of centuries of common government, coupled with large provincial independence eminently fit her for the constitution which His Majesty's Government has resolved upon conferring and the essential and minute details of which are to be worked out. Western Hindustan, the Central, the Eastern, and the Deccan have been the centres of power, the centrifugal forces are not negligible, demonstrating that the central authority cannot be unduly weakened. But it must be remembered that that was in the old days of autocratic rule, when the people counted for nothing, and the central control in truly Imperial matters now removed to a distant sphere. It is possible, therefore, to confer with safety wider powers on Provincial authorities, where the real authority and responsibility is with the people, but would the machinery devised for another purpose do? In my humble judgment, the provincial areas constituted for administrative convenience and partly the result of historic accident, when the people had no real voice are eminently unsuitable in the altered conditions. I do not contend for a moment that self-governing institutions cannot be introduced into the provinces as they are constituted with any hope of success; in the case of many important provinces, extensive changes are hardly needed, and I would strongly deprecate the postponement of the introduction of reforms until the changes, I am advocating, are taken on hand; but I have no hesitation in stating that in some provinces at least self-governing institutions would work smoothly and harmoniously with a re-adjustment, and a general re-distribution would pave the way for complete success.

"I urge in this Resolution that re-distribution of areas and a constitution of new provinces wherever such re-distribution and constitution may be found necessary for the complete success of self-governing institutions and urge that it should be done where three conditions co-exist, namely, that the people should desire such a change, that they should be sufficiently numerous and that they should speak the same language. I do not say that such changes should not be made even where the three conditions may not co-exist, but they are not immediately necessary and the problem should not be complicated unnecessarily by raising avoidable agitation to attain an ideal state of things. I realise that a large number of languages are spoken in each province, but on an analysis it will be found that the number of people speaking many of them is comparatively small, and in several instances though small minorities writing a language different from the principal vernacular or generally bilingual; where a small body of people had migrated and found themselves in the midst of a large number speaking a different language. The process of assimilation has been going on for very many years; for example, over two millions Telugu people are scattered all over the Tamil districts, having settled themselves down during the time of the Vizianagram Kings, and though they have not given up their mother tongue they have learned the Tamil language and are being educated in Tamil schools. The reverse process took place in the Telugu districts also. Even if it were otherwise no separate provision can be made in the nature of things for such minorities, and the problem therefore is confined to compact areas where there is a large population speaking but a single language. In such cases, I feel sure that the Council will agree with me that a re-distribution or a constitution of a new province will be absolutely necessary by reason of the very nature of the introduction of self-governing institutions for provincial purposes, for promoting educational and administrative efficiency, for the strengthening of finance by reconciling people to additional expenditure and taxation and the efficacy and possibility of social legislation and to prevent bickerings and disputes and promote general harmony.

"If I could dream of the possibility of inducing the people of India to adopt one language even in the very remote future, I should not have brought

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forward this Resolution for discussion. India has had a central government for ages, but its past history, as well as the history of the peoples in the world in general, does not encourage one to entertain any such hope. After a century of British rule the number of English knowing Indians is but about a million and a half amongst 14 million literate people. It should be possible to hasten the pace, but to expect the people of India to give up their mother tongues seems to be a wild dream and I dismiss it from consideration. The very nature of representative institutions involves an independent appreciation by the people of the problems of legislation, administration and finance, an appeal to electorates and the wide use of the vernaculars. I have had some 30 years' experience of district non-official organizations and can speak with authority that during the discussions when the medium employed was English the assemblies were composed almost wholly of English educated Indians, but during the last 10 or 15 years in my own part of the country since the use of the mother tongue came into general vogue on such occasions and began to be almost exclusively employed, the assemblies have been composed of all the strata of society and have become large, real and living centres of activity. A similar phenomenon is discernible all over India during more recent years. Difficulty has been experienced in the conduct of Provincial Conferences where the problem has been attempted to be solved by making at least one speech compulsory in the language of the district wherein the assembly meets. The Provincial Conference when it meets in our district has not the same vitality as the Andhra Conference by reason partly of the language employed in the former being foreign to the vast masses of the population. In the Legislative Councils in future influential men who know only the vernacular or cannot express themselves clearly in English will be in a large majority and it would be impossible to conduct the proceedings where large bodies, Tamil, Telugu, Canarese and Malayalam gentlemen have to sit and listen to speeches which they do not understand. The only alternative would be to confine the assemblies to men proficient in the use of English. The position would be repugnant to the very nature of representative institutions, and I am confident therefore that a separation would be necessary as soon as representative institutions should be a reality. It is of course necessary to preserve the records and publish them in English as well, but such a procedure does not touch the position now under discussion. I shall now point out several other difficulties in allowing the existing state of things to continue. It is quite within the range of practical politics that on essential questions there would be a wide difference of opinion between the people speaking different languages. At several meetings of the Andhra Conference consisting of 1,000 to 2,000 delegates assembled from all parts of the Telugu districts, it has been almost universally resolved to suggest the necessity and desirability of employing the vernacular as the "medium of instruction in secondary schools. Opinion does not seem to have solidified to the same extent in other parts of the presidency. Supposing in a future legislative assembly the whole of the Andhra population should give a mandate to their representatives on a question like this, the position would be intolerable if their internal improvement has to be governed by the votes of the other communities. In matters of social legislation also the communities do not see eye to eye and there would be considerable friction and difficulty in the passing of social legislation. Difficulties will also be experienced in the matter of location of educational institutions, distribution of funds regarding the incidence of taxation, and other similar matters.

"The success of representative institutions would also depend upon the universal spread of education, and primary education in the first instance. The spread of primary education necessarily involves the growth of secondary education especially for the purpose of training teachers. The growth of secondary education would in its turn necessitate the multiplication of colleges and university education, wherein the vernacular would have to play a much greater part than is the case at present; the necessary corollary follows that each language area should have at least one distinct university

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of its own wherein education would proceed on lines suited to its genius, and the points of dissimilarity of views and conflict of interests, both financial and otherwise, are bound to arise under one Government. The problem is partially solved at present by requiring teachers and inspectors to learn two or three languages which means superficiality of knowledge, general inefficiency and can at best be only a partial remedy. A difference in our educational ideals, difference in types, difference of institutions, can be evolved satisfactorily only under a distinct legislature and distinct Government. Education in English in High Schools and Colleges should be made compulsory by Statute.

"British officers and to a certain extent Indian officers also of any province are at present transferred to different parts of the presidency in order to qualify them for higher positions of trust and responsibility, and the more people there are the larger would be the number of transfers. These frequent transfers to areas speaking different languages make it impossible for the officers to acquaint themselves adequately with the vernaculars; and also prevents the growth of attachment on the part of the officers as well as the people. And the desired influence for good is minimised unnecessarily and sometimes rendered impossible of acquisition. The administration of justice cannot but suffer by reason of the imperfect acquaintance of the judges with the vernacular, who can acquaint themselves with documents and the real meaning of witnesses' oral evidence only through the medium of translations. Unnecessary and prohibitive cost is also involved leading to the ruin of litigants in a large number of cases. Reform of the administration of justice necessitates a departure on the lines suggested. The same may be said of the Registration Department.

"I have already alluded to the difficulties and discord likely to arise in the distribution of taxes and the funds raised thereby. I would here only allude to one further fact that where the people are homogeneous in character and are bound together by ties of a common language and where the areas are small people are likely to be more willing to tax themselves for provincial improvements which would benefit those whom they understand and with whom they have close affinity.

"Inequalities must always exist; but where they arise between people who do not understand one another, they are likely to lead to unnecessary jealousies and friction which may occasionally become a source of danger. The relations between the Uriyas and others with whom their lot is cast, the cry of the Mysore to the Mysoreans, and Travancore to the Travancorians and the desire on the part of the Andhra-speaking people for a change are indicative of the conviction on the part of the people concerned that their progress would be facilitated by being allowed to evolve it according to their own genius untrammelled by others. I might quote in this connection the example of Austria-Hungary where numerous languages are spoken, where provision had to be made for the representation of these various speaking people in the Legislative assemblies, where internal discord prevails as to which language should be used and which should have precedence, and where the more powerful people resort to the suppression of the weaker.

"Under representative institutions in purely provincial matters it would not be right to jeopardise the interests of minorities, wherever they may be adequately protected. It is impossible to conceal that the three million Malayalese or the two million Kanarese, whose representatives would be about seven and five per cent. of the assembly, can have an adequate voice in Madras. The same may be said of the four millions Uriyas out of the 84 millions in Bihar.

"The Andhras form a distinct group living in a compact area consisting of north Madras and 12 districts whose total population is between 17 and 18 millions, and the representatives of the districts during the last four years have been pressing for the creation of an Andhra province. The case of the Uriyas seems to be equally plain. They are but 6½ millions in British India, and whether they are grouped with Bengal, Bihar or Madras would form a very small

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minority, and such grouping would retard the development and success of representative institutions and their own growth on lines peculiar to them. On the other hand, they are a sufficiently numerous body living in a compact territory whose population is larger than some of the minor Kingdoms of Europe and the population of the United States at the time of the secession from Great Britain. Similar remarks would apply to Malabar, Sindh and Gujarat and Canara. It must also be noted that there may be a federation or combination for some purposes with the adjoining Native States, whose population is of the same race and speak the same language. For example, the cost of a University may be borne by the British province and the Native States. Mysore has a University, practically Kanarese, and has solved the problem of the Kanarese people until they can find resources for a separate University of their own. Travancore and Cochin are rich Malayalam States which have taken the problem in hand, and the wishes of the people may be respected without any financial embarrassment. The adjoining Native States of Orissa are another instance in point on the question of cost. The cost of general administration would be comparatively small having regard to the smallness of the area and population in many of these cases. Enormous savings may be effected under various headings including travelling allowances and if the people are desirous of effecting a change they must be prepared to pay for it. It must also be remembered that the salary of a Governor in American States varies from 1,000 to 10,000 dollars and Coorg, Ajmer, Merwar not to speak of the North-Western Provinces, furnish instances of small administrative areas. The language problem does not seem to require many additional provinces with perhaps the possible exception of Sind.

"Then, as regards re-distribution of areas, Bombay and the Central Provinces furnish an instance where the language problem may be taken up for solution. The Hindi-speaking people of the Central Provinces form a contiguous compact area adjoining Bihar and the Mahratta tracts are similarly situated with regard to Bombay. Mahratta-speaking people seem to be extremely desirous of being brought in together, and the question of University education, and the language to be employed in Legislative Councils may find an easy solution by a re-adjustment at a reduced cost. My friends from Bengal and Assam will, I am sure, represent the wishes of the Bengalee-speaking people of Bihar and Assam who seem to be desirous of being brought together. I have been receiving a number of telegrams from various provinces asking vehemently to press this Resolution. In this connection I cannot help making a few remarks with regard to North-Western Frontier Province, which has been proposed in some quarters to be excluded from self-governing India. The province has always formed part of India from pre-historic times, was clearly so in the time of the Hindu and Mahomedan Kings and their separation accentuating the existing differences on a religious basis would, in my opinion, be a great political danger to India. The problem should rather be to identify their interests with the rest of India to educate them under such ideals and settle the restless tribes in the vast new colonies to be opened. I would earnestly urge their reunion with the Punjab. Whether the Hindi-speaking people living in the Punjab, United Provinces, Delhi and Bihar and Central Provinces should be re-grouped is an interesting problem which does not seem to be pressed for an urgent solution. The future of India is largely bound up with their advancement as has been the case in the past. But whether they fall under one, two or three governments, will not affect the political equilibrium in any large degree. The times have changed, the rest of the peoples of India form as important a group and therein lies the safety to the unity and harmonious development of a united India. No people can dominate the rest in a manner analogous to Prussia as is feared in some quarters. My Resolution may suggest the inquiry as to whether the larger provinces should be cut up into smaller units as has been proposed by Mr. Curtis and others. The sentiment of Bengal and the United Provinces as far as can be gathered and further from their present position seems to be decidedly against it, and I have already indicated that the wishes

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of the people must form a condition precedent to any re-distribution. Furthermore, on analysis it will be found that we have got in all the provinces the divisions which correspond to smaller States of Germany or the United States. We have 250 districts with an average population of 900,000, some of which are 8 million strong ; others about half a million and so on. And it will be found that only 9 out of 48 of the United States have a population above 3 millions, 18 between 2 and 3, 11 between 1 and 2, and the rest below 1. With the exception of Prussia, the German States present the same problem. The same may be said of Switzerland. We have, therefore, units of the size advocated. But no one has yet felt that for legislative purposes any of these districts require a separate constitution. The bye-law making power, which at present partakes of the nature of legislation may be enlarged, where necessary. It would be a mistake to promote the creation of intermediary bodies and in opposition to the sentiment and wishes of the people. If the larger provinces find such a decentralisation necessary there will be time enough to consider the question. But at present we have Imperial finance, all-India finance, Provincial finance and local finance, and need not complicate the matter by adding another category of sub-provincial finance. It would also be found that once legislative powers are conferred upon these, it would be difficult to deprive them of the same as has been found when a federal constitution had to be framed for the United States and a separatist tendency would also be created thereby.

“By the creation of provinces and re-distribution of areas seen on the lines indicated, we shall remove as far as possible all the causes for Provincial and racial jealousies and provide a basis of representation for the constitution of the All-India Council. The men who would befit themselves for all-India legislation of an Imperial character would qualify themselves by the study of English, and the language problem would not present the same difficulty as in the provinces. And the vast variety of languages would also make imperative the use of a common language, namely, English with rare exceptions. The real cause of friction would naturally be for a distribution of financial burdens and care would, I am sure, be taken in rendering the central Government largely independent of Provincial financial help and where such may be necessary, it will be made dependent upon certain data which would not admit of wrangling or dissatisfaction. The similar causes which may disturb harmony would generally be found in the Provincial and Local Councils and local bodies, and the essential unity of interest in all large Imperial matters of the people would make for the harmony of the deliberations of the Imperial Assembly.

“The foregoing remarks clearly show that in the whole of the upper Hindustan with a population of 150 millions from the Punjab to Assam the problem is of a minor importance and no extensive changes are needed. The question does not arise in Burma. It is equally evident that changes are necessary in the Deccan, Southern India and the East Coast. The numerous memorials presented by the several peoples living in these tracts to your Excellency and the Secretary of State during your recent tour, the innumerable Resolutions passed for very many years by the people concerned and extending for a period long anterior to the contemplation of the present reforms are indicative of a desire on the part of the people for a change ; and all the conditions referred to in my Resolution are complied with in our case. But I do not wish to be understood to endeavour to complicate the problem of reforms with the question of re-distribution of areas and constitution of provinces. What powers should be reserved by the Government of India, how the legislature is to be composed, what decentralisation of power is permissible, how the Provincial legislatures are to be elected and composed, what powers they shall exercise in administration, legislation and finance are problems which have no relation to the question under discussion. The latter are details to be worked out in the case of each area and may be modified by an alteration therein. But I have ventured to bring forward this resolution at the present time fully convinced that the solution of the

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question would also have to be undertaken immediately and without delay. In order to ensure the complete success of self-governing institutions and that modifications may be introduced at as early a date as possible. I realise the reluctance of the Government to deal with the problem, having regard to its experience in the case of Bengal. But as my Resolution proposes the consent of the people or a large majority of them, no such difficulties need be apprehended. I would suggest the appointment of a commission to determine the need for re-distribution and constitution of new provinces and their areas; and the new electorates under the reform scheme will have ample opportunities of expressing the wishes of the people; if this question cannot be solved earlier I hope I have said enough to justify my demand for an early change on the lines suggested in the Resolution. It only remains for me to thank the Council for the patient hearing which they have been pleased to accord to me. The divisions I have suggested are amply sufficient to meet the purpose. Pray do not cut us up into further sub-divisions, rendering cohesion and common action impossible. The Native States furnish us an example how their numbers render it difficult for them to arrive at conjoint action and further re-grouping for representative purposes is felt to be necessary, but difficult. We are on the eve of great political changes in the world; just as industries trusts and good monopolies are squeezing companies out of existence, so in the world of politics combinations of states with practically a partial surrender of sovereignty as it has been hitherto understood are not improbable. There would, therefore, appear to be reasonable ground for hope that even the wildest and maddest Indian revolutionary would be reconciled to the federal partnership so generously conceded by the liberty loving British public. The unity of Indian nationhood and the community of the economic and political interest of the Indian people I have already dwelt upon. But there is enough diversity to make that cohesion solid and indestructible only with the co-operation and help of the British people. And as far as human foresight can see there does not appear to be any reason why the union should not be permanent and for ever, so long as the foundations are well and truly laid and all parties understand the limitations of their position. So welded it may be that the mighty British Empire may not need any outside alliance to keep the peace of the world. The war has purified the souls of men and politicians of the dross of selfishness and greed to a perceptible extent. Let the structure be laid while under the influence of such a holy fire, before human passions and selfishness regain ascendancy. I am confident with such lofty minded statesmen at the helm under the guidance of an able and far seeing premier and an able broadminded and energetic Secretary of State, with a sympathetic Government of India and with knowledge and willingness to move under your guidance and aid, I feel sure the structure will well and truly be laid in the immediate present. I commend this Resolution to your acceptance "

The Hon'ble Sir Hamilton Grant:—"My Lord, it may seem strange that an officer holding the post of Foreign Secretary should have the temerity to rise in this Council. It might be thought that like the famous Dean Maitland he was doomed to a vow of silence. But I cannot allow the present Resolution to pass, affecting as I think it does the interests of Your Excellency's Department which I have the honour to represent in this Council somewhat nearly without remark. I regret, your Excellency, that my maiden speech in this Council should be made under conditions of considerable disadvantage; in the first place that I should have arrived this morning from a journey of six thousand miles and two nights in the train without having any previous knowledge of the subject which Mr. Sarma was going to lay before the Council to-day, and in the second place that I have not had an opportunity of discussing with the colleagues of my Department the matter at issue. As I understand it, the reason underlying this resolution is that in the near future the provinces of India will be enjoying self-government. If that

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is so, the question of our foreign relations comes up in a somewhat serious form. What do we mean by self-government? If self-government is to include the direction of foreign affairs, then, my Lord, I submit there are very serious reasons why the redistribution of the provinces of India is necessary. We shall have to so redistribute those provinces that we shall have buffer areas along our whole exterior frontiers directly under the control of the Government of India and safeguarded from the interference of Local Governments. If, on the other hand, your Excellency's Government and His Majesty's Government accept what must and should be the fundamental principle of all administration, that foreign affairs must and always shall be entirely under the control of the Government of India, subject to the direction of His Majesty's Government, and that Local Governments as heretofore will so far as foreign relations are concerned be entirely under the direction of those Governments, then I say that, so far as I can see at present, no provincial redistribution whatever is necessary. The North-West Frontier at present our most vital external frontier is sufficiently safeguarded by the buffer States of Baluchistan and the North-West Frontier Province, and I cannot accept the proposal of the Hon'ble mover that the North-West Frontier Province should once more be thrown back into the vortex of the Punjab. I do not think that the North-West Frontier Province themselves would welcome it; I am perfectly certain that the Punjab would not. As regards the remainder of the frontier, I think that if any one would study the map for a few minutes, he would see that the direction of our external relations are adequately safeguarded by the buffer States of Nepal, Bhutan and Sikkim. As regards the Burma frontier I think that this is a matter which we may leave for discussion outside this Council. If, on the other hand, it can be seriously considered that Local Governments should direct foreign affairs, I would point out that the creation of buffer areas would be open to serious disadvantages. I believe....."

The Hon'ble Rao Bahadur B. N. Sarma :—" May I make a personal explanation, your Excellency? I do not think it has been my contention that any of these governments should have anything to do with foreign affairs.

The Hon'ble Sir Hamilton Grant :—" My Lord, if that is so, I need not pursue the point, and I will merely take this opportunity to speak on one or two arguments put forward by the mover of the Resolution. He seems to be under the impression that the Government of India, Your Excellency in Council, require a stimulant in this matter, that you require to be stung into the redistribution of provinces. My experience of India has been that we are juggling the whole day along with Provincial boundaries. I have seen the North-West Frontier created, I have seen the partition of Bengal, the present repartition of Bengal, I have seen Bihar and Orissa come into existence. I have seen the province of the Berars abolished. I have seen infinite provincial juggling till one is tired of it, and it is hard to know what province one belongs to. I do not think that the Government of India require any stimulant in this matter. But apart from that, assuming there is some lethargy, and that they have not themselves realised that the grant of local self-government might possibly require some readjustment of provincial boundaries, I would point out that there are one or two further objections to the method which the Hon'ble mover proposes to this end. One of the main lines upon which he proposes to work is what is called the linguistic redistribution. I do not know whether he has read that valuable work, the Linguistic Survey of India; I have not done so, but I have had a little to do with the languages of the country myself. At one time I thought I had mastered the language, at

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any rate of a district. I went 20 miles and I could not be understood; I went another 20 miles and I could not understand. If we were to have governments formed on linguistic divisions, I think we shall have a local government every 20 miles. What we want is, I maintain, a *lingua franca* common to all India. Hindustani at one time tried to be this, but Hindustani is now approximating to English. We constantly hear, for instance, such odd admixtures as '*uska nature bahut sympathetic hai, lekin uska sense-of-responsibility kuch nahin*' and expressions like that. In the same manner English is approximating to Hindustani. You hear of '*kucha*', '*bandobast*', '*what a dhik that is*' and so on. Well, what we want obviously is a language that is a good hotch-potch between the two and let that be the language of our Councils in future; and in this way Canarese and Tamil, Punjabi and Pathan, etc., will have a common vehicle of expression and a universal understanding of the proceedings of the various legislatures. With these words, your Excellency, I would merely deprecate any haste in the matter of the redistribution of the provinces."

The Hon'ble Sir Gangadhar Chitnavis:—"My Lord, I know this Resolution has been moved with the best of intentions, but my humble experience has been against such territorial redistribution. These redistributions of provinces as previous experience has shown are not very often popular with the people. They land Government in many and unnecessary difficulties. The people's general tendency seems to be to remain attached to the administration or the province under which they have long remained and with which they seem to grow in love on account of long association. The partition of Bengal has taught all of us many a bitter lesson. In my own province about 30 years ago, when there was a proposal to transfer some of the Marathi-speaking districts to the Bombay Presidency on account of language considerations in lieu of Sindh, which was proposed to be transferred to the Punjab, there was bitter opposition to the proposal and the people petitioned Government against such transfer. I am inclined to believe that territorial redistribution if not satisfactorily arranged will create resentment and unnecessary agitation and will be a bad prelude to any scheme of reform. Moreover, if redistribution is to be made irrespective of this and other considerations language cannot be the only criterion. Any redistribution of provincial areas and boundaries should be considered not only from the language point of view, but also from racial and geographical considerations. Questions of defence by land and sea and future politics both internal and external have their bearings on a comprehensive rearrangement of provinces with a view to autonomy. Financial economy in administration is also an important factor and any redistribution, if made irrespective of this and other important considerations, is likely to fail and bring trouble in its train. Moreover, the present war will bring other factors into play, and it will be unwise for Government to launch themselves into a policy which may perhaps mean increased expenditure and consequently increased taxation."

3-52 P.M.

The Hon'ble Mr. P. J. Fagan:—"My Lord, in approaching the consideration of the Resolution moved by the Hon'ble Member I have been rather impressed by the wide area of debateable matter which seems to underlie its main topic. The chief question involved in that matter is itself a large one, that is to say how and in what manner geographical, lingual and racial factors operate upon or are themselves affected by the political system which embraces them. It seems scarcely possible to estimate the effect of these factors until one knows something about the nature, the working and the tendencies of the political system. Now, as members of the Council here to-day, what do we know with any precision regarding what I may perhaps term the future political organism or the future political morphology of this great continent? As regards the ultimate goal we have had recently an announcement, an authoritative, an epoch-making announcement, that the

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goal is responsible government, no doubt on democratic lines responsible government with the tremendous and as yet very partially and dimly recognized implications which that involves for this country in its external relations no less than in its internal relations. The question whether that goal is attainable within clearly conceivable limits of time is one which is probably irrelevant and, at all events, presumptuous for me to discuss here and now but in passing I may perhaps be allowed to remark that so far as the Province in which I have the honour to serve is concerned, a body of Indian opinion, by no means negligible, by no means unintelligent, would answer that question at present, at any rate, with a decided negative. But, my Lord, I will let that pass, I will subscribe to the assumption that the goal is one that is attainable within fairly moderate limits of time. What then? What do we know sitting in this Council here to-day, of the lines, direct or devious whatever they may be, along which advance towards the goal will be made. What do we know of the political machinery which it will be found necessary to construct and to set up, in order to aid that advance? What do we know of the ebb and flow of political thought which will mark its course? What do we know of the rate at which effective political education will leaven the great masses of this country? Until, my Lord, we know something about these things and about many others is it not premature to enter upon a wide carving and recasting of the administrative units of India with all the endless administrative dislocation, and if we may judge from a comparatively recent instance, of the long-continued agitation which such a course must necessarily and inevitably involve; my Lord, truly the people perish where there is no vision and it is well; within reasonable limits, that young men should dream dreams and that old men should see visions, nevertheless it is not the less true that the dreamers of dreams and seers of visions are apt to be precipitate in endeavouring to clothe their dreams with the garments of reality. *Festina lente* is a trite but a very wholesome maxim which they would do well to bear in mind. My Lord, I must apologise for detaining the Council at this length in a maiden speech but there are one or two other matters which deserve mention. Who is to say, who is to forecast whether that future diversity of interest which will help to mould the future political organism and to differentiate its parts will proceed on geographical, racial or lingual lines? Recent utterances and recent occurrences seem to indicate fairly clearly that some at least of the dividing lines will be of a very different nature. Who moreover can say who will presume to predict how these factors of geography, of race, of language will affect the politically awakened and enlightened masses as we all hope that they will be.

“For these reasons, my Lord, the Resolution of the Hon’ble Member appears to me to be both premature and academic, and one which it is impossible at the present time or in the near future to put into practicable shape. When the tender plant of to-day shall in the fulness of time have grown into a strong and lofty tree under those branches the nations of India may collect, in some form of political organism which shall embrace them all, then perhaps the process of differentiation and redistribution of the administrative units of India will largely have become an automatic process.”

4-1 P.M.

The Hon’ble Mr. Kamini Kumar Chanda—“My Lord, I find myself in a peculiarly difficult position in regard to this Resolution. The people of Sylhet feel deeply interested in the question of a redistribution on a linguistic basis. They feel that they have a genuine grievance and that the policy of the Despatch of 25th August 1911, which was to reorganise the Bengal districts into one unit has not been given effect to. That Sylhet is bound to Bengal geographically, linguistically and ethnologically is admitted. It was stated in the Despatch that there would be administrative and territorial distribution, a distribution with a view to remove any dissatisfaction arising out of the repartition of Bengal on broad and comprehensive lines and with a view to giving satisfaction to all. That has not been done although there was a gracious message in the coronation speech of His Majesty the King-Emperor.

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Speaking from his place in the House of Commons the Secretary of State, then Under Secretary, on the second reading of the Government of India Bill in 1912 said that the question remains for settlement. When therefore my Hon'ble friend Mr. Sarma re-opened the question the people of my district were grateful to him for affording them the opportunity of bringing their grievance to the notice of Government. But there is another aspect of the question. I deplore the fact that my friend should have thought fit to bring forward this motion at this juncture, it is highly contentious, I have grave misgivings and apprehensions that this may prove a veritable apple of discord in many provinces.

"I fear, my Lord, that this Resolution might possibly stand in the way of the early introduction of securing reforms to which the whole country is looking forward with such eagerness and anxiety. Well, if that happens, if it comes to this that the acceptance of this Resolution, in whatever shape or to whatever extent will, in the slightest degree stand in the way of the reforms or delay even by a single day the introduction of the reforms, then I say, my Lord, whatever the consequences to provinces or to people who have formed great expectations from this Resolution, its consideration must be postponed *sine die*. My Lord, my humble submission would be that it would not be gracious to take up the general question of redistributing territories or provinces on a linguistic or any other basis. There may be causes for general complaint, and if there are, their consideration will depend on their merits, but there too anything that would tend in the slightest degree to delay the introduction of reforms should not be considered for the present.

"My Lord, in this connection I may be permitted to state the case of my own province. I submit, my Lord, that the people of my district are very keen about this matter. There is a small case but a simple case too, and they feel that justice has not been done to them. I will state the facts of the case very briefly. I am referring to the district of Sylhet. In this district 92 per cent. of the population speak the Bengali language, and this population is as large as in the neighbouring districts of Tipperah, Mymensingh and Dacca. It has no affinity whatever, geographical, ethnological or linguistic, with Assam from which it is separated by a somewhat natural barrier in the shape of a range of hills. My Lord, Sylhet is an old district full of historical traditions. In the days of Mubammadan rule it shared the fiscal system of Raja Todarmull and it formed a limb of the Subah of Bengal when the Dewani was granted by Shah Alam to the East India Company in 1765. Under British rule the inestimable boon of the Permanent Settlement was conferred upon it with the rest of Bengal by Lord Cornwallis. The land revenue system of Sylhet which is the same as in other permanently settled and regulation districts is wholly dissimilar to that obtaining in Assam. The judicial system which prevails in Sylhet is not the same as that of Assam though both are under one and the same High Court. In Assam the executive officers do civil work; they exercise the functions of Civil Courts, whereas in Sylhet the Civil Courts, as in Bengal, are presided over by Subordinate Judges. With your permission, Your Excellency, I wish to read to the Council an extract from a memorial submitted to Lord Hardinge protesting against the inclusion of Sylhet in Assam in 1912.

"That Sylhet is not only a Bengali speaking district, but its ancient history and culture have always been organically bound up with those of Bengal. The old Hindu University of Nuddea not only contributed to the intellectual evolution of Sylhet, but Sylhet on her own part made large and vital contributions to the enlightenment and culture of Nuddea. The founder of what is known as the Nava Nyaya (New School of Logic), the great Raghunath Siromani, was a native of Sylhet. Sylhet also played a very prominent part in the great Vaishnavite movement in Bengal of the 16th Century associated with the sacred names of Sri Chaitanya Mahaprabhu and Brimat Advait Acharya both of whom had their ancestral homes in Sylhet.

"That so far as the Mubammadan population of the district is concerned, their religious and social traditions are identical with those of the Mubammadans of Dacca and Murshidabad. As Nuddea was the centre of Hindu learning in Bengal, so Murshidabad was the seat and centre of Mubammadan culture in the Presidency, and the socio-religious associations of the Mubammadans of Sylhet, Your Excellency's memorialists beg respectfully to submit, have been always closely linked with the neighbouring districts of Bengal, but not with

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Assam. The respectable Muhammadan families of Sylhet are united socially with the higher classes of Muhammadans of Bengal but not with those of Assam, and the transfer of Sylhet to Assam will, in their humble opinion, vitally affect the religious, the social, and even the political interests of the Muhammadans of the district by reason of their administrative isolation from the Muhammadans of Bengal and especially of Eastern Bengal, and further, they would find themselves in a minority in the Province of Assam.

'That the social connections of the Hindus of Sylhet, Your Excellency's memorialists beg to submit, are also with the neighbouring districts of Tipperah, Mymensingh and Dacca. Not only are there no social relations between the Hindus of Sylhet and those of Assam, but custom which has the strength of religion among the Hindus absolutely bars the formation of such associations with the Assamese. The Assamese speak an entirely different language, and this difference is recognised by the Calcutta University.

'That Sylhet being a Bengali-speaking district, Your Excellency's memorialists beg leave to point out, there exists the closest intellectual, moral and spiritual kinship between that district and the rest of Bengal. The affinities of a common religion, language and literature and common intellectual aspirations form an indissoluble bond of union between them and their countrymen in other parts of Bengal. Your Excellency's memorialists are confident that in the territorial redistribution which is about to take place, Your Excellency's Government will recognise these sacred ties which will be still further strengthened and confirmed by their union with the rest of Bengal. In the 16th and 17th centuries Sylhet made valuable contributions to the literary life of Bengal and this connection has been maintained up to the present day. The first Bengali newspaper published by an Indian in Calcutta was edited by a Sylhet Pundit, the late Gourishankar Bhattacharya.

'That your Excellency's memorialists beg most humbly to represent that Sylhet is an old district full of historical traditions. In the days of the Muhammadan rule it shared the fiscal system of Raja Todur Mall, and it formed a limb of the Subah of Bengal when the Dewani was granted by Shah Alam to the East India Company in 1706. Under British Rule the inestimable boon of the Permanent Settlement was with the rest of Bengal conferred upon it by Lord Cornwallis.'

"My Lord, in the last place, I should also mention in this connection that Sylhet is the only district in Assam that was invited and that was allowed to furnish recruits for the Bengali Regiment, and I feel proud to mention, my Lord, that the number of recruits that could be furnished would be far in excess of the number that would be furnished by any district in Bengal. My Lord, it may also be mentioned that the Bengali population of Sylhet is one-sixteenth of that of the whole of Bengal. It may be asked how under these circumstances Sylhet comes under Assam. Prior to 1874 Sylhet was a separate province, but the Government of Lord Northbrook in 1874 decided to transfer Sylhet to Assam in spite of the strong protests of the people, and that decision was largely based on financial grounds. Assam could not get on without the help of Sylhet, and therefore as Sylhet was the nearest Bengal district it was seized up. The people of that district even at that time strongly protested against its separation as will appear from the memorial presented to the then Viceroy and Governor General, Lord Northbrook, but it was ignored, and in the columns of the *Hindu Patriot* this action of the Government was described as offering a calf to be sacrificed for the new wife of Assam. That is how Sylhet was cut off from Bengal, and it continued with Eastern Bengal till 1906 when the partition of Bengal was effected. When in 1912 the Eastern Bengal province was abolished and Assam was again separated, Sylhet was re-transferred to Assam and the whole district was convulsed by an unparalleled agitation. In the Dacca district in every town and in every sub-division, in every thana, in fact in every important village there were meetings held to protest against this action, and the memorial from which I quoted was submitted to His Excellency Lord Hardinge. It was signed by all the members of the Legislative Council, by all classes of people, Hindus and Muhammadans, and also by all the zemindars and influential people. Not only this, my Lord, but at the request of the leading Muhammadans of the district a meeting of the Moslem Association was convened under the presidency of Nawab Shamsul-Huda and a Resolution was unanimously adopted recommending that Sylhet should be put in Bengal, and a similar Resolution was passed by the National Congress. On the other hand, my Lord, it must be mentioned in fairness that those that passed the Resolution recommending

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the exclusion of Sylhet from Assam no doubt did so in order that the population of Assam may be homogeneous and the Assamese newspapers also supported this. Now, my Lord, the present position is, the Assamese do not wish us to be in Assam and we on our part have been anxiously trying to be united with our brethren in Bengal, but nothing has been done, my Lord. We are losing hope. When this pronouncement was made by the Secretary of State in Parliament it revived our hopes and infused a new feeling into us.

"In the course of yesterday and to-day I have received telegrams urging me to press this matter on the Council. To-day I have received a telegram from the local Anjuman Islamia which runs as follows :—

'Musulmans of Habiganj assembled in general meeting Anjuman Islamia most earnestly pray incorporation Sylhet with Bengal.'

"That is how matters stand. Well, I feel that raising a question like this at this juncture might be injurious to the interests of the people, and yet although urged to do so, I did not think of bringing it before this Council. But the opportunity having been afforded by the Hon'ble Mr. Sarma, if I let it pass, I am afraid my position might be misunderstood. I therefore press it before the Council.

"My Lord, I do not think it is a question of territorial redistribution at all, but this question of Sylhet is really a question of the adjustment of boundaries. The question is practically settled, and, if without prejudice to the question of reforms this can be done, my suggestion to the Council is that the matter should be taken up. These are the remarks I submit to the Council.

The Hon'ble Khan Bahadur Mian Muhammad Shaft :—

4-16 P.M.

"My Lord, the announcement of my Hon'ble friend Mr. Sarma's Resolution seems to have created a tremendous stir among the people of Sylhet. My learned friend has received a telegram—the latest one which he received this morning—from some Anjuman in Sylhet asking him to put the request of the Muhammadans before Your Excellency to the effect that Sylhet should be re-united with Bengal. I have just now received a telegram also on behalf of Muhammadans of Sylhet protesting against reunion with Bengal. I presume my brethren who have sent me this telegram thought that, belonging as I do to the Punjab and representing as I do the Muhammadans of that province, that perhaps I was the best advocate they could select to fight it out with my friend Mr. Chanda, the Hon'ble Member for Assam.

"Coming nearer home, so far as my own province is concerned, we have to-day witnessed a duel between the Hon'ble Mr. Sarma on the one hand and the Hon'ble the Foreign Secretary on the other with reference to the debated question of the restoration of the North-West Frontier Province to the Punjab. Well, the Hon'ble Mr. Sarma seems to be a keen advocate of that restoration; the Hon'ble Sir Hamilton Grant opposes it tooth and nail. My Lord, if I, a Punjabi, could have a choice in the matter I am perfectly ready to bow before the verdict of the Foreign Secretary, but with a condition. That condition is this. Instead of the North-West Frontier Province, give us Sind. In all seriousness, my Lord, so far as the incorporation of Sind in the Presidency of Bombay is concerned, I have never been able to appreciate the wisdom of that step. There is, so far as one can see, nothing in common between Sind on the one hand and the rest of the Presidency of Bombay on the other. Ethnologically speaking, there is no affinity between the people of the two tracts. Looked at from a lingual point of view, the language spoken in Sind and that spoken in Bombay are as dissimilar as that of the Punjab and Bombay. So far as community of interests is concerned, there is not only none whatsoever between the two provinces, but the divergence, nay, the conflict, of interests between the two tracts has hitherto hampered the industrial and commercial development of Sind. The port of

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Karachi, with its vast possibilities, has been neglected in the interests of Bombay, and naturally so, for Bombay being the capital of that Presidency has monopolised the attention and the energies of the Local Government. So far as facility of inter-communication, which is an obvious necessity in the case of two different portions of the same province, is concerned, there is hardly any between these two tracts, and the physical formation of the two is as divergent and as dissimilar as that of Egypt and the Balkans. On the contrary, Sind is but the natural extension of the Punjab. Both together constitute what may be characterised, and rightly so, as the valley of the Indus. The waterways, the roads and the railways of the two tracts bind them close to one another. Karachi is the natural channel through which all the foreign export trade of the Punjab flows and the business relations between the two are undoubtedly close and intimate. During my practice at the Bar, now extending over a period of nearly 26 years, I have often and often appeared in partnership, agency and other cases in the Chief Court in which the parties belonged to Sind and the Punjab. The language spoken in the south-western districts of the Punjab is practically identical with that spoken by the people residing in the northern portion of Sind, and the populations of the remaining portions of the two tracts are well able to understand each other. The two are essentially agricultural tracts, and the extension of the Punjab irrigation and colonization system to Sind would undoubtedly result in the whole tract becoming ultimately the principal granary of the whole world. The union of Sind and the Punjab is therefore ordained by Nature and the unnatural separation which has hitherto kept them apart from each other ought to be done away with as soon as possible.

“ My Lord, while a slight readjustment here and there may be desirable, the game of ‘ General Post,’ which my Hon’ble friend Mr. Sarma advocates, and which has also been advocated in certain other quarters, *viz.*, the partition of our existing provinces into small Provincial States, 30 to 40 in number, is one which, in my humble judgment, is in the highest degree impracticable, and, in view of the heterogeneous character of our population, is likely to be highly injurious to the best interests of the country. My Lord, there is, within the British Empire, no precedent for it. Australia with its territorial extent of three million square miles is divided only into six colonies or provinces. Canada with its area of three million and a half square miles is divided only into seven. The advocates of this scheme would divide India with its area of one million and a half square miles, into 30 to 40 small States !”

The Hon’ble Rao Bahadur B. N. Sarma :—“ May I state, My Lord, that under my scheme the total comes only to 18 or 19 at the utmost. The number is 14 now and I suggest the addition of 4 more.”

The Hon’ble Khan Bahadur Mian Muhammad Shafi :—
“ My Lord, we have, sometimes, the precedent of the United States of America placed before us as a justification for the scheme which is put forward by this school of politicians ; but the two cases are not at all alike. At the time when the existing constitution of the individual States as well as of the Federal Government of the United States of America was finally adopted, the sense of American nationality had become highly developed in that country : community of interest, community of language, community of religion, had united the white settlers of the United States into one nation. The case of India at this stage and for some time to come is entirely different. Here the heterogeneous mass of our population is divided in language, in religion and in traditions. Happily there are, in this country, the beginnings of an Indian nationality which we all welcome and which all sincere well-wishers of this country would like to see consummated as soon as possible ; but the stage of development has not yet been reached which would make the case of the United States of America in point. To my mind, the outting and chopping of the

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Indian continent and of our existing Provinces into a large number of Provincial States would retard the evolution of an Indian nationality in this country. It would be a disintegrating factor highly prejudicial to the best interests of the country, and in consequence I cannot give my support to such a proposal as that.

" With these few observations, my Lord, I regret I am entirely opposed to the Resolution moved by my Hon'ble friend.

The Hon'ble Mr. C. A. Kincaid :—" My Lord, as the official 4.20 P.M.
representative of the Presidency of Bombay which is more interested in this question than any other Presidency or any other Government in India, I should like to say a few words in opposing the motion before us.

" I oppose the motion for this reason, that although we have so many languages in our Presidency there is no territorial redistribution which would improve the situation. First of all, take the case of Aden. A large part of Aden is in the possession of the Turks and the rest in the hands of the War Office. But supposing we ever get it back from the Turks and the War Office, its situation would not be improved by handing it over to any other Government. The Bombay Presidency is the coast line nearest to Aden; it therefore should naturally be attached to our Presidency.

" Then I come to Sind. The Sindhi language is perfectly distinct from any language spoken in the Punjab. Sind is a distinct unit in itself. I may say here that the arguments used by the Hon'ble Member from the Punjab are exactly those advanced by the Germans for the annexation of Holland. He must have the mouth of the waterway of his province : so the Germans say they must have the mouth of the Rhine. Again, Sind is a rich province, therefore it must have been by nature designed to be part of the Punjab. The Germans say exactly the same of Holland. I have no doubt that the Hon'ble Mr. Shafi would like to see a part of our Presidency attached to his own somewhat backward Province "

The Hon'ble Khan Bahadur Mian Muhammad Shafi :—
" Lahore has a larger number of colleges than there are in the metropolis of Bombay "

The Hon'ble Mr. C. A. Kincaid :—" In the Bombay Presidency we know that Sind is a rich province and we propose to keep it.

" Then I come to Gujarat. You cannot add Gujarat to any other Presidency. On the east is Rajputana, to the west is the sea, and on the north and south you have the Bombay Presidency. Gujarat contains all the Gujarati speaking people in India.

" Then comes the Deccan. The Deccan I quite admit does not include by any means all of the Marathi-speaking people. The whole of the Berars and a good many districts of the Central Provinces also speak the same language as the Deccan. But from the earliest times the Marathi-speaking provinces of the Bombay Presidency have been politically separate from those of the Central Provinces and Berars.

" In the old days the Marathi-speaking provinces of our Presidency were under the Chetpawan Bhats, while the Marathi-speaking districts of the Central Provinces were under the rule of the Maratha Bhosles; and so from the earliest times there has been a distinct political line between the Presidency of Bombay and the Central Provinces.

" Lastly, the Berars are the property of His Exalted Highness the Nizam whose permission we should require before a change could be made.

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"Now I come to the Canarese districts. It has been suggested that these should be handed over either to Mysore or to the Madras Presidency. With equally good reason I would urge might Mysore and the Canarese-speaking districts of Madras be handed over to us. I do not see why the Canarese-speaking districts under the Bombay Government should be handed over to Madras and Mysore any more than Mysore and the Canarese-speaking districts of Madras should be handed over to us.

"However, the chief ground on which I oppose this Resolution is that it is absolutely premature. We are asked to make certain redistributions according to the languages spoken by people in order to suit the reforms which are to come; but we do not know what the reforms are. I think I may say on behalf of the Government I humbly represent here that when the reforms are introduced, the Bombay Government will be perfectly willing in order to help on those reforms to negotiate with any other Government any necessary redistribution of their territories.

"With these remarks I oppose the Resolution".

4.34 P.M.

The Hon. Dr. Tej Bahadur Saprū:—"My Lord, the interest with which I followed the very eloquent discourse of my friend Mr. Sarma did not prevent me from feeling that there was an air of unreality about the whole speech. I was wondering within myself as to what was the centre of gravity of the Hon'ble Mr. Sarma's argument, and then at the end I discovered that it was really the desire to separate his part of the Madras Province from the rest of the Presidency and to constitute it into a separate province by itself. If that was the real object of the Hon'ble Mr. Sarma's Resolution I can assure him that he would have had my sympathy in an unstinted measure; but my grievance against him is that he has dragged us along with him in a very comprehensive survey from China to Peru. I was not prepared for such an academic debate on a question affecting only a small part of India.

"I do not know whether the proper word to use on an occasion like this is the 'redistribution' of territories or the 'partition' of the various provinces into smaller States; but somehow or other I feel that the word 'partition' is a very unfortunate word in Indian history.

"I am afraid that any question like the one which has been mooted this afternoon will lead to endless controversy and discussion all over the country, and the danger of that seems to me that instead of accelerating or expediting those reforms which Mr. Sarma hopes for, as much as I do hope for, and in which our hopes all over the country are centred, Mr. Sarma's Resolution if carried into effect may seriously retard the introduction of those reforms. If that is the effect of Mr. Sarma's Resolution, I would strongly deprecate it, and I would say that instead of doing any service to the country, the Resolution will be found, or will be pronounced by the country to be, extremely injurious at the present juncture. Mr. Sarma is a trained lawyer, and a reputed advocate. He has introduced his Resolution in the guise of a hope that if it is accepted it will further and promote those self-governing institutions which we are expecting to have in the country. My Lord, I feel that it is somewhat premature at this particular moment to ask the Council to accept the Resolution in anticipation of those reforms. I really do not know what those reforms may be, what may be their character and extent, and what calls they may make upon our resources in future. But one thing is certain to my mind; I hope I am not indulging in vain prophecy, that whatever may be the nature of the reforms, the Councils that will come into being in future will be of a more representative character and larger in their strength than the Councils which we have at present. If that be so, I do not see any reason at all why we should be in a hurry to anticipate the judgment of those Councils. I think the proper time for taking up the consideration of this question would be when those new Councils come into existence and when with their representative character they will be able to express the wishes of the people with greater

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authority on a subject like this than we are in a position to do at the present moment. Now, my Lord, Mr. Sarma says there should be a redistribution of the provinces in India on the basis of language. I am not prepared to endorse that view wholly and without a considerable amount of qualification. My Lord, it has taken the various provinces fifty or sixty years to build up a solidarity of public life. Provincial associations and the like have sprung up within the last 50 years in spite of the fact that various languages are spoken in unfortunate Presidencies like Madras and Bombay, and Mr. Sarma would like us now to forget the strength of those associations; and merely because he wants uniformity of language in our future Councils he would like us to out asunder those associations and evolve new provinces where only one language is spoken. I really do not understand what Mr. Sarma means when he says that the provinces should be divided or re-distributed on a lingual basis. Take for instance the province to which I have the honour to belong. In spite of what outsiders may say with regard to the Urdu-Hindi controversy, which sometimes reminds our critics that there are controversies in the United Provinces also, the fact is that the substratum of the language in the United Province is one. You may go from the Gorakhpur division to the Rohilkhand division and you can speak practically the same language, though the dialects may differ from one another. Would Mr. Sarma divide the divisions on the basis of differences in dialects. If so logically speaking the future India that he must be picturing to himself is something like the city states of Greece. Well, I do not know whether Mr. Sarma really thinks that strength lies in unity or in division. So far as we in the United Provinces are concerned, we have never thought of any possibility of division or distribution of our territories, and I am thankful to Mr. Sarma that he was kind enough to assure us that so far as the northern part of India is or what he calls the Hindustani-speaking parts of India are concerned, in his judgment there is not much need for extensive changes. I can assure him that if he ever thought there was such a need, he would be met with the strongest possible opposition all over northern India. So far as we in the United Provinces are concerned, therefore, and I say the same thing of the Punjab also, we are not prepared to enter into an academic discussion of this character. If it really does concern his part of the Presidency let him bring up a concrete case before us and then we shall be better able to judge of that case on its own merits. If he were to ask my candid opinion about Andhra, I would say that while I was prepared to sympathise with him in his aspirations I would like to have more materials before me before he could expect me to vote, though so far as sympathy was concerned he could have plenty of it from me. Therefore, I submit that we have absolutely no materials before us to decide either the fate of Andhra, or of Sindh or of Sylhet. I think it is all unreal and I am afraid that advantage will be taken by some, who are not wholly favourable to our aspirations after reforms, of this particular Resolution, and instead of the country and the government giving their undivided attention to the question of reforms our energies will be dissipated over a fruitless and endless controversy affecting the division of the country into so many fractions. I therefore very strongly deprecate the introduction of a Resolution of this character at this juncture. I sincerely hope and trust that Mr. Sarma will see his way to withdraw this Resolution and divert his energies in behalf of his own province in his own Council if it is possible to effect that object there, instead of asking for a vote from us in this Council. My Lord, I have very little more to say than this, that I really do not understand why there should be a redistribution of provinces at all. We have during the last fifty or sixty years since the administration of the country was taken over by the Crown got on very well with the condition of things as they have been. What we want is not the redistribution of provinces, but a more effective and a more representative government, and I do not see that Mr. Sarma is at all justified in creating difficulties in the way of the realisation of that object. On these grounds I very strongly oppose Mr. Sarma's Resolution."

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4-44 P.M.

The Hon'ble Mr. Surendra Nath Banerjee:—"My Lord, I confess to a sense of embarrassment in having to speak on this Resolution. On the one hand, it embodies a principle which, subject to certain reservations to which some of the speakers have already referred, may be accepted by us. On the other hand, I cannot think of a moment more inopportune for starting a discussion of this kind which may smother under the dust of a heated controversy those great constitutional reforms upon which the future of India so largely depends, and for the satisfactory solution of which the Right Hon'ble the Secretary of State is here in our midst amid the grateful acclaim of an expectant public. My Lord, a great writer has observed that politics is the science of opportunities. I am bound to say that Mr. Sarma's Resolution is in direct contravention of this dictum. In ordinary times if the atmosphere was clearer, relieved from the conditions with which we are confronted to-day, I for my part would have been prepared to accept his Resolution. Indeed, it has been accepted by the Government of India in one notable instance, namely, in connection with the modification of the partition of Bengal in 1911. When we the people of Bengal found that the partition of our province was inevitable, not indeed from our standpoint but from the point of view of our rulers, we then urged that at least the Bengali-speaking population should be held together and reconstituted under one and the same administration. That view prevailed; it was accepted, substantially accepted, by the Government of Lord Hardinge, and the partition of Bengal was modified accordingly. My Lord, I use the word 'substantially' advisedly, for there is at the present moment, as my Hon'ble friend, the representative for Assam, has referred to, there are certain areas with a very large Bengali population to be counted by millions which stand outside the Presidency of Bengal. The Government of India are under a pledge by the terms of the concluding paragraph of the despatch of the 25th August 1911 to reconsider the question of their inclusion when the final settlement comes. The Durbar was held in 1911; to-day is the 6th of February 1918; a settlement has not yet been arrived at. The promise has not been redeemed. But my Lord, at this particular, this psychological moment, we have no desire—I speak on behalf of the people of Bengal—we have no desire to agitate about this matter, to stir the public mind, which is preoccupied with graver considerations. We are content to wait trustfully, wait in the firm confidence that the Government will redeem its promise, or at any rate the responsible governments which are to follow will, by reason of their closer contact with and greater control by public opinion, be in a better position to deal with these difficult, knotty and complicated problems.

"My Lord, I am in sympathy with that part of the Resolution of my Hon'ble friend which says that these provinces should be reconstituted upon the basis of the same language for purposes of self-government. I think provinces so constituted would be helpful. But at the same time I hold that such a constitution is not indispensable to and should not form a condition precedent to the inauguration of responsible government. There are European countries where parliamentary institutions have been in vogue for generations together and which are divided by wide differences of race and social institutions. Take the case of the great Austro-Hungarian Empire with its populations of Germans, Slavs and Magyars. Take Turkey which has Semitic and Aryan populations professing different faiths and speaking different languages, and at the same time practising different social observances. My Lord, Your Excellency has been pleased to enjoin on us the development of a calm atmosphere for the discussion of the constitutional issues which are now before us. We have tried our best and I think the Anglo-Indian communities have done the same to follow Your Excellency's mandate in this matter. But, my Lord, it is not only necessary that we should have a calm atmosphere for the discussion of these great constitutional issues, but I think that such a condition of things is essential for the satisfactory working of responsible government in its initial stages. But, my Lord, if my Hon'ble friend's Resolution is accepted a veritable apple of discord would be thrown into our midst for there are no classes of questions under consideration which

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are more calculated to excite the fiercest passions than boundary disputes. I have a friend who spent 3 lakhs of rupees in claiming compensation for a few feet of land situated on the border of his estate. He lost his case and he deserved to lose it. What is true of individuals is true of communities. My Lord, this Council will have a vivid recollection of the bitter and angry passions awakened by the partition agitation. These passions and feelings were natural. I remember on one occasion discussing this matter with Lord Minto. He was not in favour of an unsettlement of a settled fact. He said 'Mr. Banerjee, if my County had been distributed in the way your Province has been my feelings would have been the same as yours'. This Council will remember the riots that took place in France not many years ago over the distribution of a particular Department. Therefore, I appeal to my Hon'ble friend to withdraw his Resolution. Let us for the moment concentrate our attention on the question of responsible government and how to attain it, let us do all we can towards the realisation of this object and towards helping Mr. Montagu and His Excellency the Viceroy in formulating a scheme which will command the universal acceptance of the country and satisfy all legitimate aspirations. Let us not be diverted from this main issue by side considerations of this kind. My friend has referred to certain circumstances which he thinks should determine the question whether in a particular area there should be a linguistic basis. He says the people must be numerous, further that there should be a strong volume of public feeling in favour of the redistribution. As my friend behind me has just remarked there is a strong body of feeling in opposition to this. How will you determine this question? What I say is that as soon as you start an enquiry of this kind in any particular area that would constitute the signal for strife, for conflict, for controversy, for agitation, for bitterness. I ask my friend is he prepared to disturb the prospect of responsible government that is opening up for us by the weird spectre of redistribution of territory? We know what it is in Bengal. We know what fierce, what bitter and angry passions were evoked. Men lost their heads, they could think of nothing else, they could dream of nothing else, they could speak of nothing else. Would he like an agitation of that kind to wreck the fair prospects of self-government? I appeal to him most earnestly to withdraw the motion. Let responsible Government be established, I hope it will be within a measurable distance of time, and then it will be time enough for those responsible Governments to take up and decide matters of this kind in a way that will be satisfactory to all parties concerned, because they will control public opinion, they will know what public sentiment is, and they will know that their positions of responsibility, of trust and power will depend on the volume of public opinion. Postpone the consideration of this Resolution for the present, for once responsible Government is established, then there will be time enough to renew this question, to discuss it and to deliberate upon it. That is my earnest appeal to my Hon'ble friend Mr. Sarma."

The Hon'ble Mr. Srinivasa Sastri:—"Your Excellency, I am in sympathy with a great deal of what the Hon'ble Mover of this proposition said in advocating this Resolution. The idea of a compact area with a homogeneous population dwelling in it is certainly the most propitious condition that we can imagine for the success of representative Government. But in India I fear that while a compact area may be realised, it is not so easy to realise a homogeneous population. When the Hon'ble Mr. Sarma was speaking of a common language, I think he was attributing to it that small matter of virtue which belongs only to the very much larger matter of homogeneity of other interests. I dare say to him that perhaps he will find more in common with me, although about 500 miles separate our residences, than he will find in common to be with himself and his neighbour whom I can easily conceive, and I think, your excellency, any political arrangement which brings him and me together on a common platform in a common council is

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not necessarily an inferior arrangement as a means of promoting the common welfare of the population to an arrangement which will bring him and that particular neighbour to whom I was referring on a common platform. For after all language is the only bond of a common nationality. I am quite willing to concede that the present distribution of provinces is neither logical nor conducive to the full success, as the Hon'ble Mr. Sarma's Resolution has it, of responsible Government. But have we a clean slate upon which to write? History has made it impossible for us to revise these things as mere logic would dictate. If we were Frenchmen or any other people, who are, it seems, very fond of working on logical bases, we might go about doing things in a logical way, but it is utterly inconceivable that we should now erect ideal principles according to which to redistribute the provinces and proceed to work them out. Besides, Your Excellency, there is an apprehension that since the beginning of the Andhra movement I have always entertained,—and, I think, I should be doing wrong to myself if I do not state the fact as plainly as language can do,—I have always held that in the history of this country if we omit two or three brief periods, there has been a continuous period during which the idea of the whole of this country being one nationality, one political unit, was clearly lost by the populations dwelling within it. Since the advent of the British Empire we have had that large notion growing vividly in our minds, and I am unwilling at any time to encourage any notion that is likely to imperil the further growth of that idea.

“Now, I think, the Hon'ble Mr. Sarma's Resolution, carried to its logical conclusion, will probably result in the imperilment of this great idea, and I will proceed to indicate the considerations that seem to me to meet that very problem. The Hon'ble Mr. Sarma being carried away, I am afraid, by the provincial thought, proceeded to lay down the somewhat perilous proposition that it would be well in these small provinces with a common language in them to make the vernacular the language of the legislature and of the Government. Therein, I am afraid, he was unconsciously putting his finger on the most dangerous aspect of this whole question. Now if we developed our provinces in such small areas and cut them off by means of their vernaculars from the larger life of the country, for after all difference of language does constitute a barrier to the free flow of public life—if we were to do that, should we not be rendering the different provinces somewhat strangers to each other? I am afraid there is a good deal of danger in that. I am disposed sometimes to think that there was a great deal in the suggestion that a high official made to me that if responsible Government were granted to India, it shall always be coupled with the condition that for at least the space of 20 or 30 years English should be the language of the various legislatures and of the various Governments. For the idea, as I have said above, of an Indian nationality, the idea of the whole of this country being able to draw patriotism on the largest scale, depends to a very considerable degree on the vote that we are prepared to give to the only vehicle of western civilization in this country, namely, the English language. The Hon'ble Mr. Sarma, I am afraid, overdrew his provincial picture when he thought it possible to cultivate this idea by means of provinces each cultivating its own vernacular. More than that, I am very diffident indeed of setting up in this country innumerable little States; 18 or 19 seemed to Mr. Sarma a small number. It is to me a very formidable number. I think the resources of the central Government, the federating Government, will be taxed to the uttermost in managing a large body of small states each perhaps developing to an inconvenient degree an independent will of its own and a parochial patriotism and a shallow view of life of its own.

“Your Excellency, the Hon'ble Mr. Sarma said that he would make all these changes depend on the consent of the people. I am very glad he made the statement, but I am glad not from his point of view but from mine, for it is perfectly certain that the changes that he advocates will be attended with much more difficulty and popular opposition in the new *regime* than in the present.

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"A strong central Government like the one that now obtains in this country is much more competent, is much more favourably situated for carrying out drastic changes in the machinery which exists at present than the popular Government that hereafter will take its place. I am therefore very glad that Mr. Sarma conceded that all this should depend on the will of the people, or when the will of the people is thus obtained, I think the chances are that the verdict will be against his proposition than in favour of it, and for this reason which I will now proceed to outline as it has not been stated clearly. Our idea is that every province should hereafter be governed by the higher type of Government; not merely the Congress, but other people as well have asked that every province in India should be governed in future by a Governor and an Executive Council. It is a very costly system of administration. Do we think it possible that every little province constituted on a linguistic basis will be able to sustain this very costly administration?"

"The Hon'ble Mr. Sarma knows as well as I or anybody else the tremendous drain that is going to be made of the wealth of this country in various directions. We have got to provide for our defence, and I am afraid the Commander-in-Chief of the future day will ask for sums that will stagger us. Then the large schemes of popular development that the Hon'ble Mr. Sarma advocates no less than others, education, medical relief and so on will require very considerable sums, and the services both in the lower and higher grades are also making very vehement calls on the public finance. We must, therefore, take great care before we enunciate large propositions which will add to the financial difficulties of the future.

"There is one other aspect of the question that has perhaps not been touched upon at all, and that is this. Even now there are provinces which are unable to carry on without help from the revenues of other provinces. We are now thinking of re-arranging the financial system of the country so that there may be as sharp a distinction as possible between Imperial and Provincial finance. Whether that is to come or not is in the future, but for the moment many people are envisaging that advance. Now I should ask, if there were to be numerous provinces each wanting very large sums for its administration, there are bound amongst them to be several who will be unable to meet that demand from their own resources. They will, therefore, have to depend upon other provinces for the means of carrying on. Now if we say that the will of the people is to determine this matter, it will not merely be the will of the people who constitute themselves into new provinces; it will also be the will of the people who may have to pay for them, and the question then will be complicated in a way which perhaps the Hon'ble Mr. Sarma does not yet contemplate. Take, for instance, the little district of Malabar. Now Malabar has a population that speaks a language called Malayalam which is not spoken in any other district of the Madras Presidency. What is to happen if we carry this principle to its full conclusion with regard to that district? Will it consent to be handed over to Travancore where Malayalam is spoken? Such a proposal, if made to the people of Malabar,—the Hon'ble Sir Sankaran Nair will bear me out in this—will be met with derision if not with indignation.

"I am perfectly willing to grant that in the case of the Andhra country, there are circumstances which place it on a different footing and it might ultimately be advantageous to constitute it into a separate province. But the Hon'ble Mr. Sarma has not confined his Resolution to the Andhra province; he has travelled over a wider area and asked for the reconstitution of the whole country.

"Now, with regard to the general aspect of the question, there is only one remark with which I will conclude. Within the experience of each one of us there have been remote villages where occasionally for the treatment of some complaint in the house of a wealthy landlord a famous physician from abroad has been brought in. If the physician's wages were not exorbitant, we all know how other people with diseases of long-standing, curable and incurable, come crowding round him and ask him 'please attend to this, please

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attend to that.' Now it seems to me that the Right Hon'ble the Secretary of State is in the position of this physician. He has come here to deal with a problem of huge proportions. His difficulties are very great; every one of us realises them. Are we going to embarrass him and distract him and worry him with problems which in themselves are of secondary importance? Are we justified in such a crisis in putting upon his back a burden that no human shoulders can bear? I would ask the Hon'ble Mr. Sarma to forbear from complicating the situation. When our responsible Government comes, whether it comes at the end of 20 or at the end of 30 years, then you can come up with your proposal and chip and chop the provinces as you please. But now let us walk warily so far as the re-arrangement of the provinces is concerned."

8-10 P.M.

The Hon'ble Mr. K. V. Rangaswamy Ayyangar:—"My Lord, I confine my remarks only to Madras. It was said that the Tamilian does not want a separate Telegu province and that he, having the upper hand in administration and having the power and authority, does not want to lose the power he enjoys. The Hon'ble Mr. Sastri's remarks confirm this point of view. I belong to the Tamil districts and the Telegus, to whom the Hon'ble Mr. Sarma belongs, want to cut away from us, and the Uriyas in their turn want to separate themselves from the Telegus. It is uncharitable to tie down even a wife or brother, who dreams of a paradise in separation; how uncharitable far more will it be to tie down a province against its will? The Andhras exhibit a strong feeling on the matter, so much so that new posters, new dramas and new literature spring up every day. I do not think the Hon'ble Mr. Sastri has gauged public opinion correctly. If a referendum on the subject were a deciding factor, then I am afraid the proposition would be unanimously carried. When I happened to proceed to Madras from Calcutta in the train that just preceded the special carrying Your Excellency and the Right Hon'ble Mr. Montagu, there was a good number of posters that showed their strength of feeling. It is not only a matter of feeling, but they demand separation from a national point of view, as has been said by the Hon'ble Mr. Sarma. They say if a Government is established on a linguistic basis, they may have in the vernacular district courts, a high court, a national university and that the executive work will be conducted in the vernacular. Though we do not see such things in a Government exclusively governing a linguistic area like Bengal, such an ideal is worth an attempt. More than the Andhras, the Uriyas have good cause to complain. Their districts are divided among the three provinces of Bihar, Bengal and Madras. It is but just that they should be grouped and amalgamated with either Bengal or Bihar.

"On the whole, I beg to accord my support to this Resolution."

8-16 P.M.

The Hon'ble Saiyyed Nawab Ali Chaudhry:—"My Lord, I have full sympathy with the first part of the Hon'ble Mr. Sarma's Resolution and as for the other portion I am sorry I cannot fully agree with him. The re-arrangement of provincial areas on a language basis should not be the only criterion. I would like to put in a claim for the consideration of other points as well. If the Hon'ble member's suggestion is to be logically followed, some Provinces such as Madras, Bengal, Bombay and Central Provinces have got to be cut up into several parts to correspond to the number of important languages spoken, and each of them has got to be peopled by men speaking only one particular vernacular; while Bihar, United Provinces, the Punjab and the North-West Frontier Provinces, the whole tract having a common Urdu speaking population, will form one administrative unit. Race, creed, temperament, the physical configuration of the country, its revenue system and its administrative tradition should receive attention on any redistribution of provincial areas.

"I represent a part of the country, where the people speak Bengali though not the Sanscritized form current among some sections of the community

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in Calcutta. But the Eastern Bengalis are mainly Muhammadans and their vocabulary has been substantially influenced by Persian and Arabic words from time immemorial. Even the language of the Hindu population of Eastern Bengal is different from that of the Western Bengal. The vernacular text books are different in the two parts.

"The temperament of the Eastern Bengal people has been described by competent authorities as very different from that of Western Bengal. In Eastern Bengal the land is one of the great waterways which affect the habits of the people and introduce their own peculiar engineering and sanitation problems. The land revenue system also differs in some essential features. In whatever direction one looks one cannot help acknowledging the fact that the Eastern portion of Bengal is naturally, racially, administratively and to some extent linguistically, quite distinct from Western Bengal and as such has a claim for separate administration.

"My Lord, when Eastern Bengal was severed from Western Bengal, the neglect from which it had previously suffered was transformed into rapid progress. Under present conditions that progress has sadly slackened and expenditure is once again largely concentrated upon regions which are under the more immediate eye of the Provincial Government.

"My Lord, my excuse for dwelling on these facts is that it should not be supposed that a re-arrangement of provincial areas on a purely language basis, is always likely to be conducive to the best interest of the people, and further that circumstances are conceivable in which an arrangement on such a basis will actually militate against 'success for self-governing institutions,' which the Hon'ble Mr. Sarma aims at.

"Moreover as Mr. Lionel Curtis asked. 'Can we really look forward to a United States of India within the British commonwealth under which Sindhi and the Canarese speaking people are tied and bound into the same self-governing unit as the Marhatta.' . . . ? 'Are the Tamil and Telugu peoples of Madras to be given no separate institutions of their own . . . ?'"

"My Lord, I have to add one word in connection with Sind. Of the population of this little province, 75 per cent. is Muhammadan, but by tacking it on to Bombay its Muhammadan population becomes 20 per cent. and its importance as a Muhammadan province has been altogether lost. Similarly with regard to Eastern Bengal, we have about 67 per cent. of the Muhammadans who become 52 per cent. and lost their individuality as an important community by being merged in Western Bengal.

"My Lord, I earnestly appeal to the Council to bear in mind that the interests of Eastern Bengal cannot be best promoted by being linked to those of Western and that in any future revision of the provincial areas Eastern Bengal and Sylhet should be given a separate administration.

"I have received a message from Sylhet saying the Mussalman's of Sylhet strongly protest against union with Calcutta, but welcome association with East Bengal. The Muhammadan members of the Assam Council are unanimous on this point."

The Hon'ble Sir James DuBoulay:—"My Lord, I had prepared an eloquent speech on this occasion. I do not propose to deliver it, because I think that every aspect of the question on which I was going to touch has been dealt with with far greater eloquence by other Members of this Council and the time is late. I will only say that my blood, my Bombay blood, boiled when the Hon'ble Mr. Shafi suggested that Sind should go back to the Punjab, and I was a little bit surprised at the Hon'ble Member for Assam suggesting the partition of his own province. The attitude of the Government in this matter, my Lord, is neutral. They decided to allow officials to vote and speak as they please, but will not be bound by any vote that may be recorded.

5-20 P.M.

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5-31 P.M.

The Hon'ble Mr. M. A. Jinnah :—" My Lord, since the Hon'ble the Home Member representing Government has declared that the attitude of the Government is neutral, and officials are free to vote according to their own conviction I feel in a very happy position because I think I might be able to influence the Council: otherwise I could not have. As the fate of this Resolution, my Lord, is to be decided by a vote of this Council—and not by Government decision as usual, to begin with I welcome this departure and hope that we shall follow this course in other matters on future occasions—now my Lord, I wish to put my reasons before the Council.

" It is quite obvious—and I think it must be obvious to every member here for the debate has gone on for 2 or 3 hours—that the Hon'ble Mr. Sarma has brought this Resolution simply because he wants to gain some popularity in his own province. For nobody has yet supported him, except one Hon'ble Member. Why he should have brought this Resolution at the present juncture, I cannot understand. What is his Resolution? I say it is a most mischievous Resolution. I entirely agree with the Hon'ble Member who represents the Punjab Government in every word that he said pertinent to this Resolution. Now, what is the Resolution? If the Council will pardon me for reading a portion of it, this is what the Resolution says :

" This Council recommends to the Governor General in Council the redistribution of provincial areas and the constitution of provinces where necessary to secure complete success for self-governing institutions in British India."

" Now, where are the self-governing institutions in British India for which you want to secure complete success immediately. They are yet in the womb of time, and you don't know what they are going to be. That is the very thing at which His Majesty's Secretary of State for India and His Excellency the Viceroy have been labouring for the past three months. To my mind, this Resolution is putting the cart before the horse. If the Hon'ble Mr. Sarma was really aware as to what the proposals which His Excellency mentioned in his speech to-day are going to be and that we are going to have responsible government in this country; if that had been decided by the Government and if the Hon'ble Member were in the secrets of the Government, I could quite understand his hurrying about it and saying 'I want this thing to be considered now also.' The problem of constitutional reform and reconstruction is big enough without taking up the question of Redistribution of provinces.

" Then, may I know what is his reason for bringing this Resolution at this juncture? The only reason I can discover is that the Hon'ble Member wants to secure some popularity in his own district of Andhra, and I resent that and I say such a thing ought not to be allowed in this Council. This Resolution ought to be thrown out by the vote of the Council though I hope the mover will withdraw it. If the Hon'ble Mr. Sarma listens to the most passionate appeal made to him by the Hon'ble Mr. Banerjee, even he will not vote in favour of it but will withdraw it. In any case, I say this Resolution should be thrown out:

" But, my Lord, the question does not rest there and if this Resolution is accepted by this Council to-day, you will throw a regular bomb-shell all over the country. But I do not wish to detain this Council any longer, as enough has been said, because the hour is late and I trust that the Council will throw this Resolution out. I am very glad that some of the Officials who have spoken, spoke against this Resolution and rightly spoke against this Resolution."

5-35 P.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—" My Lord, I am not surprised at the turn the controversy has taken or at the amount of heat which has been expended in the course of the arguments by certain Hon'ble Members. I still feel that Hon'ble Members have failed to appreciate the point of view from which I have approached the question and have totally

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failed to give any reasons whatever to oppose my Resolution beyond relying upon sentiment, prejudice, and fears. My Lord, there is one section which tells us—and this is led by the officials—‘We do not know what the reforms are going to be. Why this academic discussion? Consequently there is no use of giving any serious attention to it.’ I am convinced by the arguments that have been advanced that they have not given any serious consideration or any consideration whatever to the merits of the Resolution. I have proceeded upon the footing of the declaration of the 20th August last. Responsible Government in India is the goal, and some power, whether large or small, will be put into the hands of the people. The question, therefore, is as to whether that power can be wisely exercised, can be exercised in favour of the people and for the benefit of the people in the provinces as they are constituted at present. That is the question at issue. Of course if no self-governing institutions are to be planted in this country, it is another matter; and even then there would be reason for a change; but that is not the object of my Resolution. I say that if you wish to promote self-governing institutions in the country there is no alternative but to accept my Resolution. So there is not much necessity for me to deal with those members who are afraid of the very words ‘self-government’ and ‘self-governing institutions’ and wish to be a thousand miles away from the use of those unfortunate terms in the case of India.

“Then come some of our friends who sympathise in an abstract way with the doctrines that I have tried to enunciate here and who advocate changes in their own provinces but who are terribly afraid as to whether in the complicated controversies that may arise the reforms themselves will not be delayed and postponed. I have endeavoured to show that the question of reform is entirely distinct from the question of the redistribution and the constitution of the provinces. There is no necessity for me to repeat the remarks which I made towards the close of my address. What the powers are going to be, and how the councils are going to be constituted is a matter totally different from this, as to how the people exercise those franchises in the various provinces. So there seems to me to be really no difficulty whatever to be apprehended in the matter of government or anybody mischievously taking advantage of any differences of opinion which may exist on this question.

“I think it is beneath my dignity to answer charges of the kind that have been levelled against me by Mr. Jinnah for lack of argument, and for lack of thought. He might choose to call other people names and think that he has advanced his cause by such a procedure and I think I need not pursue the matter further.

“The point that I put in my Resolution is this, if you give the people power how are they going to exercise it in Councils in which the members won't understand one another. The Hon'ble Mr. Sastri tells us that he believes in the doctrine that the language employed in the Councils, Provincial as well as Imperial, must for some time to come, say 20 or 30 years, be English. It is there that he differs from me. I demur to that doctrine. I say it would not be representative government, it would not be self-government if you shut out of your councils men who have a stake in the country who are equally intelligent with the English educated section but who unfortunately do not happen to be acquainted with the English language. The field must be wide open to every one who can think and in whom the people have trust. And how can a Province, how can a Government, how can a Legislative Council conduct its proceedings with men who do not understand one another, that is the problem that I place before the Council. I am sorry to say that not a single member has chosen to answer that, except Mr. Sastri who tried to solve the problem by saying ‘Let English be the language.’ Of course, if English is going to be the language, certainly the problem would not be so urgent, but I differ from him on that point. If I am right and he is wrong, the only logical conclusion to which one can come is that along with the grant of self-governing institutions you must proceed to determine the areas where the peoples' representatives will be able to understand one another. Then it

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was said that you would be increasing the number of provinces enormously. We have at present 14 some of them no doubt very small. The only real additions would be three or four, and even that would be so only if the people desire it. I have also stated distinctly that they would have to pay for it. If all these conditions exist and the people are willing, I do not see any objection whatsoever to the Council agreeing to the proposition put in that guarded form.

“ My Lord, the point really is that there is an apprehension in many quarters that the spirit of nationality which is a plant of slow growth and which has been growing steadily in our midst would be deprived of its sustenance if there should be a division in the manner suggested by me. If there is any truth in that remark, if there is justice in that apprehension certainly I should bow to my friends and withdraw my Resolution. But on the other hand I think that the removal of provincial jealousies, the removal of causes for hatred and discord would promote amity and peace between the various peoples living in the country, and on substantial questions of economic welfare they would unite, where they have no reason to differ from one another; the development of the feeling of nationality far from being interfered with would be promoted by the means that I have suggested. Even under the constitution that I have proposed there would be a certain section of other communities intermixed. Therefore, that very intermixture and intercourse between the communities would still continue as it does at present without the disadvantages and the drawbacks which are attendant on the present system, which was not intended for representative institutions but for bureaucratic control.

“ It is said that we want only a type of government of the highest character and that it is not likely that these small people will be able to command that. I do not see what virtue there is in having at the head of your office a man on Rs. 10,000 when the work does not require that. If they want a government of such an expensive type let them choose it. I have not asked in my Resolution that they should be compelled. Where they can bear the cost, where they are willing to do so, then accord them the government they care to have in order that they may make progress peacefully and harmoniously. It is important that the Government should at an early date, without prejudice to the announcement of reforms, undertake this enquiry. .

I believe it would be impossible to work the institutions of this country in some parts, I do not say in all parts, without an enquiry of this description. Some people seem to think that I have brought forward the question for the sake of the Andhras, I have not done so. The reason why I have advocated it is because I believe it to be necessary that the people should be placed in a position to work representative institutions successfully unfettered in the choice of their representatives. If there is any danger in the policy I have proposed let the Government reject it and we shall know where we are and make such progress as we can. I feel, that even if I am alone that I should like the Resolution put to the vote ”

The motion was put and negatived.

The Council adjourned to Wednesday the 20th February, 1918.

DELHI:

The 14th February, 1918.

A. P. MUDDIMAN,

Secretary to the Government of India,
Legislative Department.

APPENDIX A.

(Referred to in answer to Question No. 1.)

Statement showing number of cases of grazing without permission or in tracts in which grazing is prohibited in all Provinces for the 10 years 1906-07—1915-16.

Province.	NUMBER OF CASES.									
	1906-07.	1907-08.	1908-09.	1909-10.	1910-11.	1911-12.	1912-13.	1913-14.	1914-15.	1915-16.
Bengal	494	521	459	533	644	590	573	981	623	900
United Provinces	465	610	697	812	982	710	791	908	1,367	1,446
Punjab	2,448	2,631	2,185	3,243	4,164	4,570	5,260	6,463	4,970	5,083
Burma	90	151	166	127	110	156	168	142	152	306
Bihar and Orissa . . . . .	...	...	...	...	...	187	150	136	138	153
Assam . . . . .	...	...	...	..	...	36	38	70	116	101
Eastern Bengal and Assam	163	141	121	152	165	...	...	...	...	...
Central Provinces	2,107	2,020	2,670	4,239	4,820	4,125	5,080	5,434	6,188	7,064
Coorg	9	16	9	5	10	31	18	14	4	4
North-West Frontier Province	291	298	227	471	484	592	770	860	917	1,029
Ajmer	85	184	165	223	219	270	262	545	597	658
Baluchistan	125	200	3	9	4	13	29	31	30	41
Madras	7,968	7,914	8,874	8,497	8,405	8,644	8,591	9,063	9,495	8,121
Bombay	10,579	9,351	8,497	8,549	7,793	7,252	6,333	8,232	7,775	9,074
Total	24,809	25,016	26,173	27,490	27,306	27,176	28,058	32,938	32,862	35,350

APPENDIX B.

(Referred to in answer to Question No. 4.)

Statement showing the number of petitions for revision of income-tax assessment to Collectors and Commissioners in the various provinces during the years 1914-15 to 1916-17.

	1914-15.		1915-16.		1916-17.	
	Number of petitions to Collectors.	Number of petitions to Commissioners.	Number of petitions to Collectors.	Number of petitions to Commissioners.	Number of petitions to Collectors.	Number of petitions to Commissioners.
Madras	18,854	1,527	18,640	1,875	16,003	1,510
Bombay	16,740	410	17,128	542	18,112	635
Bengal	8,937	119	4,022	187	5,884	218
United Provinces	3,000	137	2,620	119	2,790	97
Punjab	10,897	901	10,569	825	11,640	788
Burma	4,420	177	4,383	239	...*	..*
Bihar and Orissa	2,165	61	3,038	53	2,151	103
Central Provinces including Berar	1,632	23	1,560	29	1,776	36
Assam	759	38	598	42	742	30
North-West Frontier Province	874	159	1,082	168	1,170	185
TOTAL	59,058	3,552	58,683	3,819	59,757	3,500

* Figures not yet available.

APPENDIX C.

(Referred to in answer to Question No. 5.)

Orders issued by local Governments and Administrations regarding the attendance of teachers and students at political meetings.

MADRAS.

Madras Government G. O. no. 559-Home—Education, dated the 1st May 1917.

The attention of the Government has been drawn to the attempts which have of late been made to bring students in schools and colleges under the influence of a political propaganda. His Excellency the Governor in Council is strongly of opinion that, in the interests both of educational advance and of the youths themselves, it is unwholesome and undesirable that students shall be involved in such discussions, and he has arrived at the conclusion that the time has come when action should be taken to deal with this tendency. His Excellency in Council believe that to this end the parents and guardians of the students in question can give valuable aid by using their influence against the practice of students taking part in political agitation, and he trusts that they will realize the grave responsibility which lies on them in this respect. It is necessary also that the educational authorities should use their powers in the same direction. The disciplinary regulations which are contained in Chapter VIII-A. of the Madras Educational Rules already contain certain directions on the subject. It has, however, been represented to His Excellency in Council that the directions in this chapter are insufficient to meet the present situation and that it is necessary to supplement them by further instructions. The Government, therefore, direct that no undergraduate student in any college and no pupil in any school shall be permitted to take part in public political discussions, to attend political meetings, to join any political association or to take part in any movement with which it is, in the opinion of the educational authorities, undesirable that persons still in *statu pupillari* shall be associated. His Excellency in Council directs that heads of colleges and schools, whether under public management or otherwise, shall strictly enforce these directions. In doing so they should have regard not merely to the declared purpose of a meeting, but also to the speakers who will address it.

Madras Government G. O. no. 1531-Home (Education), dated 3rd December 1917.

Representations have been made to the Government of various college authorities that while they are in complete agreement with policy underlying G. O. no. 559, dated 1st May 1917, namely, the desirability of preventing the participation of students in politics, the terms of the Government Order as regards the attendance of undergraduate students at political meetings are unduly rigid and deprive Principals of the discretion which rightly belongs to heads of colleges.

2. His Excellency the Governor in Council recognizes the force of this criticism and, while maintaining the policy of the Government Order, he has come to the conclusion that this can best be secured by entrusting its enforcement to heads of colleges who will exercise their discretion in the circumstances of their respective institutions. He has accordingly resolved to commit to heads of colleges this discretion believing that these authorities will loyally carry out the wishes of the Government, and that in so doing they will receive in full measure the support of parents and guardians of students.

BOMBAY.

Government of Bombay, Educational Department Circular no. 1405, dated the 7th June 1917.

It has recently come to the notice of Government that students from schools and colleges have latterly been attending political meetings in large

numbers. Such attendance is contrary to the rules regarding the participation of students in public meetings laid down by Government in connection with the maintenance of discipline in schools and colleges. It is the desire of Government that these rules should be strictly observed at the present time by pupils of all educational institutions, whether Government, aided, or unaided but recognised. The Director of Public Instruction should accordingly be requested to invite the attention of all heads of educational institutions to the following documents containing the rules referred to, which are reprinted as accompaniments to this circular:—

- (1) Government Resolution no. 2395, dated the 30th September 1908.
- (2) Circular to masters of primary schools in the mofussil printed as an accompaniment to Government Resolution no. 2396, dated the 30th September, 1908.
- (3) Government Notification no. 1570-A., dated the 4th August, 1909, publishing general rules of discipline for Government schools.

2. Government particularly desire that school and college students should not be permitted to attend meetings which are organised by Home Rule leagues or at which home rule is to be advocated. Proved instances of the breach of the rules or connivance at their breach by the heads or managers of educational institutions will be taken serious notice of by Government.

*Resolution of the Government of Bombay, Educational-Department, no. 2395,
dated the 30th September 1908.*

His Excellency the Governor in Council observes with extreme regret that the advance of education in this Presidency, towards which Government contribute largely from the resources of the Province, has been accompanied by relaxation of discipline and a lowering of the standard of manners in schools and colleges. This has lately culminated in flagrant offences against school rules, while complaints of the rudeness and discourtesy of boys in public are becoming too frequent.

2. His Excellency in Council feels certain that no parents can wish that there should be a breaking up of family life, that authority should be disregarded and that the way to anarchy should thus be prepared. These are the necessary results of any weakening of that discipline which the wisdom of the East has always recognised to be the indispensable preliminary to a right use of the independence of manhood. It is in well governed families, schools and colleges, and there only, that youths can be trained to the duties and responsibilities of citizenship. There only can they learn the habits of obedience, mutual respect, tolerance, self-control, self-sacrifice and devotion to a common good which are vital to the existence of organised society. Where these lessons have not been learnt, there can exist only a mob of individuals knowing no law but inclination, no good but personal gratification and self-aggrandisement, and unable to rise to a conception of national progress. This is one of the most certain lessons of history, and its truth has never been questioned in India, where it has been powerfully re-inforced by religious sanction.

3. The traditional feeling of boys towards their *guru* in this country has always been one of respectful awe, and the attitude of children towards their parents and elders has always been one of implicit obedience carried on even into mature age. It must be the fault both of parent and of *guru* if the reverence accorded to them even a quarter of a century ago is now being lost.

4. His Excellency the Governor in Council is convinced that the growing laxity of discipline and disregard of authority are in some measure due to the tendency on the part of boys and students to associate themselves with political demonstrations. Whatever may be the merits of any political propaganda, there can be no question that the participation in it of youths in the state of pupillage is gravely injurious to the progress of education. Not only are immature minds impressed with ideas before powers of judgment have been acquired, but the mental excitement thus induced is necessarily prejudicial to an orderly process of learning. In the words of Dr. Edward Caird addressed

to the students of Balliol College, Oxford: "To undertake such work would be to anticipate life in such a way as to hinder your preparation for it." These words express a universal truth, and the Governor in Council has come to the conclusion that, in the interests of educational progress, which are now plainly suffering, the incursions of boys and students into political affairs must be checked.

5. When boys live in hostels, the responsibility of the parent is for the time suspended, and that of the master is complete. In day-schools, the master is responsible during school hours, and at other times the parent. There must, therefore, be co-operation between master and parent. Nowhere in the past has there prevailed a more attractive type of manners and a higher standard of courtesy than in Indian households. Both masters and parents are well aware of this. They know the sentiments with which they were inspired, and the outward forms of respect that were exacted from them, when they were boys. The Governor in Council expects that they will do their utmost to inculcate the same high tone of feeling and standard of behaviour in their own children and pupils. This is manifestly demanded alike in the interests of the parents, of the boys and of the country as a whole.

6. The Governor in Council is, therefore, determined that breaches of discipline in schools, and lawlessness, rudeness, and discourtesy in or out of school shall not be tolerated in schools maintained or aided by Government, and any measures which managers or masters may take to enforce authority and to check the growing laxity of manners will receive the fullest support.

7. Masters are too prone to believe that their success is to be measured by the number of boys in their schools. This is an entire mistake. Rude, undisciplined and disobedient boys should be ruthlessly weeded out. Boys taking part in seditious or disorderly proceedings should be expelled. In their own schools and in those which they aid, Government attach much more importance to quality than to numbers.

8. Inspecting officers will be directed to pay surprise visits to schools, and to warn masters, if necessary, that they are not acting up to the standards required by Government. It is expected that the managers of aided schools will recognise that they ought to maintain the same standard of discipline that Government will exact in their own schools, and that the acceptance of aid from Government implies a general willingness to fulfil as far as possible the requirements of Government. There is no obligation to contribute to the support of institutions which are not rendering effective service to the people.

9. The Governor in Council believes that good would result from more frequent consultation between managers of schools and Government officers both of the Educational and the Revenue Departments. Parents also should be called into council as much as possible, and the objects of Government should be explained to them. The Government will endeavour to provide, in their own institutions, as high a standard of education as financial conditions permit, and will continue their aid to other schools and colleges. It must, however, be clearly understood that hostility to Government is incompatible with retention of students in the former and with grants to the latter.

10. In all Government and aided secondary schools, His Excellency requires a strict observance of the following conditions:—

- (1) Strict regularity and implicit obedience must be exacted in class.
- (2) Any reported or observed objectionable conduct out of school must be sternly punished.
- (3) Parents must be given to understand that they cannot dictate to managers, but that the managers have a right to say on what conditions they will admit or retain boys in their schools. A great deal of the prevailing laxity in schools comes from the fatal oriental habit of yielding to importunity.
- (4) The present habit of appearing both in class and in public in dirty and untidy dress must be suppressed. Decent native clothes are very cheap and are easily kept clean.
- (5) Politeness and courtesy must be inculcated, and any approach to rudeness or ungentlemanly speech or conduct should be punished.

(6) Such papers only as Government from time to time sanction shall be admitted to reading rooms of schools and hostels or subscribed to by students.

(7) No school-boy shall attend or take part in the organization or conduct of any public meeting of any kind.

11. The above rules will apply to all schools and colleges, Government or aided, except that college students may attend public meetings with the previous permission of the Principal, to whose discretion it shall also be left what papers are admitted into the college.

12. It is expected that the managers of aided primary schools in large centres will give effect to these rules so far as they are applicable in their case. Separate instructions will be issued to mofussil school-masters.

Circular to masters of primary schools in the mofussil printed as an accompaniment to Government Resolution no. 2396, dated the 30th September 1908.

To Masters of Primary Schools in the Mofussil.

1. The Sarkar has heard that some of you disobey the rule which forbids you to go to political meetings or speak in public on politics. You must obey the rule.

2. You are not to take newspapers into school or to allow any one else to take them in.

3. Some of your boys are often rude to people in the streets. It is your business to teach them to be well-behaved and to punish them if they do not obey you.

4. You are to try to persuade parents to make their boys obedient and polite, and to make them regular in attendance at school.

5. When political meetings are held you are not to allow your boys to go to them, and you are to try to persuade parents to help you in keeping them away from them.

6. You are to make your boys be as clean and tidy as possible.

Government of Bombay, Educational Department notification no. 1570-A, dated the 4th August 1909.

His Excellency the Governor in Council is pleased to approve the following rules of discipline for Government schools :—

General Rules of Discipline for Government Schools.

[N.B.—A copy of these rules is to be given to the parent or guardian of each boy on his first admission to the school.]

1. Parents or guardians who send their boys to Government schools must understand that by so doing they agree to delegate to the head master and the educational authorities the control which they are entitled to exercise over such boys in all matters connected with such schools and that in all questions of school discipline both inside and outside the schools the decision of those authorities is final.

2. Every application for admission or withdrawal should be made to the head master by the parent or guardian of a boy in person or by letter. Applications for admission must be accompanied by a leaving certificate from the school last attended.

3. The school fee must be paid monthly in advance on the day fixed for that purpose. If a boy wishes to leave the school his parent must give notice of his intention before the end of the month; else the fee for the following month will have to be paid.

4. The head master will exercise his discretion in admitting a boy or retaining him in the school. For breach of the school rules a boy may be fined or otherwise punished at the discretion of the headmaster.

5. Boys are required to be regular and punctual in attendance. Leave of absence should be applied for either in person or by a note signed by the parent or guardian and it will lie with the head master to grant or refuse such leave. If a boy is absent without leave he will be required to bring a note from the parent or guardian explaining his absence, but it will be for the head master to decide whether the reason assigned is sufficient.

6. Parents or guardians will be held responsible for any damage done by boys to any part of the school property.

7. Boys are required to be clean and tidy, orderly and respectful, both in class and in public. Rude, disorderly or other objectionable conduct out of school will be punished.

8. No boy is to attend or take part in the organisation or conduct of any public meeting of any kind, or, without the express permission of the head master, in the collection of any fund.

BENGAL.

Bengal Government letter no. 233-T. Edn., dated the 16th May 1917, to the Director of Public Instruction.

The Governor in Council has had under consideration the action to be taken in connection with the association of college students and school pupils with the recently inaugurated Home Rule agitation, and I am directed to convey the following instructions on the subject.

2. Apart from the aspirations and ideals underlying the formation of the Home Rule League, its immediate result has been the initiation of an active political propaganda, with which it is undesirable that youth pursuing their studies at school or college should be associated. His Excellency in Council, therefore, considers it necessary to direct that no boy attending a Government or aided school and no student in a Government or aided college, whether studying for a degree or engaged in post-graduate studies, should join the League, either as an associate or as a member. Under the rules of the League school-boys are ineligible for membership, but students can apparently be admitted as associates for the purposes of study, etc.

3. These instructions should be read in supersession of my letter no. 1578, dated the 2nd December 1916.

UNITED PROVINCES.

United Provinces Government G. O. no. 444-XV-861-A., Educational Department, dated the 18th May 1907, to the Registrar, Allahabad University.

I am directed to enclose a copy of the Government of India, Home Department, letter no. 387, dated the 4th May 1907, with copy of its enclosure, for the information of the Senate of the Allahabad University.

2. I am to say that, in the opinion of the Lieutenant-Governor, some of the students in Allahabad have been taking a more active part in political meetings than is desirable, and that the present attitude of certain students there is such as to demand the very careful attention of the University authorities. The Lieutenant-Governor trusts that no need will arise for enforcing the penalties which the Government of India refer to, but it is essential that any attempt to convert colleges into centres for the dissemination of political doctrines of any kind should be sternly repressed.

3. As regards Government schools and colleges, I am to say that instructions are being issued to the Director of Public Instruction for the guidance of

Principals and head masters of Government colleges and schools, and should any action by the University be desired in respect of these institutions, you will be addressed hereafter.

United Provinces Government G. O. no. 445-XV-861-A., Educational Department, dated the 18th May 1907, to the Director of Public Instruction, United Provinces.

I am directed to forward for your information a copy of a letter (with its enclosures) which has been addressed to the Registrar of the Allahabad University on the subject of the active participation of teachers and students in political movements.

2. I am to say that the Government colleges are by no means free from blame in the matter and that it has come to the notice of the Government that certain students have attended political meetings and made inflammatory speeches. The principals of these colleges must be careful to see that their students do not offend against the principles laid down by the Government of India. The head masters of Government schools must also see that these principles are observed in their respective institutions.

PUNJAB.

Punjab Government circular no. 3350-11-S. B., dated the 30th July 1917.

An unsatisfactory feature of recent meetings convened in Lahore to discuss political subjects has been the increasingly large attendance of students. The young require special protection against those who appeal to them to join in agitation by flattering them as patriots, as defenders of their religion, and as saviours of their country, and thereby sow the seeds of indiscipline and anarchy which may have lamentable results in the near future. This is no imaginary picture. Within the last few years some scores of schoolboys and students, often belonging to loyal and respected families, have by means of such insidious appeals been perverted and drawn into sedition and rebellion. Some of these have been convicted by the Courts and sentenced to severe penalties, some are languishing as prisoners or suspects in an exile of their own choosing, while some under healthy home influences and surroundings have realised the error of their ways. In the interest of the community as a whole, and especially of the rising generation, it is essential to prevent the recurrence of tragedies which have already brought ruin and shame on many homes.

2. The policy of the Government of India in regard to the connection of schoolboys and students with politics was explained in a circular of 1907. That circular laid down that the association of schoolboys with politics was harmful both to study and to discipline and should be prevented. Their teachers also were enjoined to avoid expressions of political opinion which might introduce into the immature minds of their pupils doctrines subversive of their respect for authority and calculated to impair their usefulness as citizens and hinder their advancement in after-life. That policy, which all sensible men must approve, still holds good.

3. It is recognised that college students are entitled to a greater degree of liberty than schoolboys. The students of to-day will be the citizens of to-morrow; they are bound to play a large part in the economic, intellectual and political development of the country, and their mental training should be such as will assist them to form broad and sound ideas in regard to the matters with which they may have to deal hereafter. It is, therefore, no part of the policy of Government to debar them from a reasonable and healthy interest in political matters. They have ready access to newspapers and periodicals, and there is much in the college courses which is intended to inform their minds on such subjects and develop their interest in them. But it is generally admitted by those who are most deeply interested in the welfare of students that they are fitted neither by age nor experience to take an active part in

politics. The views of the late Mr. Gokhale on this subject are entitled to the greatest weight. Addressing a gathering of students, at Bombay, he expressed himself as follows:—"The active participation of students in political agitation really tends to lower the dignity and the responsible character of public life and impair its true effectiveness. It also fills the students themselves with unhealthy excitement, often evoking in them a bitter partisan spirit which cannot fail to interfere with their studies and prove injurious to their intellectual and moral growth. The period of four or five years, which most young men spend at college, is all too short a time for the work which properly belongs to it, namely, preparation in knowledge and character for the responsibilities of life. Surely it is not too much to ask our students to exercise a little patience and self-restraint during this period and refrain from action in politics till after they have completed their studies and taken their place in the public life of the country."

4. This advice was given in 1909, and subsequent experience of the evils that have resulted from the participation of students in political movements fully confirms its wisdom. It is a matter of common knowledge that many parents now hesitate to send their sons to colleges in Lahore, the centre of political life in the Punjab, from the fear that they may be drawn into one or other of the various political movements.

It may be argued that attendance at political meetings does not necessarily involve taking an active part in politics, but experience shows that it is usually the first step towards such participation, and that the atmosphere of such meetings is likely to create unhealthy excitement and a partisan spirit—to repeat the words of Mr. Gokhale—in immature minds which hear only one side of the case and are not yet trained to see that there are two sides to most questions.

5. The present time is one of special difficulty; and in one high educational institution in another province, not under the control of Government, the managing body have thought it advisable to prohibit not only the students but the staff from taking an active part in political meetings. The Lieutenant-Governor sees no need for such action in the Punjab. He is confident that the staff of the different colleges may be relied on to exercise due discretion and to avoid anything which might set a bad example to the students. He further relies on principals and professors to use their authority and influence to discourage their students from reading literature of violently partisan or inflammatory nature and from attending political meetings during term time, on parents and guardians to take similar action during the college vacations, and on the good sense of the students themselves to co-operate loyally in a policy which is intended not to restrict their outlook or hamper their progress but to ensure development on reasoned and healthy lines which will fit them to be worthy sons of their own country and loyal subjects of the King-Emperor.

BIHAR AND ORISSA.

Office Memorandum from the Director of Public Instruction, Bihar and Orissa, dated the 22nd October 1914.

(1) Any student on the rolls of a Government or Aided College, who wishes to join any club or society outside the college, shall obtain the approval of the principal before doing so. Breach of this rule will be regarded as a serious offence. Permission will ordinarily be granted by the principal on presentation of a written and duly signed request from the student's father or natural guardian.

(2) No club or society may be started or maintained in any Government or Aided College without the approval of the principal. Suitable members of the staff of the college will be selected by the Principal as honorary members of all such college clubs and societies, and will be required to interest themselves in their progress and welfare. No person, who is not at the time a member of the

college, shall be a member of any such club or society, or shall address meetings of such, save at the invitation of a person duly authorised by the principal.

Circular no. 40, dated Ranchi, the 23rd October 1914.

Copy forwarded to all Principals of Colleges, for information and guidance.

Office Memorandum from the Director of Public Instruction, Bihar and Orissa, dated the 22nd October 1914.

The following additions to the general rules for secondary schools on pages 167—178 of the Rules and Orders of the Education Department, Bengal, are authorised :—

30. Any pupil on the rolls of a Government or Aided School who wishes to join any club or society outside the school shall obtain the approval of the headmaster before doing so. Breach of this rule will be regarded as a serious offence.

31. No club or society may be started or maintained in any Government or Aided School without the approval of the headmaster. Suitable members of the staff of the school will be selected by the headmaster as honorary members of all such school clubs and societies and will be required to interest themselves in their progress and welfare. No person who is not at the time a member of the school shall be a member of any such club or society, or shall attend meetings of such, save at the invitation of a person authorised by the headmaster.

Circular no. 41, dated Ranchi, the 23rd October 1914.

Copy forwarded to all Divisional Inspectors of Schools. The Inspectresses of Schools, the Headmaster of the Ranchi Zila School, the Principal of the Bihar School of Engineering, and the Lady Principal of the Ravenshaw Girls' School, for information and guidance.

Office Memorandum from the Director of Public Instruction, Bihar and Orissa, dated the 22nd October 1914.

The attention of heads of colleges and of Government and Aided Schools is called to Sir Herbert Risley's circular (Circular no. 832, dated May the 4th, 1907, from the Government of India in the Home Department, pages 846-8 of the Rules and Orders of the Education Department, Bengal) which lays down that school boys may not attend political meetings whilst, though college students may attend such meetings as a general rule and provided that they so conduct themselves as not to bring themselves into undesirable notoriety, they may not take any active part in their proceedings. Discretionary power to prohibit attendance is thus left with the principals of colleges. Further the circular insists upon the principle that colleges exist for the purpose of education, not as centres for the dissemination of political doctrines of whatever character, and points out that a member of the staff who encourages his pupils to attend political meetings abuses his position. The above circular was supplemented in Mr. Hallward's confidential circular no. 92—94, dated November the 25th, 1912, by instructions to the effect that the enrolment of students as "volunteers" in connection with such meeting would constitute on their part "taking an active part in the proceedings." These orders should in future be strictly observed, and breach of them must be regarded as a serious offence.

2. From time to time doubt arises as to whether a meeting is political or not. In all such cases the decision so far as the students or scholars of his institution are concerned, must be with the principal or headmaster, whose permission to take part or to attend, as the case may be, must be obtained beforehand. If the principal or headmaster requires further information as

to the objects of the organisation of the meeting he should apply for the same to the local executive authority.

8. Nothing in these rules precludes a principal or a headmaster, in consultation with the President or Secretary of his governing body or committee, from prohibiting his pupils from attendance at any meeting which they deem unsuitable or unseemly.

Circular no. 42, dated Ranchi, the 23rd October 1914.

Copy forwarded to all Principals of Colleges, all Divisional Inspectors of Schools, the Inspectresses of Schools, the Headmaster of the Ranchi Zila School, the Principal of the Bihar School of Engineering, and the Lady Principal of the Ravenshaw Girls' School, for information and guidance.

Circular from the Director of Public Instruction, Bihar and Orissa, no. 36, dated the 27th July 1917.

I have the honour to draw your attention to my circulars nos. 40 and 42, dated the 23rd October 1914, and to request you to see that the instructions contained therein are enforced.

2. I have further to inform you that Government disapprove of the participation of any student in the Home Rule League movement and that principal and headmasters of Government and Aided Schools should bear this in mind when exercising the discretion allowed to them under these circulars.

CENTRAL PROVINCES.

Letter from the Director of Public Instruction, Central Provinces, to all Inspectors of Schools, Central Provinces and Berar, no. 1038, dated the 6th February 1917.

I have the honour to state that I am asked by the Hon'ble the Chief Commissioner to draw your attention to the instructions conveyed in Major Plowden's letter no. 730-VI-1-35, dated the 26th June 1907, regarding the participation of students and schoolboys in politics, included as Appendix F. in the present Education Manual, and to remind you of your responsibility for seeing that these instructions are carried out.

2. According to these instructions the attendance of schoolboys at political meetings is absolutely forbidden. As it is often impossible for schoolboys to know beforehand the real character and purpose of a public meeting, the Chief Commissioner desires it to be laid down that in future no schoolboy should be allowed to attend any public meeting during term-time without previously obtaining the permission of the headmaster of his school. Any breach of this rule should be regarded as a serious offence against school discipline of which the headmaster must take cognisance. It will be the duty of the headmaster to ascertain the true character and purpose of any public meeting for which such permission may be desired. Where he feels any doubt he can institute enquiries among responsible persons. Commissioners and Deputy Commissioners are ready to give information and advice on such matters. But the final responsibility must rest with the headmaster and no headmaster, who cannot face this responsibility or act up to it for fear of consequences or any other reasons, can be regarded as fit for his position.

3. The instructions already in force make it quite clear that participation in any form of political agitation whatsoever or in arrangements connected with political meetings whether prior to or subsequent to such meetings is prohibited to the same extent as participation in political meetings. The further orders conveyed in paragraph 2 of this letter should consequently be regarded as applicable to all arrangements connected with public meetings of any kind.

4. These instructions refer only to occurrences during term-time. There is no desire to hold headmasters directly responsible for what their pupils may do during the vacations.

5. I request you to communicate these instructions without any delay to headmasters of all Government high schools and managers of all recognised high schools under private or municipal control in your circle and to emphasise their responsibility in this matter.

6. As it is evident from recent occurrences that the orders contained in paragraph 7 of Major Plowden's letter quoted above regarding measures to be taken in Government institutions for notifying the prohibition of attendance at political meetings have not been carried out in several Government schools, it is now necessary to make these orders even more explicit. A notice should be drafted in Vernacular and English to the effect that participation in any form of political agitation and attendance at any political meeting are absolutely prohibited in the case of schoolboys and that the headmaster's previous permission must be obtained for attendance at any public meeting or participation in any arrangements connected therewith. This notice should be communicated to the parent or guardian of every pupil now in the school and of every pupil who may subsequently be enrolled at the time of his enrolment. It should also be included in the school rules which in a well organised school are posted up where they can conveniently be seen by all pupils. The attention of managers of high schools under private or municipal control should be drawn to the instructions contained in this paragraph and, while leaving the authorities of such schools discretion as regards measures to be taken for notifying the general orders, you should lay due stress on their responsibility for such notification.

7. It is evident that if the general orders referred to in this letter are to be effective, adequate measures must be taken for the detection of pupils who disobey them. This should be emphasised, but the responsibility for devising and carrying out such measures should be left to the school authorities.

8. The instructions conveyed in Major Plowden's letter include high, middle and primary schools. The further instructions in this letter are intended primarily for high schools. But it is in your power to apply them to other kinds of schools if you are convinced in any particular instance that such further application is necessary in the pupils' interest.

9. I wish you to let the school authorities know that we confidently look to them for cordial co-operation in measures that have been devised solely in the interests of their pupils. It must clearly be understood that the development of character, which is our primary aim, depends on the general discipline of school life, the nature of the methods of instructions and the vigour with which school games and other forms of school activity are prosecuted. The measures referred to in this letter have value only in so far as they safeguard pupils from forms of activity for which they are not fit and which may be disastrous in their consequences. It is for the school authorities to provide suitable outlets for the enthusiasm and vigour which we welcome in all school boys.

DELHI.

Letter from the Chief Commissioner, Delhi, to the Principals, Ramjas, St. Stephen's and Hindu Colleges, Delhi; the Headmasters, Government, Mission, Anglo-Arabic, Anglo-Vernacular Sanskrit, Bengali Boys and Ramjas High School, Delhi, no. 7426-Home, dated the 23rd August 1917.

I have the honour to address you on the subject of the participation in political movements by pupils at schools and colleges.

2. The policy of the Government of India in regard to the connection of schoolboys and students with politics was explained in a circular of 1907. That circular laid down that the association of schoolboys with politics was harmful both to study and to discipline and should be prevented. Their teachers also were enjoined to avoid expressions of political opinion which might introduce

into the immature minds of their pupils doctrines subversive of their respect for authority and calculated to impair their usefulness as citizens and hinder their advancement in after-life. That policy, which all sensible men must approve, still holds good.

8. It is recognised that college students are entitled to a greater degree of liberty than schoolboys. The students of to-day will be the citizens of to-morrow: they are bound to play a large part in the economic, intellectual and political development of the country, and their mental training should be such as will assist them to form broad and sound ideas in regard to the matters with which they may have to deal hereafter. It is, therefore, no part of the policy of Government to debar them from a reasonable and healthy interest in political matters. They have ready access to newspapers and periodicals, and there is much in the college courses which is intended to inform their minds on such subjects and develop their interest in them. But it is generally admitted by those who are most deeply interested in the welfare of students that they are fitted neither by age nor experience to take an active part in politics. The views of the late Mr. Gokhale on this subject are entitled to the greatest weight. Addressing a gathering of students at Bombay, he expressed himself as follows:—"The active participation of students in political agitation really tends to lower the dignity and the responsible character of public life and impair its true effectiveness. It also fills the students themselves with unhealthy excitement, often evoking in them a bitter partisan spirit which cannot fail to interfere with their studies and prove injurious to their intellectual and moral growth. The period of four or five years which most young men spend at college, is all too short a time for the work which properly belongs to it, namely, preparation in knowledge and character for the responsibilities of life. Surely it is not too much to ask our students to exercise a little patience and self-restraint during this period and refrain from action in politics till after they have completed their studies and taken their place in the public life of the country."

4. This advice was given in 1909, and subsequent experience of the evils that have resulted from the participation of students in political movements fully confirms its wisdom.

It may be argued that attendance at political meetings does not necessarily, involve taking an active part in politics, but experience shows that it is usually the first step towards such participation, and that the atmosphere of such meetings is likely to create unhealthy excitement and a partisan spirit—to repeat the words of Mr. Gokhale—in immature minds which hear only one side of the case and are not yet trained to see that there are two sides to most questions.

5. The present time is one of special difficulty; and in one high educational institution in another province, not under the control of Government, the managing body have thought it advisable to prohibit not only the students but the staff from taking an active part in political meetings. I am confident that the staff of the different colleges may be relied on to exercise due discretion and to avoid anything which might set a bad example to the students. I further rely on principals and professors to use their authority and influence to discourage their students from reading literature of a violently partisan or inflammatory nature and from attending political meetings during term-time, on parents and guardians to take similar action during the college vacations, and on the good sense of the students themselves to co-operate loyally in a policy which is intended not to restrict their outlook or hamper their progress but to ensure development on reasoned and healthy lines which will fit them to be worthy sons of their own country and loyal subjects of the King-Emperor.

APPENDIX D.

(Referred to in question No. 14.)

Circular No. 807, dated Simla, the 3rd October 1916.

From—A. E. GILLIAT, Esq., I.C.S., Under Secretary to the Government of India,

To—

- The Secretary to the Government of Madras, Revenue Department.
- The Secretary to the Government of Bengal, Revenue Department.
- The Chief Secretary to the Government of the United Provinces.
- The Revenue Secretary to the Government of the Punjab.
- The Revenue Secretary to the Government of Burma.
- The Secretary to the Government of Bihar and Orissa, Revenue Department.
- The Honourable the Chief Commissioner of the Central Provinces.
- The Honourable the Chief Commissioner of Assam.
- The Chief Commissioner, Ajmer-Merwara.
- The Chief Commissioner, Coorg.

I AM directed to invite a reference to paragraph 58 of the Report of the Committee on Co-operation in India in which it is recommended, in order to facilitate the issue of loans by Co-operative Credit Societies on short notice to meet urgent demands by members—

- (1) that special arrangements should be made as now with Government Treasuries or police stations in places where these are close at hand for the safe custody of cash balances retained for the purpose, and
- (2) that the special concessions obtaining in Bombay for withdrawals from Post Office Savings Banks, which are described in paragraph 12 (3) of Chapter IX of the manual for Co-operative Societies in that Presidency (copy enclosed) should be extended elsewhere.

2. As regards the first recommendation, so far as it concerns Government Treasuries, I am to invite a reference to Mr. (now Sir James) Wilson's letter No.

1249-268—2, dated 16th August 1905 (to the Government of Madras, a copy of which was forwarded to other Local Governments and Administrations with the endorsement from this Department No. 1250-59-268-2, dated the 16th August 1905), and to say that the existing orders may be acted upon as long as the prescribed safeguards are maintained. The question whether the cash balances of Societies should be kept at police stations is one which the Government of India leave to the decision of Local Governments and Administrations.

3. With regard to the second recommendation, I am to invite a reference to the note to clause (k) of rule 42 of the Rules for Depositors in Post Office Savings Banks which already enables Local Governments in consultation with the Postmasters General concerned to procure concessions for Co-operative Societies in their provinces similar to those in Force in Bombay.

Enclosure No. I.

BOMBAY CO-OPERATIVE MANUAL.

CHAPTER IX.

List of Privileges of Registered Societies.

* * * * *

12 (3) SOCIETIES may withdraw sums up to ₹8,000 from their accounts on 8 days' notice at all headquarter post offices and on 7 days' notice from other post offices and sums up to ₹10,000 from all post offices on 10 days' notice (Postmaster General's letter No. 15, dated August 1st, 1913 and Government Resolution No. 4959 of May 24th, 1913, Revenue Department.

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Enclosure No. II.

No. 1249—288-2, dated Simla, the 16th August 1905.

From—J. WILSON, Esq., C.S.I., Secretary to the Government of India,

To—The Secretary to the Government of Madras, Revenue Department.

I AM directed to acknowledge the receipt of your letter No. 567, dated the 17th June last, asking that Societies registered under the Co-operative Credit Societies Act, X of 1904, may be allowed the privilege of depositing their strong-boxes for safe custody in Government Treasuries.

2. The Government of India sanction the grant of the privilege in all cases in which the Local Government is satisfied that the society could not otherwise, except at unreasonable cost, arrange for the custody of its funds, and papers either with a Government Savings Bank, or with an approved banker, or in some other safe manner; on the condition that the concession may at any time be withdrawn should Government see fit.

3. I am to add that in considering whether there is room in the Treasury it must be remembered that accommodation should be reserved for a currency chest, whenever the Commissioner* of Paper Currency may desire to create one.

* *Vide* Article 425, Paper Currency Department Code.
Moreover, when the concession is given, the Society should be required to use a strong-box of moderate dimensions, with a good lock, sealed with a proper seal, and it should be warned that the Treasury staff must not be harassed by too frequent applications to open the Treasury. It is reasonable that the authorities of the Society should be required to keep in their own office the money required for current needs and only to deposit in the Treasury what will not often be wanted.