

*Wednesday,  
11th September, 1918*

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

**Vol. LVII**

**April 1919 - March 1920**

**ABSTRACT OF PROCEEDINGS**  
**OF**  
**THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA**  
**ASSEMBLED FOR THE PURPOSE OF MAKING**  
**LAWS AND REGULATIONS,**

April 1919 - March 1920

Vol. LVII

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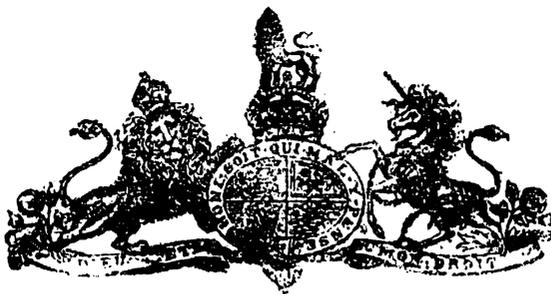


**& Debates Section**

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**1918**



GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

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

The Council met at the Council Chamber, Viceregal Lodge, Simla, on  
Wednesday, the 11th September, 1918.

PRESENT :

The Hon'ble SIR GEORGE LOWNDES, K.C.S.I., K.C., *Vice-President, presiding,*  
and 55 Members, of whom 48 were Additional Members.

### QUESTIONS AND ANSWERS.

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

11-6 A.M.

1. “(a) Is it a fact that high prices of cloth and other necessaries of life, such as food-grains and kerosine oil, etc., are causing acute distress among the people? If so, is it a fact that this rise in prices is as much due to speculation on the part of traders as to economic causes arising out of the war?”

Rise in the price of cloth, etc.

(b) If the answer to (a) be in the affirmative, what action has been taken in each Province, or is proposed to be taken, to put a stop to such speculation and to regulate prices?

The Hon'ble Sir George Barnes replied :—

“(a) It is, I regret to say, a fact that the high prices of cloth and other necessaries of life, such as kerosine, and in certain places, food-grains, are causing distress among the people. The increase in prices is due to the economic position created by the war, which has unfortunately in some cases been taken advantage of by speculators.

With regard to the second part of the Hon'ble Member's question, a detailed statement\* is laid on the table, explaining the steps which have been taken, or are under contemplation, for the control of prices of commodities most used by the poorer classes. I may inform the Hon'ble Member, however, generally what we have already done.

\*Not included in these Proceedings

[*Sir George Barnes; Rai Bahadur B. D. Shukul; the Commander-in-Chief in India; Mr. Kamini Kumar Chanda.*] [11TH SEPTEMBER, 1918.]

In the case of salt, every effort has been made to increase the outturn of the salt sources; Local Governments have started shops for the sale of salt under Government or Municipal control; and powers have been taken to give priority for supplies of salt to these controlled shops. The Government of India and the Local Governments now have power to prescribe maximum prices for the sale of commodities of general use, whenever it is shown to be necessary in the interests of public safety.

Schemes for the sale under control of kerosine oil have been brought into operation by several Local Governments to prevent profiteering, and to ensure that the public get the benefit of the favourable price at which the oil is supplied by the Oil Companies to their sub-agents. In the Province of Bombay, similar schemes apply to firewood and charcoal.

To meet the case of high prices of cotton cloth, a Bill was introduced on the 4th of this month to secure the manufacture, at reasonable rates, of the kinds of cloth worn by the poorer classes and for their distribution to the public through licensed traders and municipal shops.

The high prices of cotton cloth have in part been produced by speculation in raw cotton, and in order to check this speculation, the Bombay Government have been provisionally empowered to set up a Cotton Exchange and to control transactions in raw cotton of the 1918-1919 crop. These provisional powers will be brought before the Bombay Legislative Council for confirmation."

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

2. "(a) Will Government be pleased to lay upon the table a statement of the results of recruiting for the Indian Army, Province by Province, since the 1st May 1918 up to July 31st, showing the monthly quota fixed, the number of recruits obtained, combatants and non-combatants, as well as the total number and the percentage of the male population of the Province fixed as the monthly quota ?

(b) Is it a fact that the problem of voluntary recruiting in India is becoming more and more difficult, and if so, will Government state in detail what action has been taken, or is proposed to be taken, to popularize recruiting in each Province ?"

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

"(a) It is not in the public interest to give the detailed figures asked for.

(b) Far from becoming more difficult, recruiting on a voluntary basis continues to improve, and is now on a most satisfactory footing. As the Hon'ble Member is aware, a substantial increase was recently made to the emoluments of Indian officers and other ranks, for the period of the war. These measures have proved conspicuously successful in stimulating recruiting. The results for July were substantially in advance of those for any month since the beginning of the war. In these circumstances, no further action is called for in this respect at present."

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

3. "(a) Have the temporary vacancies in the Calcutta High Court caused by the deputation of the Hon'ble Justice Sir Asutosh Mookerji and the Hon'ble Mr. Justice Beachcroft, respectively, been filled up by District Judges who are members of the Indian Civil Service ?

(b) Is it a fact that temporary vacancies are as a rule filled by appointing such District Judges ? Is any inquiry made before doing so whether suitable Barristers or Vakils are available ?

Results of  
recruiting  
for the  
Indian  
Army.

Appoint-  
ment of  
Judges to  
temporary  
vacancies  
in the  
Calcutta  
High Court.

[ 11TH SEPTEMBER, 1918. ] [ *Mr. Kamini Kumar Chanda; Sir William Vincent; Maharaja Sir Manindra Chandra Nandi; Sir Robert Gillan; Sir Dinshaw Wacha.* ]

(c) Is it in contemplation to appoint an extra Judge to the Calcutta High Court? If so, will Government be pleased to consider the question of appointing a Barrister or a Vakil ? ”

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

“ (a) The answer is in the affirmative.

(b) Temporary vacancies in the High Court are frequently, though by no means always, filled by the appointment of District Judges who are members of the Civil Service, when it is considered undesirable to appoint practising members of the local Bar to the Bench for short periods.

(c) The Government of India are not in a position to make any definite statement regarding the appointment, save that it will be filled by a barrister.”

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

4. “ Has the project of a railway line connecting Khulna with Barisal in Bengal been abandoned ? ” Abandonment of the Khulna-Barisal Railway project.

If so, will Government be pleased to state the reasons for this ? ”

**The Hon'ble Sir Robert Gillan** replied :—

“ The project for a railway connecting Khulna with Barisal and Faridpur has been abandoned for the following reasons :—

(a) in the opinion of the Government of Bengal the tract through which the line would pass is already sufficiently well served by water communications ;

(b) the cost of provision of the necessary headway and waterway at the bridges for the steamers belonging to the Inland Steamer Companies is prohibitive ;

(c) it is believed that the construction of a railway embankment in this area would so interfere with its drainage, as seriously to affect the health of the population.”

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

5. “ Will Government be pleased to place on the table a return showing :— Postal clerks.

(a) the total number of postal clerks who were serving in the different post offices of each of the provinces of India and Burma on 31st March 1918 on—

- |     |                                     |
|-----|-------------------------------------|
| (1) | a salary ranging from Rs. 20 to 50, |
| (2) | Ditto do. „ 51 to 100,              |
| (3) | Ditto do. „ 101 to 150,             |
| (4) | Ditto do. „ 151 to 200 ;            |

(b) the total cost of war or grain allowances or both granted in each province to such clerks ; and

(c) the total amount of increase sanctioned in each province for each class of such clerks from 1st April 1918, the date of such increase and the date when the increase came into operation in each province ? ”

[ *Sir George Barnes; Sir William Meyer; Rao Bahadur B. N. Sarma.* ] [11TH SEPTEMBER, 1918.]

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

“I place on the table a return\* giving the information desired.

The increases have been brought into operation at various dates between the 1st of April, 1918, and the 31st of August, 1918, and I presume that the Hon'ble Member does not require a return showing the exact date from which each particular increase has been given effect to.

I add for the Hon'ble Member's information a further statement showing further increases of pay which have been sanctioned and which will be brought into operation as soon as possible during the present financial year.”

### THE INDIAN PAPER CURRENCY BILL.

11-13 A.M. **The Hon'ble Sir William Meyer**:—“I beg to move that the Bill to provide that silver held on behalf of the Secretary of State for India in Council or the Governor General in Council may, if so held in the United States of America or in course of transmission therefrom, be deemed to be part of the Reserve referred to in section 19 of the Indian Paper Currency Act, 1910, be taken into consideration. I explained the objects of this Bill last week that it was necessary in order to meet the present currency situation, in which we depend so largely for our necessary supplies of silver on the United States, and that it continues the provision of an Ordinance which the situation required us to issue earlier in the year. Further, that it was a war measure to provide for present conditions, and would therefore remain in force only during the continuance of the war, and for a period of six months thereafter. We have had no criticisms on the Bill and I need not therefore make any further remarks.”

11-14 A.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—“Sir, inasmuch as it is not proposed to refer this Bill to a Select Committee, but to pass the measure into law to-day, I beg leave to make a few remarks in order that I may obtain further information from the Hon'ble the Finance Member to enable me to vote intelligently on this Bill, for I find it difficult, with the information at my command and the thought I have given to the subject, to give my assent to this Bill. The object of treating the silver bullion in the United States as silver held in India for the purposes of the Currency Act may be either to inspire confidence in the public, to fulfil a statutory requirement, to enable the Government to make further purchases of silver, that is, enhance its resources, or to meet trade facilities. The last two reasons were the reasons that were urged by the Hon'ble the Finance Member when the Council was asked to give its assent to a somewhat similar measure in connection with the gold and silver that were purchased and were being coined in Australia. Now, with regard to the first point, namely, as to whether, by treating silver in the United States as silver held in India for the purposes of the Currency Act, we will inspire confidence in the public, I must unhesitatingly say, no. It is only when silver is available for actual exchange purposes to meet the note issues when the notes are presented for exchange that there would be confidence. The mere fact that there is silver in the United States will be published by the Government of India for the general information of the public and will inspire such confidence as it may, but a further statutory enactment would not inspire any greater confidence than the mere publication of the fact that the Government have at their command those silver resources in the United States would by itself add.

\*Not included in these Proceedings.

[11TH SEPTEMBER, 1918.]

[Rao Bahadur B. N. Sarma.]

"Then coming to the question of the statutory requirement. It would enable the Government to reduce in a way the metallic portion of the currency in the currency chest and increase its security portion, otherwise it has no object. There is no statutory limitation by which the Government must hold a particular proportion in metallic currency, but there is a practical limitation by saying that the Government cannot invest in securities more than a certain amount. Now the result of that has been that we have not been able to hold in the Currency Reserve a metallic portion larger than one-third of the whole. On the 19th February 1916, when our total issue was 104 crores of rupees, we had in the currency chest 42 crores 52 lakhs either in silver, or in gold, or in bullion. Now on the 22nd August, when our note issue was 130 crores of rupees we held in the currency only 39 crores, that is 3 crores less than what we held on the 19th February, and we have about 5 crores of rupees in the United States of America. That is, putting the two together, we have 44 crores, or nearly one-third. If the 39 crores alone be taken it would be less than one-third. The securities we held as against the 104 crores in February were 61 crores, 10 of the Government of India and 51 in England, whereas we increased the securities in England to 75 crores, the total amount of securities thus becoming 85 crores. My object in mentioning these figures is to show that to enable the Government to treat the United States bullion as bullion in the currency chest for the purposes of the Act would only encourage them to be a little more liberal in their investments in securities, and that is a danger which we have to take into consideration, unless there are counter-veiling advantages to be gained from such a course. Now, Sir, I beg to submit that this theory that, by issuing one-rupee currency notes, we will be enabled to help the Government of India by keeping two-thirds of it in securities is a theory which has not been in actual practice found correct. I find that just before the war the total note issue was 68 crores of rupees. It is now 130 crores, or an increase of 62 crores of rupees. Now what do we find with regard to the metallic portion? We have increased the rupee circulation by 60 crores—

In 1914 we coined	...	...	...	...	4 crores, 88 lakhs.
In 1915	...	...	...	...	1 " 52 "
In 1916-17	...	...	...	...	30 " 77 " and
In 1917-18	...	...	...	...	23 " 87 "

Therefore for every rupee added by way of note circulation we had to coin a rupee either by way of subsidiary coins or by a whole rupee. We had to coin in metallic money exactly the same equivalent, certainly more if the gold and subsequent silver coinage be added.

"Therefore, the theory that we are saving by this note issue and adding to the currency circulation, I think is not very accurate, and it will be dangerous to proceed upon the theory that we can invest any portion of our note circulation in securities without impairing the confidence of the public in our note circulation. I need hardly allude to the fact that, unfortunately, during recent months, the confidence of the public in the note circulation has been impaired, and we should never hereafter embark upon any measure which might increase the apprehensions of the public that the Government are supplying the people with paper and taking away their money. It is absolutely an erroneous impression, I quite concede, but in order to enable us to meet the trade facilities and to increase our securities in England we are impairing that confidence, and it is leading to a dangerous position, because, with a smaller metallic currency, we were able to exchange notes just before the war, and shortly after the war, whereas we have had to coin during recent years 60 crores of rupees, and even now the mints are very busy coining money, and yet are unable to meet the demand for conversion. It is noteworthy, Sir, that between February and August we increased the note circulation by 26 crores of rupees, and that is approximately the amount of the excess exports which had to be

[*Rao Bahadur B. N. Sarma ; Sir William Meyer.*]

[11TH SEPTEMBER, 1918.]

met by the Council Bills, i.e., about 21 crores were the Council Bills that we met during the last four months. As to whether the profits which we derive by these excess exports cannot be paid for by a long term bond is a matter which the Government, I think, may take into consideration. But I humbly submit that by having to pay in the shape of notes first, thereby increasing the currency and prices and then manufacturing notes and coin to meet that seems to me hardly a correct procedure. If we are to meet the 21 crores excess profits by having to pay for them, I do not see any reason why, when a few months thereafter you have to coin metal, silver or gold, you should not straightaway do that and not unnecessarily increase the currency. At any rate there seems to be no real reason why we should treat the bullion in the United States of America as metal available for our currency purposes at the present moment. Nothing is lost if this Bill is not passed into law. We have 75 crores of rupees in securities and in Treasury Bills which would be available for the purchase of silver in the United States. Therefore, I would respectfully ask for further information for my enlightenment, so that, if any portion of my argument is absolutely unsound, I may correct myself and vote for the Bill."

11-35 A. Z.

**The Hon'ble Sir William Meyer:**—"Sir, I rise to address myself in all humility to the task the Hon'ble Member has laid upon me of trying to get him to vote intelligently on this subject.

"The Hon'ble Member in the first place seems to me to lay too much stress on the distinction between metallic currency and paper currency. If you coin more rupees and issue them to the public the effect on prices—though, as I have said on previous occasions, there are other factors—is really just the same as if you issued notes; and, as His Excellency pointed out the other day, it is a much more wasteful process.

"The Hon'ble Member also referred to the state of things existing before the war during which, except in regard to a fixed investment of 14 crores, we had to put silver or gold into the Paper Currency Reserve against all notes issued, and he seemed to think that we have made a material change from that situation. Well, we have made a material change, but we have made it not by a departure in principle, but by a departure in degree. We still hold to the principle that the Paper Currency Reserve must contain coin or bullion equivalent to the notes in circulation, save in so far as we are authorised by law to replace part of that coin or bullion by investment. The Hon'ble Member will perhaps recollect that under the stress of war we have very largely increased that investing power, but it has in every case been done by law and with the full assent of the Council. So that even if we were, as the Hon'ble Member suggests, actuated by the desire to use the provisions of this Bill in order to increase our currency investment, we should not be able to do so. We should have to go to the Council for an alteration in the law.

"The Hon'ble Member further suggests that it makes no difference to public confidence whether we show a large or a small amount of silver in our returns week by week in the Paper Currency Reserve. I say there is a great difference. He is right of course in saying that the ultimate test is whether people who bring their notes to the Currency Offices can get them cashed. Perfectly true; but if people see that our metallic reserves are growing they do not bring their notes to the Paper Currency Offices in such quantities as would otherwise be the case. That has been very well brought out by the events of the last few months. As our reserves of rupees were diminishing the pressure on our Currency Offices in regard to the encashment of notes grew. Now that our reserves are increasing, it has diminished. There is, therefore, a great deal in confidence arising from the perusal of our weekly Paper Currency returns.

"Then, my Hon'ble friend asks what the practical advantage of this Bill is. The practical advantage is that as he, I think, knows our stock of rupees in the Currency Reserve is subject, in these times of war, to great strain. We have

THE INDIAN PAPER CURRENCY BILL; THE GOLD COINAGE BILL; THE ENEMY TRADING ORDERS (VALIDATION) BILL. 219

[11TH SEPTEMBER, 1918.]

[*Sir William Meyer; Sir George Barnes.*]

for example to make heavy war payments on account of His Majesty's Government. We make those as much as we can in notes. But when we issue notes, save in so far as the investment provisions under which we can act allow us to dispense with this, we have got to keep money or bullion in the Paper Currency Reserve against them. In some cases, too, we have to issue rupees at once. Well, the stock of rupees in our treasuries may go down, and in that case we may want to transfer rupees from Currency to Treasury.

"Now all this Bill practically says, is—'You have got a lot of silver in the United States of America, which is yours; which you have bought; and which you know will be out presently and be available for coinage. You may, to meet a temporarily difficult situation, treat that silver as part of the Paper Currency Reserve, and, consequently, make a freer use of the rupees you already have.' But, I may explain that we do not intend to show automatically all the silver we possess in America in these returns, any more than we used to do in the old days in regard to all the silver bullion we happened to possess in London. We shall only use the power now in question as appears to be necessary in order to help our currency difficulties.

"The provisions of this Bill are therefore not obligatory on us: they are merely a safeguard for a temporarily difficult situation. So far from the powers taken under the Ordinance and now to be continued by the Bill—so far from their being, as the Hon'ble Member suggests, a prelude to further investment of the Paper Currency Reserve, it is just the other way round. I may say that the other day the demand on our rupees was so great that we should have had to make further investments from the Currency Reserve but for the use of this American silver. It is therefore a safeguard against further investment and not an incitement. I do not think I need add any further remarks, and I hope my observations will have the right effect upon the Hon'ble Member."

The motion was put and agreed to.

**The Hon'ble Sir William Meyer** :—"Sir, I now move that the Bill be passed."

The motion was put and agreed to.

**THE GOLD COINAGE BILL.**

**The Hon'ble Sir William Meyer** :—"Sir, I beg to move that the Bill to provide for the coinage of a gold coin at the Mints referred to in the Indian Coinage Act, 1906, be taken into consideration. 11-36 AM.

"Here again, the Bill continues the provisions of an existing Ordinance and was explained in my speech on its introduction last week. I do not think I need make any further remarks, except to say that we have received no criticism on the subject of the Bill."

The motion was put and agreed to.

**The Hon'ble Sir William Meyer** :—"I now move that the Bill be passed."

The motion was put and agreed to.

**THE ENEMY TRADING ORDERS (VALIDATION) BILL.**

**The Hon'ble Sir George Barnes** :—"Sir, I beg to move that the Bill to terminate doubts which have arisen as to the continuance in force of notifications, orders and rules made or issued under the Enemy Trading Ordinance, 1916, be taken into consideration. 11-54 AM.

220 THE ENEMY TRADING ORDERS (VALIDATION) BILL; THE INDIAN ARMY (SUSPENSION OF SENTENCES) AMENDMENT BILL; THE INDIAN DEFENCE FORCE (FURTHER AMENDMENT) BILL.

[*Sir George Barnes; H. E. the Commander-in-Chief in India; Pandit Madan Mohan Malaviya; The Vice-President.*]

[11TH SEPTEMBER, 1918.]

"As I pointed out, Sir, on the 4th of this month, when this small Bill was introduced, it is a purely technical Bill, and its only object is to put an end to certain doubts which might be raised and which it seems desirable to remove."

The motion was put and agreed to.

**The Hon'ble Sir George Barnes:**—"I beg to move, Sir, that the Bill be now passed."

The motion was put and agreed to.

**THE INDIAN ARMY (SUSPENSION OF SENTENCES) AMENDMENT BILL.**

11-27 A.M. **His Excellency the Commander-in-Chief in India:**—"I beg to move for leave to introduce a Bill to amend the Indian Army (Suspension of Sentences) Act, 1917. The object of this Bill is clearly set forth in the Statement of Objects and Reasons. The repeal of section 15 of the Indian Army Act has necessitated some consequential modifications in certain sections of the Indian Army (Suspension of Sentences) Act, 1917. Advantage is being taken of this opportunity to make certain minor amendments in the latter which the experience of a year's working has shown to be desirable. No new principles are involved. The changes referred to are unimportant and call for no remark."

11-28 A.M. **The Hon'ble Pandit Madan Mohan Malaviya:**—"Sir, may I take this opportunity of bringing to the notice of His Excellency the Commander-in-Chief and the Government the desirability of dealing with the question of flogging when this Bill is being considered. Sir, I have found in the course of our experience in connection with recruiting that the fact that such punishment can be inflicted is really acting as an impediment to recruitment in many places....."

**The Hon'ble the Vice-President:**—"I am afraid I must remind the Hon'ble Member that any question outside this Bill is not before the Council. The question at this moment is not whether this Bill shall be taken into consideration, and there is no amendment before the Council. I must rule therefore that the Hon'ble Pandit's suggestion is out of order."

**The Hon'ble Pandit Madan Mohan Malaviya:**—"I bow to your ruling, Sir."

The motion was then put and agreed to.

**His Excellency the Commander-in-Chief in India:**—"I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

**THE INDIAN DEFENCE FORCE (FURTHER AMENDMENT) BILL.**

11-29 A.M. **His Excellency the Commander-in-Chief in India:**—"Sir, I beg to move for leave to introduce a Bill further to amend the Indian Defence Force Act, 1917. Under the Indian Defence Force Act military training is compulsory in the case of European British subjects between the ages of 18 and 50. It has been represented that there are men over 50 years of age who were volunteers prior to the creation of the Indian Defence Force, and who are anxious to serve with the latter. At present they are debarred from doing so

THE INDIAN DEFENCE FORCE (FURTHER AMENDMENT) 221  
BILL; THE INDIAN COMPANIES (FOREIGN INTERESTS)  
BILL; THE COTTON CLOTH BILL.

[11TH SEPTEMBER, 1918.]

[*H. F. the Commander-in-Chief; in India  
Sir George Barnes.*]

owing to their being over age. We are anxious to meet the wishes of those who are fit for military duty by allowing them to enrol themselves voluntarily, either for general or for local service, as may be found most suitable, having regard to their physical qualifications and personal inclinations. Special rules will be made enabling them to be relieved of any liabilities so undertaken, should circumstances render it desirable. We do not expect any large increase in numbers from this source, but it will enable Government to utilise the services of many patriotic volunteers who are still active and efficient and who are desirous of prolonging their military service till the end of the war."

The motion was put and agreed to.

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

"Sir, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

**THE INDIAN COMPANIES (FOREIGN INTERESTS)  
BILL.**

**The Hon'ble Sir George Barnes :—**" Sir, I beg to move for leave to introduce a Bill to take power to prohibit the alteration, except with the sanction of the Governor General in Council, of Articles of Association, which restrict foreign interests in certain Companies, and to provide for other purposes connected therewith. 11-40 A.M.

"This Bill closely follows the lines of an Act which has been passed in the United Kingdom, and it seems wise that its provisions should be made law in this country also.

"The reason for the Bill I can explain in a very few words. Certain companies operating in this country have, with the approval of the Government of India, purged themselves of enemy control or enemy taint, and have adopted Articles of Association restricting the transfer of their shares to enemy aliens. Besides these existing companies, it may be thought necessary in the case of a new company undertaking work which is of importance to the security of this country or of the Empire as a whole to require that similar restrictions should be included in its Articles of Association. I need not tell you, Sir, or the Members of this Council who are learned in the law, that Articles of Association so amended can, in the ordinary course, be changed again by a vote of the shareholders. The object of this Bill is to prevent any such change without the consent of Government. To turn to the Bill itself, the first two clauses contain the name and definitions only. Clause 3 declares that the Bill shall only apply to notified companies, and clause 4 declares that such companies shall not change their Articles of Association without consent, and shall not evade the Act by means of the winding up of the company. Sir, I beg to move for leave to introduce the Bill."

The motion was put and agreed to.

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

The motion was put and agreed to.

**THE COTTON CLOTH BILL.**

**The Hon'ble Sir George Barnes :—**" Sir, since the Cotton Cloth Bill was introduced on the 4th September, a wish has been expressed by several Members of this Council that the Bill should be referred to Select Committee, and I am very glad to be able to meet the wishes of those Members 11-44 A.M.

[*Sir George Barnes ; Mr. M. A. Jinnah ;* [11TH SEPTEMBER, 1918.]  
*Sir Fazulbhoj Currimbhoj ; Pandit*  
*Madan Mohan Malaviya ; The Vice-*  
*President ; Mr. V. J. Patel.*]

in that respect, and to move that the Bill to take powers to provide for the cheap supply of cotton cloth to the poorer classes of the community be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir Fazulbhoj Currimbhoj, the Hon'ble Rai Sita Nath Ray Bahadur, the Hon'ble Mr. Muddimau, the Hon'ble Sir Dinshaw Wacha, the Hon'ble Mr. B. N. Sarma, the Hon'ble Mr. Fagan, the Hon'ble Mr. Ironside, the Hon'ble Sir Verney Lovett, the Hon'ble Mr. Low, and myself, with instructions to report on or before the 18th September, 1918."

11-45 A.M. **The Hon'ble Mr. M. A. Jinnah** :—" Sir, as the Council is aware I was entirely opposed to the principles of this Bill, and I am still opposed to the principles of this Bill. But I do not wish to object to this motion that it should be referred to Select Committee, and I shall be very glad to see how far the Select Committee can really make the Bill acceptable. I reserve all my rights fully to oppose the Bill on principles as well as on details when the Select Committee's Report is submitted to us."

11-46 A.M. **The Hon'ble Sir Fazulbhoj Currimbhoj** :—" Sir, I have no objection to refer the Bill to Select Committee, and I also reserve my remarks and criticisms until the Bill comes before us after passing through the Committee."

11-46 A.M. **The Hon'ble Pandit Madan Mohan Malaviya** :—" Sir, I should like to know if the Government have considered the two questions that were raised on the day the Bill was introduced, the one with regard to doing something to control imported cloth and to regulate its price, and the other with regard to putting an export duty on cotton, so that cotton may become cheaper and mills may be able to produce cloth cheaper."

11-46 A.M. **The Hon'ble Sir George Barnes** :—" In answer to the Hon'ble Pandit's question, Sir, the Government have been considering this, and have been considering it for some time past. It is not a matter that really concerns this Bill, and I doubt whether I ought to say anything about it at the present time, but I should be very happy to give the Hon'ble Pandit the fullest information as to what we have done and what we are doing."

11-4 A.M. **The Hon'ble Pandit Madan Mohan Malaviya** :—" May I explain, Sir, that we want the information now to enable us to say whether the Bill should be referred to a Select Committee or not."

**The Hon'ble the Vice-President** :—" I venture to suggest to the Council that the best course, if we are to get through our business for the Session, would be that this Bill should go to Select Committee, leaving us free, if necessary, to have a full debate when the Report of the Select Committee comes before Council. I suggest for the convenience of the Council that the views of Hon'ble Members can be given when the Bill comes back to us after emerging from Select Committee."

The motion was put and agreed to.

### THE LAND ACQUISITION (AMENDMENT) BILL.

11-46 A.M. **The Hon'ble Mr. V. J. Patel** :—" Sir, I beg to move for leave to introduce a Bill further to amend the Land Acquisition Act, 1894. The object of this Bill is firstly to secure to litigants under the provisions of the Land Acquisition Act right of appeal to the High Court in all cases ; and, secondly, to restore to them the right of appeal to His Majesty in Council.

" As regards the first, the difficulty which has been created is confined almost entirely to the Bombay Presidency. Under the provisions of section 16 of the Bombay Civil Courts Act (XIV of 1869), where a claim below Rs. 5,000 in value has been decided in the first instance by an Assistant Judge, an appeal from it lies to the Court of the District Judge. In such cases, it has been held that the right of appeal given by section 54 of the Land Acquisition Act (I of

[11TH SEPTEMBER, 1918.]

[*Mr. F. J. Patel; Khan Bahadur Mian Muhammad Shafi.*]

1894) is exhausted by an appeal to the Court of District Judge and no further appeal lies to the High Court. This has been laid down in two cases by the Bombay High Court, namely, *Vathubhai Narandas v. Mouradas Laldas* (14 Bombay Law Reporter, 325) and *Ahmedbhoy Habibbhoy v. Waman Dhondre* (16 Bombay Law Reporter, page 72). It must be borne in mind that even in ordinary cases, when Government is a party, with claim however so little, there is always an appeal to the High Court. It is thought therefore that in proceedings under the Land Acquisition Act (I of 1894) to which the Government is almost always a party, there should be appeal to the High Court irrespective of the amount of the claim, always of course subject to the provisions of the Civil Procedure Code.

“As regards the second, the change sought to be effected is of a more momentous character. Before the year 1916, that is, prior to the decision of the Privy Council in *Rangoon Botaloung Company, Limited v. the Collector, Rangoon* (14 Bombay Law Reporter, 833), appeal to His Majesty in Council was allowed under conditions laid down in sections 109 and 110 of the Code of Civil Procedure (Act V of 1908). The reported cases show that cases under the Land Acquisition Act (I of 1894) did go by way of appeal now and then before His Majesty in Council, and principles of far reaching importance were laid down in them. In cases, where ‘some substantial question of law’ has arisen in proceedings under the Land Acquisition Act it is difficult to understand why the aggrieved party should be denied the privilege of appealing to the highest tribunal in the land. Further, in cases where the claim in dispute exceeds Rs. 10,000 in value and satisfies the requirements of section 110 of the Civil Procedure Code, it seems almost an act of injustice to deprive him of his right of taking his case before the Privy Council. In the decision of the Privy Council above referred to, it was held that no appeal from the decision of the Chief Court of Lower Burma in proceedings under the Land Acquisition Act lay to the Privy Council. Since then, this decision has been followed by the Bombay High Court in the *Special Officer Salsette Building Sites v. Dossabhai Bezoni Motivala No. 2* (14 Bombay Law Reporter, page 1194), where it has been held that similarly no appeal lay from the decision of the High Court. It is therefore proposed to provide that in proper cases, a party to the proceedings under the Land Acquisition Act should have a right to appeal to the King in Council.”

**The Hon'ble Khan Bahadur Mian Muhammad Shafi:—**

“Sir, the Bill which my Hon'ble friend seeks to introduce in this Council is, in my humble judgment, calculated to remove a glaring defect in the existing law, and I have therefore great pleasure in supporting the motion now before the Council. Under the ordinary law of appeal, in all civil suits of value not exceeding Rs. 5,000, whenever there is either a concurrent judgment or a judgment of the Lower Appellate Court modifying the decree of the first Court, there is a second appeal to the High Court on questions of law, and in all suits above the value of Rs. 10,000 where the Appellate Court reverses or modifies the decree of the first Court, there is an appeal of right to their Lordships of the Privy Council; while in cases where the Appellate Court passes a concurrent decree with the original Court, an appeal lies to their Lordships of the Privy Council on the Appellate Court certifying that a substantial question of law is involved in the case. Unfortunately the provisions of the existing Land Acquisition Act do not make any provision at all with reference to either a second appeal to the High Court in cases of the former description mentioned by me or to their Lordships of the Privy Council in the latter class of cases. The injustice to the claimants for compensation in case of compulsory acquisition of land by Government is obvious. But there may be cases in which the Government also may have a complaint against the decision of the High Court with reference to the award of compensation; so that looked at from either point of view, whether in the interests of the claimant, or in the interests of the Government, the amendment which my Hon'ble and learned friend seeks to introduce in the existing law is obviously commendable. This is a defect which ought to have been removed long ago, and I am very glad that my

11-55 A.M.

224 THE LAND ACQUISITION (AMENDMENT) BILL; RESOLUTION  
re THE EARLY RELEASE OF INDIAN INDENTURED  
LABOURERS.

[*Khan Bahadur Mian Muhammad Shaif*; [11TH SEPTEMBER, 1918.]  
*Sir Claude Hill*; *Mr. V. J. Patel*; *Pandit*  
*Madan Mohan Malaviya.*]

Hon'ble and learned friend Mr. Patel has now asked for permission for the introduction of this Bill in order that that defect may be removed."

**The Hon'ble Sir Claude Hill:**—"Sir, it will, I think, perhaps  
conduce to economy of time if I rise at once to explain the position of Govern- 11-53 A.M.  
ment in respect of this motion. We are quite ready to agree to the introduc-  
tion of my Hon'ble friend's Bill, on the understanding that the Bill shall not  
proceed beyond the introductory stage until we have consulted Local Govern-  
ments, and I hope my Hon'ble friend will agree to that understanding. I  
should like to add that we feel unable to commit ourselves definitely to the  
principle of this Bill at all events until we have consulted Local Governments,  
because although the measure sounds a simple one and has obvious arguments  
in its favour, it is also one which requires careful consideration, and I need only  
instance the one direction in which such careful consideration is necessary, and  
that is as regards the question whether appeals should extend to matters of  
facts as well as to points of law. However, I do not propose to detain the  
Council longer now, having said that we are willing to admit the motion on  
the understanding I have mentioned, which I hope my Hon'ble friend will  
accept."

**The Hon'ble Mr. V. J. Patel:**—"Sir, I am much obliged to the 11-54 A.M.  
Hon'ble Sir Claude Hill and the Government for the sympathetic treatment  
of this question, and I am perfectly agreeable to the Bill being referred to  
Local Governments for opinion."

The motion was put and agreed to.

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

The motion was put and agreed to.

**RESOLUTION re THE EARLY RELEASE OF INDIAN  
INDENTURED LABOURERS.**

**The Hon'ble Pandit Madan Mohan Malaviya:**—"Sir, I 11-55 A.M.  
beg to move the following Resolution:—

'This Council recommends to the Governor General in Council that the Government of  
India should move the Secretary of State for India to negotiate with the Colonial Office and the  
Crown Colonies concerning the early release of those Indian labourers whose indentures have not  
yet expired.'

"I do not wish, Sir, to take up the time of the Council by going into the  
previous history of this question of indentured labour. We all remember that  
His Excellency the Viceroy announced in May last that the system was finally  
abolished, and we have now the assurance of Government that it is not going  
to be revived. The public of India have felt very grateful for this, and we  
all hope that in no form will the system be revived again. My proposal  
to-day is that those Indians who are still under indenture, i.e., whose indentures  
have not yet expired, should now be released from them. I will briefly state  
the grounds for this proposal. There are thousands of Indians who are still  
under indenture, and they are exposed to all the evils which belong to the  
system. The stigma of the indenture system will go on unabated till 1921,  
if my proposal is not accepted. When India is asking for a rightful place in  
the Empire, this badge of helotry ought not to remain and ought to be com-  
pletely swept away. This is not a mere sentiment, but a practical question.  
The respect of Australians for Indians cannot be what it should be, while  
Australians know that near their own shores, Indians are still being worked in  
men gangs and women gangs under indenture. Presiding over a meeting in

[11TH SEPTEMBER, 1918.]

[*Pandit Madan Mohan Malaviya.*]

London at which Mr. Polak read a paper on Indian Labour Emigration within the Empire, Lord Carmichael took note of this fact, and said :—

‘ If there are any of you who want to do away with or modify the feelings of Australians on the subject of white Australia as far as regards India ; if any of you look forward to a time when Indians shall be allowed to go backwards and forwards to Australia with the full consent of Australians,—well it is no use your thinking of that as long as indentured labour leaves India. I feel perfectly certain of that. I do not think the average Australian is the least likely ever to welcome the free ingress of any people, some of whom go out as indentured labourers. They may be wrong, but that prejudice, if it is a prejudice, or that well-founded opinion, if it be a well-founded opinion, exists, and I do not think it is the least likely to be modified.’

“ This, Sir, is the first ground for my proposal.

“ The second is that the indenture has already been broken from the side of the Fiji Government and Planters on account of the war. They are sending no Indian men and women, who have finished their contract, back to India on account of the shortage of ships. The whole of the funds, which the labour of these indentured Indians has earned for their return passage, is being held up by the Fiji Government, which is not now carrying out and cannot carry out its contract. In connection with this question of repatriation, I will quote here from Mr. Andrews who visited Fiji for the second time last year.

“ I should like to say here, Sir, that I doubt if we fully realise how much we owe to Mr. Andrews and Mr. Pearson for their self-sacrificing mission to Fiji in 1915, and for the continued interest and repeated mission of Mr. Andrews last year to that island. I do not think that the enormity of the evils of the system of indentured labour would have been so fully realised by us but for the humane efforts of these two gentlemen. Well on this question of repatriation, this is what Mr. Andrews writes :—

‘ The Fiji Government gave a definite undertaking to each Indian labourer before embarkation for Fiji that his passage back to India should be provided for him free of cost. There are now already many thousands whose claims for a free return passage cannot be met on account of the shortage of shipping. The Fiji Government and the Sugar Companies have taken advantage of the labour of the Indians during the War to make immense profits out of the sugar, but they have themselves appropriated that part of the labourers’ earnings which was to pay for their return passages. The Indian labourer notes that the great ‘ Sugar ’ steamers ply their trade as usual, but not one of these steamers can be spared to repatriate the labourers who have helped to grow the sugar ’

“ My third ground is this. Indians have the right of buying off a part of their five years’ indenture by payment of a sum of money. This right of commutation has been qualified and restricted by a law passed in Fiji that no commutation should take place until the employers could replace the labourer from a new immigrant vessel. As no vessels are now going with new labourers, the right has practically become a dead letter. The Indians are thus exposed to a serious hardship. Mr. Andrews says :—

‘ In order to show the extreme tenacity with which the employers are taking advantage of the Indian labourers’ helplessness, the following incident is significant : When the Planters insisted that all commutation rights were null and void, I tried to obtain relief from the Fiji Government in the hardest case of all,—the case of a legitimate wife being forced to remain on, under indenture, amid the frightful moral evils of the coolie ‘ lines ’ after her husband’s indenture had expired. I asked that, in this case, at least, the right of commutation (the husband paying the money due) should be absolute and immediate. There was strong opposition to this among some of the Planters. (One of them actually told me, face to face, that he was against it, as it would increase the disproportion of men to women in his ‘ lines ’), His Excellency the Governor appointed a Committee on which four leading Government officials (Heads of Departments), seven members of the Fiji Legislative Council, and four Planters’ representatives, sat together to consider this and other questions. My own proposal, which was put before them, was rejected, and the following resolution was unanimously adopted :

‘ That, in the opinion of this Committee, commutation of indenture should be allowed (when desired by a female immigrant legally married to an immigrant whose indenture has expired), provided that the husband and wife, if required by the employer, first, by combined effort, work off the number of days to complete the wife’s indenture.’

[*Pundit Madan Mohan Malaviya.*]

[11TH SEPTEMBER, 1918.]

“Mr. Andrews says the words ‘by combined effort’ were put in italics in the copy given him by the Colonial Secretary, and he goes on to add:—

‘Thus according to these gentlemen, including among their number the most responsible members of the Fiji Government, the wife’s position of extreme moral danger is to be exploited in order to induce the husband to work off half her time and thus give the employer the advantage of a man’s work instead of a woman’s.’

That, Sir, is the position so far as the right of commutation is concerned, and I submit that Government should take steps to put an end to the injustice which is being done to those who have earned their commutation.

“My fourth ground is that Indians are exposed to great hardship owing to the rise of prices. The prices of all commodities have gone up enormously during the war. Even, originally, the contract was a grossly unfair one, because information was not given to intending emigrants as to the price of food-stuffs in Fiji. In the Report which Mr. Andrews and Mr. Pearson published in 1916 on indentured labour in Fiji, they said:—

‘Another serious omission from the agreement (seeing that those who sign it are for the most part ignorant and illiterate people) is the failure to record the fact that food rates in Fiji differ materially from those in India. The coolie is told in the agreement that he will be paid at the minimum of twelve annas a day; but he is not told that the purchasing power of twelve annas in Fiji is scarcely equal to that of five annas in India. He is not told, also, that more is required in the way of clothing and other necessaries of life in Fiji than in India. So that the bare living expenses are nearly three times as high as in India itself.’

“I drew the attention of the Government to this fact when I moved a Resolution in this Council on the 20th March, 1916, urging the abolition of the system of indentured labour. The Government was pleased to accept the Resolution. Lord Hardinge announced that the Secretary of State had accepted the policy of the eventual abolition of the system which had been advocated by his Government, but that for reasons which he stated a certain period must elapse before the policy could be carried out. We thankfully accepted the decision. But I submitted that so long as the system continued, the Government should see, among other things, that not a single more Indian should be allowed to go out of the country in ignorance of the facts which would materially affect his life and happiness. I did not then specifically refer to the question of the prices of food-stuffs in Fiji, as I had drawn prominent attention to it in my speech when moving the Resolution. It was hoped that the Government would see that the necessary information was supplied to all intending emigrants who subsequently entered into their indentures. Government had not given a formal pledge that they would do so, but the matter was so important that we had every reason to expect that this serious omission would be remedied. I am sure the Hon’ble Member for Commerce and Industry will agree with me in regretting that this was not done. The result has been very unfortunate, for evidently throughout the year 1916, Indian men and women were recruited for Fiji on the old fraudulent terms. The consequences of this omission to supply the necessary information have been deplorable. Mr. Andrews says in his article from which I have already quoted that, when he landed in Fiji in 1917, he found that—

‘Those who had recently come out under indenture, instead of getting in Fiji the equivalent of what they could purchase for twelve annas a day in India (as they expected and had every right to expect, being simple, unlettered people), were living in the coolie ‘lines’ in an impoverished condition, with the war prices continually rising. One of these, a Madrasi, had attempted to commit suicide, by hanging himself, and gave evidence in Court that he could not bear to hear his children crying for food and yet have nothing to give them. During the first month, after my arrival in Fiji, I spent a considerable amount of time investigating this question. I went very carefully into the cost of living and checked all figures from independent sources, such as the retail storekeepers’ prices. By going in and out among the Indian labourers, it was easy to discount any exaggerations and to arrive at the true facts, which were palpable enough. I laid the information I had gathered before His Excellency the Governor, who told me with some annoyance and surprise that it had not before been brought to his notice. The whole case was also placed before the Planters in the north of the main Island at their Association meetings, and it is a pleasure to record that, in a short time, after consultation with the Colonial Sugar Refining Company’s representative (who was

RESOLUTION *re* THE EARLY RELEASE OF INDIAN INDENTURED LABOURERS. 227

[11TH SEPTEMBER, 1918.]

[*Pandit Madan Mohan Malaviya.*]

visiting the Islands) an advance of 25 per cent in wages was agreed upon. This undoubtedly saved the Indians, still under indenture, from very great hardship and compensated in some slight degree for the fraud which had been practised on them at the time of their recruitment.

*But he adds:*—‘the mere 25 per cent rise in wages does not by any means cover the whole difference of expenditure. It has been but a palliative; not a real sharing of profits.’

On this further ground then, I submit, that the existing indentures ought to be put an end to.

“Fifthly, and this is the most important of all the arguments in support of my proposal, the gravest moral consideration requires that this should be done. It has been proved beyond need of further proving that the indentured coolie quarters have become nothing more nor less than brothels. The ‘coolie lines’ in which the indentured labourers live are long wooden sheds with very thin partitions and no privacy at all, and each partition is occupied by three unmarried men, or else by a family. The root of the evil lies in the excessively low proportion of the women to the men within these crowded coolie lines. According to the departmental statistics the proportion of men to women in the coolie ‘lines’ under indenture is roughly three to one. According to the information of Mr. Andrews it is four men to one woman. The unspeakable evils which arise from it cry for immediate redress. Mr. Andrews says :—

‘By far the strongest ground, in my opinion, for the immediate closing down of the present indentures,—thus making all Indians free—is the moral one. Here higher considerations of statesmanship come in, rather than legal rights or money payments. It has been proved up to the hilt that the coolie ‘lines’ of Fiji lead directly to the prostitution of the Indian women; and also that there is no possible remedy while women are forced by law to remain against their will in what are, for all practical purposes, brothels. This condition of things should surely not be allowed to go on. The statement definitely made, in the Fiji Government Medical Report, and published by the Fiji Government itself, that, ‘one indentured Indian woman has to serve three indentured men as well as various outsiders’ is so completely final, coming as it does officially along with the Government of India’s own Despatch of October, 1915, that no administration worthy of the name should tolerate for a moment such a state of things, whatever financial inducements might be held out for their continuance.’

“Lastly, Sir, the situation of the whole of the Indians in Fiji has to be considered. They cannot rise in status till this last part of the old system is done away with. They feel intensely the disgrace and the stigma of the indenture, and they long to be free from it as soon as possible. For all these reasons, I submit that steps should be taken to secure the early release of those Indians, whose indentures have not yet expired.

“Before I conclude, I think I should draw the attention of the Indian public and the Government of India, to an extract from the Report of the Colonial Sugar Refining Company for the current year. It runs as follows :—

‘Concerning attacks on the Colonial Sugar Refining Company in various Australian papers about the conditions under which the Indian labour is housed and worked in Fiji, it is only necessary to say that all details of the living conditions of these people and their relations with employers, are strictly ordered in accordance with the regulations laid down by the Indian and Colonial Governments. In respect of health, earning and prospective employment, immigrants are much better off in Fiji than in India, the only serious defect being the discrepancies of the sexes—a point inseparable from emigration from every free country. The attack though apparently directed at the Company is really on the Fiji Government, and it is, we believe, instigated and carried out by the party in India which has for its main object the weakening of British Rule in that country.’

“The party which has laboured in this connection includes the Government of India as well as the public. I do not know what notice the Government of India will take of this scandalous and disgraceful libel both upon the Government of this country and upon its people, for these people say the conditions which prevail in Fiji are conditions which prevail in India. Now, Sir, we have been left exposed to this intolerable libel and disgrace, and

228 RESOLUTION re THE EARLY RELEASE OF INDIAN INDENTURED LABOURERS.

[Pandit Madan Mohan Malaviya ;  
Sir George Barnes.]

[11TH SEPTEMBER, 1918.]

it is time that the Government of India took immediate steps to put an end to the existing indentures which give rise to all this evil. The state of thing created by them has been bad enough from the beginning, but it has been growing worse and worse day by day. Mr. Andrews has pointed out that sexual murders on account of the evils inseparable from the coolie lines have increased since the time the report of Mr. Andrews and Mr. Pearson was written. The latest figures are :—

1915	...	...	...	...	8 convicted of murder.
1916	...	...	...	...	15 convicted of murder.
1917 (6 months only)				...	18 convicted of murder.

This, surely, ought not to go on longer. Government ought not to allow our women to be compelled to work as prostitutes. Every day longer the old system continues is a day of India's degradation. She cannot hold up her head and say that no Indian is any longer under this badge of indenture. While we are talking of the Imperial partnership of India and the other self-governing Dominions, we should leave nothing undone to abolish this virtual slavery and unspeakable compulsory degradation of Indian women who have been led to go to Fiji under a system for which the Government of India and England are responsible.

"I have nothing more to say. I hope the Government will accept the Resolution and do all that lies in their power to put an end to the existing indentures, and thus to release Indians from the intolerable conditions to which they are still exposed by reason of those indentures."

1918 P.M.

**The Hon'ble Sir George Barnes :—**" Sir, I think it might save the time of this Council if I stated the position of the Government in this matter at this early stage. The Hon'ble Member by his Resolution asks us to negotiate for the release from their indentures of the Indian labourers at present in the Crown Colonies and especially in Fiji. At the outset, I must point out that anything like real negotiation is a difficult matter, when, as the case is, the only *quid pro quo* that would really appeal to the sugar planting companies is the hope of more labour from India, and this is precisely what we are unable to offer. I will return to this point later. The position in Fiji is, as my Hon'ble friend well knows, that these labourers have bound themselves by contract to serve for a term of five years, at the end of which term, they have the right to return to India, and after ten years' continuous residence, five of which have been working years, they are entitled to a free passage back to India at the expense of the Planters, who also of course have paid for the cost of their importation.

"Now, Sir, I should like to tell the Hon'ble Member that we have not waited for his Resolution to do what was practicable with regard to Fiji, which Colony, I think, he has principally in mind. Our information regarding the position there is much more complete than in the case of the other Crown Colonies, where indeed perhaps owing to the existence of a much larger settled Indian population the evils existing in the case of Fiji are certainly much less marked and to a great extent are non-existent. Last March, His Excellency the Viceroy, who, as every Member of this Council knows, has taken a personal interest in this matter, saw Mr. Andrews on his return from Fiji, and invited him to submit a written statement containing any suggestions he had to make. Mr. Andrews accordingly submitted a memorandum in which he suggested the following reforms :—

- (1) that the last remaining years of those still under indenture be closed down at the earliest possible date ;
- (2) that at the mill centres the coolie lines be reconstructed so as to give privacy and separateness to married labourers ;
- (3) that at the mill centres the hospitals be placed under the supervision of a resident matron ;

RESOLUTION *re* THE EARLY RELEASE OF INDIAN INDENTURED LABOURERS. 229

[11TH SEPTEMBER, 1918.]

[*Sir George Barnes.*]

- (4) that in future appointments no young unmarried overseer be placed in charge of field gangs of Indian women ;
- (5) that in future appointments, no young unmarried hospital assistant be placed in charge of an Indian Hospital where there is no matron ;
- (6) that an Indian married woman, whose husband's indenture has expired, should be allowed to commute ; and
- (7) that no child in the coolie lines shall be compelled on reaching the age of 15 to serve under indenture without his or her own will and consent.

“ The Memorandum containing these suggestions was sent by His Excellency on the 13th April last to the Governor of Fiji, who was begged to give his personal attention to the points raised by Mr. Andrews. His Excellency also drew special attention in his letter to the moral condition of the labourers, as acknowledged in an official paper of the Fiji Government, and urged that this publication furnished a very sufficient justification for regarding the existing state of things as demanding prompt remedial measures. An answer to this letter has just been received through the Secretary of State for India in which he tells us that the Secretary of State for the Colonies agrees that either points (2) to (5) of Mr. Andrews' memorandum must be carried out, or the labourers released from indenture, and with regard to points (6) and (7) the Colonial Office are willing to amend the law with the object of giving unconditional right to commutation if it is found that sections 2 and 6 of Ordinance No. 28 of 1917 are inadequate. I think I had better tell the Hon'ble Pandit again what points (2) to (5) are. They are as follows :—

(2) that at the mill centres the coolie lines be reconstructed so as to give privacy and separateness to married labourers ;

(3) that at the mill centres the hospitals be placed under the supervision of a resident matron ;

(4) that in future appointments no young unmarried overseer be placed in charge of field gangs of Indian women ;

(5) that in future appointments, no young unmarried hospital assistant be placed in charge of an Indian hospital where there is no matron.

Then the two points on which the Colonial authorities are willing to amend the law are—

(6) that an Indian married woman, whose husband's indenture has expired, should be allowed to commute ; and

(7) that no child in the coolie lines shall be compelled on reaching the age of 15 to serve under indenture without his or her own will and consent.

“ Well, Sir, this seems to us a satisfactory advance, and I hope will be looked at in the same light by my Hon'ble friend the Pandit and by the other Members of this Council.

“ We know also that the lot of the labourers in Fiji has been in many other respects greatly improved. Imprisonment as a substantive punishment for strictly labour offences has been expunged from the Immigration Ordinances, and an assurance has been received that in none of the Colonies are emigrants employed on work repellent to their caste ideas or religious beliefs. There are already some improvements in the educational arrangements for the children of Indian emigrants in Fiji. Not only are most of the State aided schools now open to them, but some of the mill-owners have entered into arrangements with certain missionary bodies by which, in consideration of donations received from the mills, the latter have undertaken to teach the Indian emigrants at the mill centres concerned.

“ I may add that the Fiji Government are now in correspondence with the Government of India regarding the importation of efficient teachers for the Indian Schools in Fiji.

[*Sir George Barnes.*]

[11th SEPTEMBER, 1918.]

"The constitution of the Legislative Council in Fiji has been modified by the addition of a seat which may be filled by an Indian, provided he is a British subject and does not hold a public office. An ex-indentured Indian named Badri Maharaj, who had acquired considerable property in the Colony has been accordingly appointed to the Council. This man, who has been elected to the Council, is not at all alone in having succeeded in becoming a considerable landowner after having been an indentured labourer, and this speaks much for the grit and perseverance of the Indians who have emigrated.

"So far as health is concerned, for those who have made Fiji their home, there seems much to be said, for Mr. Andrews who has been a source of information to myself and the Hon'ble Pandit writes :—

'More and more it has been borne in upon me by what I have seen that Fiji, as far as conditions provided by nature are concerned, is a good place for Indians to live in. Those who have settled there have told me again and again what a splendid climate it is. It is surprising to see the change which has come over the physical growth of the people in a place like Nadi, on the north of the main island, the breadth of shoulder in the growing lads and their increased stature. The burden of malaria, which has pressed so heavily on the villagers of Northern India, is entirely relieved.'

"But to return to the reforms which have been made,—last year an Act was passed in Fiji to make provision for the purchase of land within the Colony for purposes of Indian settlement. A new Marriage Law was last year passed in Fiji providing for the appointment of Indian priests as marriage officers and the registration of Indian marriages by them without making it compulsory so far as the party to the marriage is concerned. Married labourers are now said to be provided with separate quarters. This, however, I only know from a newspaper report; we have not as yet any official information on the subject.

"All this seems to me to show a substantial advance in a comparatively short time, and may all be said to be the result of pressure exercised by the Government of India.

"With regard to the cancellation of indentures, my Hon'ble friend knows that the Planters in Fiji, and I think in the other Crown Colonies also, are so anxious to get more Indian labour for the sugar plantations that they offered to cancel all existing indentures if the Government of India were willing to accept the scheme of assisted emigration, which was put forward at the London Conference. This scheme, it must be freely acknowledged, was an immense improvement on the old indentured system, but the Government has never accepted it, because they believed that it was not acceptable to public opinion in India, and I imagine that the Hon'ble Pandit does not suggest that the scheme ought to be accepted in order to secure the cancellation of the outstanding indentures.

"Even if it were possible to secure the cancellation of the existing contracts at once, I must point out that it would be impossible with the present shortage of shipping to provide vessels for the return of the labourers to India, for it seems quite clear that all the shipping available will, for some time to come, be needed for purposes, directly or indirectly, connected with the war on the issue of which the welfare of this country and a large part of the world depends.

"With regard to those labourers who have already earned their right to repatriation, the Colonial Governments are without doubt unable at the present moment to fulfil their contracts, because they are unable to get the ships, but my Hon'ble friend may feel assured that no Colony will repudiate any liability, but it has undertaken to repatriate time-expired emigrants, and if such a contingency ever arose (which we regard as not only unlikely but absolutely out of the question), the Government of India will be ready to make the strongest representation on the subject. If the Hon'ble Pandit really feels any doubt on this subject, I see no objection to asking the Fiji Government or the Government of any other Colony for an assurance that no labourer shall be prejudiced by being unable owing to the shortage of shipping to claim his return voyage within the specified time (which in the case of Fiji is two years) after the right to repatriation has arisen.

[11TH SEPTEMBER, 1918.]

[*Sir George Barnes ; Mr. M. A. Jinnah ; Pandit Madan Mohan Malaviya.*]

"The Hon'ble Member has quoted Mr. Andrews, and so have I, and I should like to quote him again. He wrote to me a few days ago saying that his latest news from Fiji was, as he described it, 'distinctly encouraging.' The public, he said, of the Dominion of Australia, where the sugar companies operating in Fiji are mainly, if not entirely, domiciled, has taken up the question of the treatment of the Indian women, and as a result one of these Australian sugar companies, namely, the Melbourne Trust, has already sent a fully qualified matron for that Company's hospital. I think that this Council will be interested to know of this instance of good-will and fellow-feeling between the people of the Dominion of Australia and the people of India. Another instance of the same fellow-feeling is to be found in a letter from the Women's Christian Temperance Union of Western Australia to Mrs. J. B. Petit of Bombay (who headed a deputation of the Women of India to His Excellency the Viceroy in Delhi last year) a copy of which she has been good enough to send to His Excellency. This letter says :—

'We are glad to be able to report to you that two of our West Australian women are already on their way to Fiji to help, one as a teacher and the other as a nurse.'

Another letter from the Women's Service Guild says :—

'We are about two thousand miles away from Sydney, where a large deputation representing most of the women's organizations in Australia, including our own, waited on the Colonial Sugar Refining Company asking for certain reforms in connection with the conditions under which Indian people are working on that Company's plantation in Fiji. We are hopeful that some good will result from this deputation, and we do not intend to let the matter drop. Two of our members have volunteered to go to Fiji to help the Indian people, and we hope they will keep us in touch with what is going on there.

'We women feel akin to the spirit of the motive that has prompted you to take action on behalf of the Indian women in Fiji, and recognise it as part of an evolutionary process which is sweeping through the world and prompting women in every land to join hands and work for the uplift of the human race.'

"I have tried, Sir, to give the Hon'ble Member and this Council all the information that I can. He will see that we are not only willing to open negotiations with regard to the emigrants to Fiji, but opened them some months ago. He may rest assured that we are watching this question with the greatest care and will leave no stone unturned to secure the well-being of the Indians who have emigrated to Fiji."

**The Hon'ble Mr. M. A. Jinnah** :—"May I know, Sir, if the Government accept this Resolution?"

**The Hon'ble Sir George Barnes** :—"So far as Fiji is concerned we are not only willing to open negotiations, but we have opened negotiations."

**The Hon'ble Mr. M. A. Jinnah** :—"Then, Sir, it is certainly a matter of the greatest satisfaction indeed that there is entire agreement between the policy of the Government and public opinion in this country. I do not wish to detain this Council any more. I am sure that it will give the utmost satisfaction to the public at large in this country when they read the statement of the Hon'ble Member in charge of the subject. Sir, I only wish to say this, and I put this question for this reason, that if the Government will accept the Resolution, it will only strengthen their hands in doing what they have already been doing."

**The Hon'ble Pandit Madan Mohan Malaviya** :—"Sir, I sincerely thank the Hon'ble Member for Commerce and Industry for the sympathetic statement which he has made and the information he has given us. We are all grateful to him and to His Excellency the Viceroy for the sympathy which they have shown throughout in connection with the question of indentured labour, and we have no doubt that by their kind intervention the conditions of the Indian people in Fiji will be further improved. I am thankful to note that there has been a satisfactory advance in what Sir George Barnes has told us of the negotiations with that Government. I would make a few suggestions for his consideration. One is that as repatriation is not practicable owing to ships not

12-20 P.M.

12-31 P.M.

[ *Pandit Madan Mohan Malaviya ; Sir George Barnes ; The Vice-President.* ] [11TH SEPTEMBER, 1918.]

being available, some reasonable compensation should be given to those who are kept back or prevented from coming home to India, so that the sense of hardship that they feel may be somewhat mitigated. My second suggestion relates to the question of commutation. The law which lays down that no commutation shall take place until the employers can replace the labour from a new immigrant ship ought to be modified in view of the fact that no ship can carry any new immigrant now. As in one case owing to ships not being available the Planters are excused from repatriating Indians who have finished their indentures, so in the other case the persons who want to purchase their commutation should be allowed to do so, being relieved against the condition of replacement, by a new immigrant, which has become impossible of fulfilment, as ships cannot carry any new immigrants to Fiji at any rate at present. This is my second suggestion.

“The third is with regard to prices. Prices have risen enormously in Fiji owing to the war, and some Planters have agreed to an increase of 25 per cent in the wages of labourers. But the inquiries of Mr. Andrews have shown that this is not sufficient. I submit that it is only fair that the Government should insist upon the wages being raised to a reasonable extent after such inquiry as the Government or some representative of this Government and of the Fiji Government may be able to make and report on. Fourthly, there is the moral evil which is really the gravest in the whole situation. I am very thankful that His Majesty's Government will insist on separate coolie lines being built for the indentured women. But I beg to urge further that some immediate steps should be taken to secure protection and freedom of action and movement to the unfortunate women who are condemned to live at present in the lines that exist. I do not know how long it will take to build the new separate lines, how they are going to be built, and what protection they will afford to the women. My whole anxiety is, and I am sure in this I shall have the sympathy of every Member of the Government here and in England, that the unfortunate women who have been condemned to go to Fiji should be protected from any further compulsory degradation of themselves; they should be protected against all unlawful assaults; they should be placed under conditions in which they can, if they so desire, be free and respectable women. I hope that this will be borne in mind by the Hon'ble Member. I need not refer to the efforts which Mr. Andrews has already made in many of these directions; the Hon'ble Member is fully aware of them. I believe that if the Government of India will put the necessary pressure, and if the Government in England will put the necessary pressure on the Fiji Government, as they have already put to some extent, the Fiji Government will recognise the wisdom, if not the propriety, of yielding to the representations of the Government of India. The Government of India stand under a moral obligation to do everything that is possible to put an end to any further evils arising from this system, and I hope the matter will be further considered.”

**The Hon'ble Sir George Barnes** :—“I accept the Resolution so far as Fiji is concerned. So far as the other Colonies are concerned, I feel I have not got the necessary information, but I understand that the Hon'ble Pandit will be quite satisfied to confine his Resolution to Fiji?”

**The Hon'ble Pandit Madan Mohan Malaviya** :—“I am quite willing to confine my Resolution to Fiji for the present, Sir, if you will kindly permit me to do so?”

**The Hon'ble the Vice-President** :—“That is, to substitute the words ‘Indian labourers in Fiji’ for ‘those Indian labourers’?”

**The Hon'ble Pandit Madan Mohan Malaviya** :—“If you please, Sir.”

The Resolution was then adopted in the following form :—

‘This Council recommends to the Governor General in Council that the Government of India should move the Secretary of State for India to negotiate with the Colonial Office and the Crown Colonies concerning the early release of Indian labourers in Fiji whose indentures have not yet expired’

## RESOLUTION re MODIFICATION OF THE INDIAN ARMS ACT.

[11TH SEPTEMBER, 1918.]

[Mr. G. S. Khaparde.]

**The Hon'ble Mr. G. S. Khaparde :—**“ Sir, the Resolution which I have the honour to move reads like this :— 12-33 P.M.

“This Council recommends to the Governor General in Council that the Indian Arms Act be so modified as to bring it into line with English legislation on the subject.”

“I do not think it necessary to make a long speech or elaborate the matter much, for the reason that this was discussed at the last Delhi War Conference, and I understood then that the Government was willing to improve this law, or to make alterations in this law so as to bring it more or less into conformity with the English Act. I, however, put forward the Resolution because I did not like that the subject should drop, and I am glad to find that my Hon'ble friend Mr. Surendra Nath Banerjea as also my Hon'ble friend Mr. Patel have put questions on that same point on the 9th instant, the answers to which are to be given under this Resolution. This subject is rather difficult in one sense of the word, or rather in all senses of the word. It looks *prima facie* right that everybody should not be permitted to carry arms; it also looks right *prima facie* to say that the possession of arms should be restricted, and should be hedged round by certain precautions. But it also appears to me, and appears to be demonstrated by experience, that these restrictions have only helped to make, the law-abiding and peaceful people armless without any right to possess arms whereas the dacoits and evil-minded persons going about their iniquitous ways have been able to secure arms. So it comes to this, that the more peaceful and good people are helpless and the evil-inclined people have a certain advantage over them. This state of things certainly has to be remedied, and I suggest in my Resolution that this can be done by approximating to the practice that obtains in England. In England, it will be seen that it has been recognised from time immemorial that every private citizen has a right to carry arms, but as occasions arose they limited this right. The earliest law that I can discover is 7, Edw. II, c. 3, which laid down that people may carry arms, but they should not come armed to Parliament. That was the first limitation they imposed. The next limitation was imposed by 2 Edw. III, c. 3, which gave the people the liberty to carry arms, but restricted them from going armed in affrays. That is to say, it gave them the liberty to go armed to any market, but not to go to any big affray and if there is an affray it is certainly right that people should not carry arms. That was the next limitation.

“The third limitation came, and that is rather important, and it is mentioned in 1, Will. and Mary II, c. 2, and it came about in this way. James II, we all know, either ran away, was deposed or abdicated or whatever it was and then William was crowned. About that time they drew up a Will of Rights, and in that the carrying of arms is mentioned very prominently, and there is a very amusing feature about it. They said that James was very wrong, because he allowed Catholics to carry arms but disarmed all Protestants. That was done on religious grounds, and now we can afford to smile at the existence of all these disabilities, because all these distinctions have disappeared.

“Then we have the Acts of 33 and 34 Vict., 1870, which deal with fire-arms, and what I am very glad to find is that in the case of agriculturists and people who have got crops to protect, it is not necessary for them to get a license. They keep fire-arms without any special license; they have a right to have them.

“Then we have the Acts 63 and 64, Vict., 1870, which say that you cannot export arms, but so far as the possession of arms goes, it does allow anybody to carry arms unless I suppose prohibited. Lastly, we have the Act 3 Edw. VII, c. 18, which is popularly called the Pistol's Act, and all explosives and dynamites come under it. But what I particularly wish to bring to the notice of this Hon'ble Council is that in England they look upon it as the right of every citizen to carry arms subject to the limitations which they have imposed, whereas in India unfortunately we began by saying that nobody has got any business to have arms unless he is permitted to do so by certain laws. I wish

[*Mr. G. S. Khaparde.*]

[11TH SEPTEMBER, 1918.]

that we went back and adopted the English principle that everybody has a right to carry arms subject to the limitations which may be imposed, and not that no man is entitled to have arms unless he is permitted to do so. That is the point of view which I wish to place before this Hon'ble Council, and the advantage would be very great indeed. First of all, arms are required for two purposes. One is for the purpose of private defence of property and person, and the second is for public purposes, that is to say, for national defence and national purposes. So far as private purposes go, we know that the Indian Penal Code provides the right of private defence, but to a great extent that right of private defence is minimised or rendered difficult to be exercised by the arms not being allowed to be carried as a matter of right. Supposing a few pigs or wild animals come into my field, I have got every right to kill them, and I suppose the law permits it. But the law says, 'you cannot have a gun unless we permit you.' But I have not got a gun, and the consequence is that the animals come and eat away the crops and no civil suit can be brought against them, as they are not amenable to the jurisdiction of civil Courts; and that is where the difficulty comes in. Similarly, in the case of dacoits, robbers and thieves. In England, it has been the immemorial custom sanctioned, I believe, by law, though I cannot find it myself, if burglars or thieves get into a house, the inmates can shoot them without any question. I can show you, at any rate, I remember, a remark of Sir Henry Maine on his commentaries on the Indian Penal Code to that effect. In India, we have still that right, I believe, that if a burglar gets into my house about midnight and I see him armed and that he has a big weapon, I suppose I can shoot him. But the law here is guarded in various ways. The Indian defence goes on from step to step. If the burglar who gets into my house has got a big *lathi*, though you can beat him and if he is running away with your property, you may shoot him in the leg; the law says that you should not shoot him on certain parts of his body, in the trunk of his body and so on. There are these limitations of law imposed. So, I submit, that this is a state of things which requires to be remedied.

"In various parts of my country I find that many agriculturists and poor people lose their crops often by the depredations of wild animals, and it is quite necessary that they should possess fire-arms, not of the best type of Mawser pistols, but small arms like fowling-pieces and shot guns, or anything that will make noise enough to scare away wild animals and birds. They must have a right to possess such small arms without the necessity of applying for a license. For instance, a big man having a large and extensive field and crops should have the right to possess a small fowling-pistol or something which will make noise enough to scare away wild animals and birds.

"Similarly, I also think that bankers and rich men should have the right to possess arms. In these days generally money is sent by post or by railway. But still there are bankers in my rural part of the country where they have got to maintain large balances in their house to lend money to their tenants, and often times also they have to transfer money from one village to another. So I think these people must have certain facilities, that is to say, a person desiring to send anything over Rs. 1,000 should either be entitled to the service of a police-man carrying a gun or his servant may be permitted to carry a gun to protect his money. That will reduce the dacoities and thefts that are taking place on a large scale.

"Then my third proposal is, that the method of obtaining licenses should be rendered easy. In England, if you wish to purchase a gun, you have only to go to a post office and pay there 5s. or 10s., as the case may be, and that post office gives you a license, and then with that license you go to the shop-keeper and he gives you a gun on your producing the license, and there is no more trouble about it. Whereas in India, if I want to purchase a gun, I must, in the first instance, apply to the Sub-divisional Officer. He then refers my application to the Police Inspector, and the Police Inspector submits his report to the District Superintendent of Police, and he again forwards the application to the Sub-Inspector for inquiries who eventually recommends, if he

[11TH SEPTEMBER, 1918.]

[Mr. G. S. Khaparde ; Mr. C. A. Kincaid.]

thinks fit, that the applicant appears to be a good enough man to have a gun and under the usual conditions he may be given it. Then it goes to the District Magistrate ; so that the poor man gets absolutely tired of the whole procedure and having to run about so many times for obtaining a license. Many people get tired of this procedure and never press for a license, as the procedure involved is very cumbersome. They sit down and trust to chance, and instead of a gun they take empty tins and beat them to scare away wild animals. I submit, Sir, that the obtaining of licenses should be made easy so that people may readily obtain them. I also submit that it is necessary that some people should be entirely exempted from taking a license and they should get it as a matter of right.

" I have got one or two Resolutions which will come later on which relate to Boy Scouts, University Volunteers, etc., and I suppose that under the existing rules they will be permitted to carry arms at least during the time that they are under training. Then there will be a depôt, or some establishment where the arms will be deposited, though I should personally prefer that they should be allowed to carry arms to their houses, and during their leisure hours they may be encouraged to go about *shikaring* and having a little sport so that their martial spirit may be revived.

" And there is in sport that need for a man to undertake a certain amount of fatigue, go without food, follow animals and yet not lose his temper. There are many lessons that a man gets from sport, and I should like our young people to be encouraged in these outdoor sports, more especially those of shooting and running down animals, which is a very useful exercise, indeed, and the people might be given opportunities for it. These are then, Sir, the proposals that I would put forward. Our Indian law is all right so far as it goes, but it should be slightly remodelled on the English type so as to enable every free citizen—there are now no non-free citizens, slavery has gone—to have the right to carry arms. Agriculturists with small farms should be permitted to have fowling-pieces and for the rest of the people licenses should be easily procurable. These appear to me to be the main features. One of these at any rate was discussed at Delhi, and it was said, if I understood rightly, that steps were being taken to make the procuring of these licenses easy. That view was taken at Delhi. These are the recommendations which fall within my Resolution, and I move the Resolution and hope that it will be accepted."

**The Hon'ble Mr. C. A. Kincaid :**—" Sir, I rise to oppose this Resolution. I would at the outset ask this Council to cast back their memories, or rather to go back to the history of India some sixty years ago. As this Council is aware in May 1857, the Indian Mutiny broke out at Meerut. Seeing that the outbreak was at so central a place, it seemed very likely that if to the military outbreak was added a civil rebellion by the people the rebellion would spread east, west and south. It seemed specially likely that the rebellion would spread to the west because there lay the Province of the Punjab inhabited by a brave and warlike population who had only yielded to the British power after a long and very often doubtful struggle. As a matter of fact things turned out somewhat differently. There was a civil rebellion, but it did not spread to the west. The population of the Punjab, not very long before the Mutiny, had been disarmed, and the result of that was, that the disloyal elements in the Punjab were unable to overawe the loyal elements. They were unable also to render any effective assistance to the Mutineers. The loyal elements rallied round British officers like Hodson and Nicholson, and instead of being a danger to the British Empire rendered services of almost incalculable magnitude. On the other hand, the population of Behar, the old North-West Province, Oudh and Central India had not been disarmed. There the exact contrary took place. The loyal elements were swept away by the disloyal elements who were armed, and the result was two years of war which taxed to the utmost the resources of the British Empire, and caused intense suffering and misery throughout great Provinces. In the year 1860, the first Indian Arms Act was passed. That was 58 years ago, and from that time to this there has not been one

[*Mr. C. A. Kincaid.*]

[11TH SEPTEMBER, 1918.]

serious rising in any part of India. Now, I would ask the Council to consider that statement. A rising in India, looking at the resources of the British Empire, must be abortive, and an abortive rising means military executions, hangings, fines, confiscations, the ruin of individuals and the misery of many often innocent families. I will go even further and express my deep regret that the first Indian Arms Act was not passed in 1850 instead of 1860. Had that been done, there would undoubtedly have been a military outbreak, but not a civil rebellion; and India would have been spared two years of war and suffering, years of racial hatred and of political stagnation. Of course the Hon'ble Member may reply, that that was merely a coincidence, that Arms Act or no Arms Act, there would have been no rising in India after 1860. I think if he were to make that statement it could easily be disproved. As long ago as the 15th century the Mussalman writer Ferishta, the historian of the Bahmani Kingdom, said there was no country in the world that was so liable to rebellions and revolutions as India. I think that is only natural when you consider the vast sub-continent, its difficult communications, its immense population and their extraordinary liability to sudden fits of religious excitement. I will not quote more than one instance, but one instance I will quote in illustration of what I say, and that is what happened only the other day in the Akola taluka of the Ahmednagar district of the Bombay Presidency. A *mamlatdar* had been pursuing a recruiting campaign with possibly an undue amount of zeal and enthusiasm when a body of some 2,000 or 3,000 Kolis gathered round his house and set fire to it. I am not sure whether they chopped him to pieces or burnt him alive. Certainly they showed their disapproval of his methods in a very vigorous manner. Now if the Koli population of the Western Ghats had been armed, the whole of this portion of the country would have been in flames, and you would have had the railway cut between Bombay and Poona and between Bombay and Nasik and all communication *via* Bombay with Europe, Africa and Irak, would have been stopped. I put it to this Council that that would have been a political calamity of the first magnitude.

"Now, Sir, there is a second aspect of this case. Previous to this war the garrison of British India was 73,000 British troops, and rather more than double that number of Indian troops. Visitors from foreign countries used to express great surprise how the garrison of so great a country was not larger. As a matter of fact there was no secret about it, the key to the enigma was the Arms Act. Had the population of India been armed a very much larger garrison would obviously have been needed. Now the garrison of India is a charge on the Indian Exchequer, and a larger garrison would have meant a larger burden to the Indian taxpayer. Therefore, I submit the Indian Arms Act has, during the last 60 years, saved the Indian taxpayer hundreds of thousands of pounds sterling.

"There is a third aspect, Sir, of this case. It is this. On two occasions in recent years India has played her part most nobly in assisting Great Britain. The first occasion was when Lord Curzon's Government in 1889 sent an Indian contingent to the defence of Natal, and military experts have expressed the opinion that it was the assistance rendered by that contingent that saved the situation at that time.

"The second occasion was when Lord Hardinge's Government sent troops to Basra, East Africa and France. I say to this Council that it would have been absolutely impossible to do this had the population of India been armed. I hope the Council will accept my assertion that I do not cast any aspersion on Indian loyalty. I would not do so for a single moment. But with an armed population the danger of a rising is so great, its spread is so swift and its consequences so terrible, that it would be a very brave Government indeed that would dare to denude India of troops under these conditions in time of war. I would therefore put it to this Council that they should be very slow indeed before they do away with an Act which, during the last 60 years has secured to India public tranquillity, saved the taxpayers

[11TH SEPTEMBER, 1918.]

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

Hundreds of thousands of pounds and enabled the Government on two great occasions to play her part nobly by the Empire.

“Of course the Hon'ble mover may reply, that he does not want to abolish the Act, but wants to modify it. I put it to this Council that modification on the lines suggested by the Hon'ble mover amounts to abolition. I have not read all the Acts which the Hon'ble mover has quoted, but I have practical experience (and I expect many Members in this Council have also) of the working of the English Arms Act. You go to the Post Office and pay a pound for a gun license and two pounds for a game license. Now, apply those conditions to India. There are often behind rioters very wealthy people; it was so during the recent Arrah riots. Those wealthy people could, by the expenditure of a few thousand rupees, get licenses for several hundred men and distribute arms to them, and there you are, the riot becomes a rebellion with all the lamentable consequences which that involves. There is one criticism which was suggested by the Hon'ble mover, it was also a favourite theme of Indian speakers before the war. The Indian Arms Act, so it was said, had unmanned and degraded the Indian population, and the illustration generally employed was in connection with the Maratha nation to which the Hon'ble mover belongs. It used to be asked where were those splendid armies which once held India in fee, where were those 200,000 horsemen the tramp of whose chargers was heard from Attock to Rameswaram? The answer was they had been abolished by the Arms Act. It was said that, exposed to the malignant influences of the implacable enactment, their courage had been dissolved; it had oozed out of their finger tips, and that from being the foremost warriors of India they had become mere helots, mere tillers of the soil. Though it was conceded that there were certain Maratha regiments, it was said they were not fit for modern warfare and that they were fit only to police Southern India; and even so great an authority as the late Earl Roberts expressed the opinion that Maratha regiments were not good enough to stop an Afghan rush.

“Well, as His Excellency the Viceroy said the other day, this war has brushed away a great many cherished theories and, I may add, a great many cherished prejudices. I have served for 15 years in the Maratha country, and I am sure I shall have the sympathy of the Council when I say that I love the Maratha country and I love the Maratha people; I love that splendid land which stretches from the Vindhya mountains down to the confines of Kanara and from the Central Provinces to the shores of the Arabian Sea; I love its temperate climate, its noble hills and its perennial rivers, and above all its deathless epic of military glory. And I can assure this Council that I felt a glow of pride and pleasure—and I may say that feeling was shared by other Members of my Service in the Maratha country—when I learnt of the gallant deeds of the Maratha regiments who sailed with Sir Arthur Barrett to Irak, who occupied Basra, who took Kurna and won at Saiba. Sir, every single man of the rank and file of those regiments had been exposed from birth to the so-called blighting influences of this terrible enactment, and yet they fought in a way which would have roused the envy of the veterans of the Bhoale and the comrades of Chimnaji Appa. I put it, Sir, to this Council that the gallantry of the Maratha regiments on the battle fields of Mesopotamia is the surest answer to that criticism and the best proof that it has never had the slightest shadow of a foundation.”

**The Hon'ble Sir William Vincent:**—“Sir, I welcome the discussion of this Resolution for various reasons. In the first place, it will afford me an opportunity of explaining what the Government policy is and what it has been, and this is the more necessary, as misleading accounts of that policy are often made public which do considerable harm. There are also a certain number of people, who, I believe, are genuinely in error as to the policy of the Government in this matter; indeed it seemed to me from what I have just heard that this remark applies not only to non-officials, but that at least one official Member of this Council is in the same position. I hope to convince the Council, of the necessity for legislation of this kind on

[*Sir William Vincent ; Mr. G. S. Khaparde ;* [11TH SEPTEMBER, 1918.]  
*Pandit Madan Mohan Malaviya.*]

entirely different grounds from that adopted by him. I believe that this necessity is recognised everywhere. It is no new policy in India and does not date from 1857 at all. It began with the advent of British rule into this country. I have here a quotation from Sir Bartle Frere, where he says 'one of the first measures of Sir Charles Napier in Sind was a proclamation forbidding persons to carry arms without license. The real reason for these restrictions on carrying and possessing arms was the inherent difficulty of maintaining law and order over vast tracts inhabited by peoples of widely different degrees of civilisation.' That is the real reason for this legislation into which the Government has been forced from time to time. I believe indeed that such measures are a natural accompaniment of growing order and civilisation.

"It is true that the basis of our present legislation was the Act of 1860, and that Act was passed shortly after the Mutiny, and was probably connected with the unfortunate rising of 1857, but I do not think it can be said that the Act of 1878, which is the present Act, is in any way connected with that event though I do not doubt that the unrestricted issue of licenses for fire-arms might affect the military situation in that it would probably necessitate the maintenance of larger forces, a point already put by Mr. Kincaid. To return to the Act of 1860, it was found in a few years after the measure was enacted that a large number of cheap fire-arms were being imported and used throughout the country, and the consequence of that was that large gangs of armed bandits wandered about the country who became too powerful for the police to cope with. It shortly became necessary therefore to impose further restrictions on the possession of arms in order to maintain that law and order which is, as I have frequently said in this Council, the greatest asset of British rule in this country. I will quote what Sir Henry Maine said in 1881 on this subject, because, I think, it illustrates my argument and tends to disprove the idea that the Arms Act was the result of the Mutiny. He said :—

'It is one of the unfortunate consequences of the great struggle of 1857-58 that legislation of this kind is supposed to be connected with loyalty and disloyalty. As a matter of principle it rests on quite different grounds. There is no surer sign of barbarism than the habit of carrying arms, and no clearer mark of advancing civilisation than the gradual disuse of this practice'

"These words explain the reason why the Act of 1878 was passed. The previous Act was insufficient for the maintenance of the public peace. It was to secure this that the later Act was enacted, and I think it may fairly be said that it has been fairly effective.

"The Hon'ble mover has told us that every person in England is entitled, and has always been entitled, to carry arms as a matter of right. This is not strictly accurate. The Bill of Rights to which he referred says that 'the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law.' .....

**The Hon'ble Mr. G. S. Khaparde** :— "Will the Hon'ble Member kindly read clause 6—'By causing several good subjects being Protestants to be disarmed at the same time when Papists were both armed and employed contrary to law.' Those two sentences have to be read together."

**The Hon'ble Sir William Vincent** :— "The two sections have to be read together, but I submit that they do not make out that every one was allowed to carry arms without restriction. People were allowed to hold arms according to their position. That is what the Act says.

"The Hon'ble mover went on to say, if I understood him correctly, that I had agreed at the Delhi Conference on behalf of the Government of India, to a proposal to assimilate the law in India to that in England." .....

**The Hon'ble Pandit Madan Mohan Malaviya** :— "He did not say that."

[11TH SEPTEMBER, 1918.]

[*The Vice-President ; Sir William Vincent.*]

**The Hon'ble the Vice-President** :—" Order ! Order ! The Hon'ble Member is continuing his speech."

**The Hon'ble Sir William Vincent** :—" If I misunderstood the Hon'ble Member I will not deal further with the point; except to disclaim having made any such statement. I did however say that we proposed, so far as might be compatible with the public safety, to relax the rules for the possession of arms in India so as to facilitate the possession of fire-arms by respectable citizens. I also said that we intended—as a fixed principle—to do away with all racial distinctions as to the possession of arms. But further than that I did not go.

" The Hon'ble Member is particularly anxious that arms should be given out freely for protection against dacoits. Well, Sir, the position in regard to that is clear. Local Governments do give out arms and issue licenses in various districts for this purpose. In the province of Bengal arms have been issued with some success for protection against dacoits,—I think in the district of Mymensingh,—and Local Governments will, I am sure, be quite prepared to consider the necessity for further measures in that direction. If the facts justify such extension and certainly this is a matter to which the Government of India would always give sympathetic consideration. In my own province, in one district a number of licenses were issued for weapons to be used against dacoits; but I am afraid they were never used. Indeed on some occasions they were stolen by the dacoits. There was one instance in which a gentleman was given a gun for the protection of the village against dacoits, and when asked why he had not used it in a particular occasion, he said that he had been unable to do so as the dacoits threw stones at him. In the district of Khaira in the Bombay Presidency a number of arms or licenses were also issued to householders to use against desperate criminals, with, I am afraid, very indifferent results. The arms have been stolen in some cases and used by the thieves for purposes other than that for which they were given. In Bengal, as I have said, the experiment has been successful, and the Government of India are quite prepared to advocate any extension of that system which may appear feasible. For the protection of crops, licenses are issued freely at present, and this is a matter to which special attention has been drawn more than once.

" But this is a very different matter from accepting the Resolution of the Hon'ble Member, the result of which would be that every village *badmash*, every thief and dacoit, could, on payment of Rs. 5 or Rs. 7, at a Post office get a gun and use it to terrorise his village neighbours. Every village assassin, every *Goonda*, as they are called in Calcutta, could procure a gun or revolver, for the purpose of terrorising his enemies. That is a position of affairs we cannot contemplate, and I hope it will not commend itself to this Council. It is quite true that licenses are issued for fire-arms on such conditions in the United Kingdom. But the conditions there are entirely different. The population is more civilised, less prone to violence, and the necessity of avoiding force as a means of determining quarrels is fully recognized. There is also a very general sense of civic responsibility. Further, it may safely be said that in the United Kingdom, save for an occasional armed burglar, the only offences for which fire-arms are used are poaching affrays. In India, the position is entirely different. We have a large amount of agrarian crime and in many provinces dacoities are very prevalent. There are again bitter religious fanaticism and faction disputes which often lead to serious disturbance of the peace; and it seems to me that it would be most unsafe to allow unrestricted possession of fire-arms in India in such circumstances. I cannot but think that the position of affairs in the Punjab, for instance, in 1915, would have been much more serious if the lawless section of the inhabitants had been allowed to secure arms without restriction. Similarly, in Arrah in 1917, there might have been much more

[*Sir William Vincent; Mr. Surendra Nath Banerjea; The Vice-President.*] [11TH SEPTEMBER, 1918.]

loss of life. We know what effect the possession of fire-arms in one district in Bengal had upon crime. I refer to the district of Backerganj. I think at least one Member of this Council will remember the time when gunshot murders in Backerganj were extremely common.....

**The Hon'ble Mr. Surendra Nath Banerjea** :--“ It was disarmed.”

**The Hon'ble Sir William Vincent** :--“ Exactly so: the whole district was disarmed.”

**The Hon'ble the Vice-President** :--“ I must ask Hon'ble Members who wish to intervene to rise. According to the rules an Hon'ble Member must rise if he desires to do so.”

**The Hon'ble Sir William Vincent** :--“ The Hon'ble Member, I may say, Sir, is quite correct in saying that the district was disarmed, with the result that the number of murders diminished by half.

“ With all these facts before Hon'ble Members I want the Council to consider seriously whether it would be safe so to relax the present restrictions as to possession of arms as to allow every bad character, as I have said, to secure a gun license merely on payment of Rs. 5 or Rs. 7. That is really what is proposed by the Hon'ble Member who moved this Resolution. I submit that that is not safe and that the Government could not possibly undertake the responsibility for preserving the peace on those conditions.

“ The real effect of this would be largely to increase the physical power for evil of a certain section of the people without any corresponding increase in those moral forces of restraint which obtain in more advanced countries. I need not say also that any such change in the system would involve a large and immediate increase in police expenditure. As to Bengal, the danger of allowing the free purchase of pistols and revolvers which would necessarily follow from the acceptance of the Hon'ble Member's Resolution is well illustrated by the Report of the Rowlatt Committee. Council knows that the theft of 50 automatic pistols by the members of the revolutionary party in Bengal led to a very large number of murders, chiefly of police officers. The Hon'ble mover said just now that the free possession of firearms was necessary for two purposes: firstly, for protection against wild animals; and, secondly, for national defence. I think we might add that in the case of a certain section of the people, shooting policemen would also be a favourite pastime if weapons were procurable without restriction. Let us see what the Rowlatt Committee say on this point. They say that taking the whole supply of arms together, the revolutionaries only obtained arms enough for isolated outrages. If the supply had been sufficient to give every gang an ample and separate supply, the conspiracy might have produced a calamity of terrible character in Bengal. I think, Sir, that this indicates the very great danger of allowing the free purchase of pistols and revolvers by men of this character; and such purchase would be a necessary consequence if the Resolution were accepted.

“ Similarly, we know Germany has made great efforts to get at the disaffected portion of the population of this country, and that attempts have been made to import arms for their assistance. Is it reasonable that when we are at war the disaffected portion of the population, small though it may be, should be given an opportunity for making trouble? Is it reasonable, I say, that we should facilitate the very end which the Germans have in view? I read a lecture which was delivered by an Indian in Berlin the other day, in which he frankly said that the reason why people, like him, did not rise in this country and had not given more trouble was that they had been unable to secure arms.

“ I do not for one moment suggest that there would be many of such people, but I maintain that it would be madness for us to increase the facilities for

[11TH SEPTEMBER, 1918.]

[*Sir William Vincent; Mr. Surendra Nath Banerjea.*]

procuring lethal weapons by even a small number of such persons at a time like the present.

“Sir, so far I have attempted to explain why I cannot accept the Resolution. But if I am allowed a few moments more to explain what our intentions in the direction of amending the rules are, I think it may be of interest to the Council and also that it may very possibly meet the Hon’ble mover. We have formulated certain proposals to which the Government might have given effect earlier, but we thought that it would be fairer if we deferred our final decision until this Council met when we could consult a number of the provincial representatives and non-officials of this Council on the adequacy and propriety of the measures. Though there are dangers in any general relaxation of the restrictions which are now imposed, it by no means follows that the Government is not in sympathy with much that has been said by the Hon’ble mover, or is unwilling to do all that is possible to remove any reasonable grievance. I have been a District Magistrate myself, and I know that men who want licenses are put to a great deal of inconvenience, and that whatever trouble the District Officer may take there is often reason to believe that a license costs more than the eight annas that is paid for the stamp. This is the kind of inconvenience that we seek to avoid. Our main principles, so far as we have formulated them, are as follows:—Firstly, we will abolish all racial distinctions at once; secondly, we propose to facilitate the issue of licenses to men of a prescribed class, if I may use the term. We propose also, if the Local Governments do not satisfy us that there are grave objections to such a course to extend the period and the area for which licenses should be valid so that a license issued should hold good for a number of years and throughout British India. The exact qualifications of the prescribed class to which I have referred is a matter of detail which we shall have to work out, but the idea is that on the application by any person of that class licenses shall be issued as a matter of course without any inquiry by any subordinate authority, and we have suggested (though whether this is a feasible proposition or not, I do not know) that licenses should be issued by some more conveniently situated authority than District Magistrates. I cannot say that these proposals have been adopted, because as I said we do not know what the views of Local Governments are in respect of them. They have been circulated for opinion and what I propose to do now is, to ask the official members coming from the provinces and also a number of non-official members to attend a conference where we may discuss and thoroughly thresh out these proposals. As I said I hope to be able to take some steps which, while not endangering public peace, will at the same time afford reasonable facilities to those who desire to keep arms for their own protection or for the protection of their crops, or for any other lawful purpose.”

**The Hon’ble Mr. Surendra Nath Banerjea:**—“Sir, my Hon’ble friend the Home Member has got certain proposals in his mind, and he wants to consult the official members and after consulting them his idea is to make an announcement, I hope in this Council. If I have rightly understood him, I think the best thing to do would be to adjourn the debate and then after his proposals have been matured by him in consultation with the official members I hope some of the unfortunate non-officials will be taken into confidence; after he has done that I think it would be as well to take up the debate on this point .....

1-25 P.M.

**The Hon’ble Sir William Vincent:**—“May I explain, Sir, that I did not say that I proposed to consult the official members only; I said that I proposed to consult certain non-official members also.

1-26 P.M.

“I am afraid however that I cannot accept the proposal of the Hon’ble Member, because our proposals have really nothing to do with this Resolution. The Resolution proposes that the law of this country should be assimilated to the law in England. That is a proposal to which the Government of India will

[*Sir William Vincent ; Mr. Surendra Nath Banerjea ; The Vice-President.*] [11TH SEPTEMBER, 1918.]

not and cannot assent, and if I have explained at the same time what we intend to do, although it is not strictly relevant to the Resolution, I did it only for the satisfaction of Council."

1-27 P.M.

**The Hon'ble Mr. Surendra Nath Banerjea** :—"If these proposals which my Hon'ble friend hopes to formulate after consultation are laid before an adjourned meeting of this Council, it is possible that my friend will withdraw his motion, and in that event the Council will be able to come to a unanimous conclusion on the subject. Therefore, I do press the point that in view of the fact that my Hon'ble friend wants to make certain announcements with regard to the Arms Act and here we have got this Resolution before us, it would facilitate discussion and possibly promote unanimity if the debate was adjourned and taken up when the proposals were made. It seems to me that this is an exceedingly reasonable proposal which I hope my Hon'ble friend will accept, and then we can discuss the matter perhaps in a less heated atmosphere than what is likely to be if my friends have to speak on the Resolution now...."

1-29 P.M.

**The Hon'ble Sir William Vincent** :—"I am very sorry, Sir. I did not say that I proposed to make any announcement whatever. I said that I proposed to consult the various members who have come from the provinces before arriving at a decision. I cannot consent, so far as I am concerned, to the discussion of this Resolution being adjourned. As I said the Government is going to oppose this Resolution, although they are taking measures to make reasonable modifications in the present system."

1-30 P.M.

**The Hon'ble Mr. Surendra Nath Banerjea** :—"Am I to understand then, Sir, that my friend does not consent to an adjournment of this debate in view of the proposals that he may have to make to this Council on a subsequent occasion? Because, Sir, our attitude with regard to this motion and our observations will depend very largely upon that announcement....."

**The Hon'ble the Vice-President** :—"The Hon'ble Member may take it that the debate will be adjourned automatically at a not very distant period."

**The Hon'ble Mr. Surendra Nath Banerjea** :—"Well, then, Sir, I must confess to a sense of disappointment at the observations which have been made by my Hon'ble friend the Home Member. I think, Sir, it was announced about this time last year by His Excellency while presiding over the deliberations of this Council that the Arms Act or at any rate the Regulations in connection [with the Arms Act would be so modified as to remove all racial disabilities.

"Sir, we have been waiting for the last 12 months and we have been waiting in vain. At the Delhi Conference I took the liberty of raising this question, and my Hon'ble friend was then pleased to say that the delay in issuing these regulations was due to him. He took the entire responsibility of that delay upon his own shoulders in view of the heavy work that he had to perform, and I think he expressed the hope that the Regulations would soon be issued. That was in April. This is September. The Regulations have not been issued. The Local Governments are being consulted, the official and non-official members will be taken into confidence. God only knows when these Regulations will be issued and the elements of racial disability removed. Therefore, Sir, I think I am entitled to utter a word of complaint, a word of protest, against the delay that has taken place. Sir, if I may be permitted to indulge in an observation, I will say this, that delay is the bane of bureaucracy; that our bureaucratic friends do not seem to realise the great value of timely concessions and of time as a factor in the determination of political considerations. There is a good deal of impatience felt by all of us, that there should be such a delay in connection with a matter in regard to which the people of India have expressed a strong opinion at all their public meetings and demonstrations. Sir, it must be said that the continuance of this racial disability is a source of great irritation amongst our people.

[11TH SEPTEMBER, 1918.]

[*Mr. Surendra Nath Banerjea ; Sir William Vincent ; Sir Edward Maclagan.*]

"My Hon'ble friend the Home Member has referred to the dangers which the free distribution of arms will produce especially in Bengal. Well, I want to point out to him that it is the peaceful people who are deprived of their arms, who are not able to defend themselves, while the robbers and the dacoits, the anarchists and the revolutionaries have no difficulty in procuring them.....

**The Hon'ble Sir William Vincent:**—"They have considerable difficulty in getting arms."

**The Hon'ble Mr. Surendra Nath Banerjea:**—"They have no difficulty whatever and they easily loot houses and commit acts of robbery and plunder. It is the peaceful, helpless and undefended who are exposed to the depredations of these people. If we had arms I think our position would have been somewhat different. Therefore, I do submit that facilities, whether we accept my Hon'ble friend's Resolution or not is another matter, I do think that facilities ought to be afforded to peace loving and loyal citizens in order that they may provide themselves with arms to defend themselves or their properties. What happens when an application is made for a license to have a gun? If you make the application to the Sub-divisional Officer or to the Magistrate, he sends it down to the Superintendent of Police; the Superintendent sends it down to the Inspector; the Inspector sends it down to the Head Constable, and then after two or three months possibly the license is granted. In the meantime, the applicant has no arms, no gun to protect himself. Now this is the state of things that goes on. My friend referred to the Barisal District and the disarmament of the Barisal district. That is perfectly true, but was there any diminution of crimes as the result of that disarmament? ....

**The Hon'ble Sir William Vincent:**—"Yes, there was a large decrease in the number of murders."

**The Hon'ble Mr. Surendra Nath Banerjea:**—"I should like to have the figures."

**The Hon'ble Sir William Vincent:**—"I will give the figures to the Hon'ble Member later. I have not complete figures available here; I will give them later."

**The Hon'ble Mr. Surendra Nath Banerjea:**—"My information is that there was no sensible diminution. At any rate, the effect of the disarmament has been to deprive the peaceful and law-abiding people of defending themselves and the agriculturists of protecting their crops.

"Then the invidious racial distinction is one which is a source of great irritation to us. Let me illustrate my point. My friend the late Maharaja of Mymensingh had under him a number of Eurasian servants. He had not the right of carrying arms without a license, but these men could get as many guns as they pleased without a license, and it was abundantly proved in one of the recent cases that many of these anarchists and revolutionaries got their arms through unscrupulous European and Eurasian agents and some of them were convicted and punished. Therefore it seems to me that it is a matter of first importance that without any unnecessary delay the regulations with regard to the Arms Act should be modified. Whether you accept my friend's Resolution or not, it is another matter, but that we stand in an exceedingly unsatisfactory position is admitted by the Government, and I appeal to my Hon'ble friend, before this Council closes, to issue the new regulations which may help to create a feeling of contentment and remove the irritation which the present working of the Arms Act has produced among the Indian community at large."

**The Hon'ble Sir Edward Maclagan:**—"Sir, it was the intention of my Hon'ble friend Mr. Fagan to address the Council on the motion before us, and if he were here I should not trouble the Council with any remarks of my own. But Mr. Fagan, I am sorry to say, is laid up with fever, and I venture in his absence to make a few suggestions regarding the way in which

[*Sir Edward Maclagan.*]

[11TH SEPTEMBER, 1918.]

the proposals of the Hon'ble mover would work in the province to which we belong.

"I do not think it is necessary for me to take up the general points which have been discussed by the Hon'ble Mr. Banerjea. We all of us agree, specially those who had to deal with the working of the Act, that the Act itself and the rules under it require very large modifications, and we have been told that those modifications are going to be introduced. But what the Hon'ble mover asks us to do, is to approximate the legislation of this country to that at Home, and by that he means that there should be a substantial and very large increase in the number of licenses held, and the number of arms possessed, by the people in the country, and on that point I wish to point out one or two aspects of the case with regard to the Punjab. Now I think if we were to put this question before one of the well-to-do peasants in the Punjab who is probably a typical elector of our constituencies of the future and ascertain his real feelings on the subject, I do not think he would look at the question quite in the same way as the Hon'ble Member thinks. His first idea would be that as his enemy has a gun he must get one too. The idea that a gun is given to a man entirely for self-defence is one which would not, I think, strike him. The Punjab is a province in which, according to a recent Report, the interval between thought and action is unusually short, and there are many occasions on which there are racial and other disturbances and local factions and so forth on which the free possession of guns on either side would certainly lead to difficulties in maintaining the peace of the country. In fact, if the principle which the Hon'ble Member is advocating were carried to its extreme, the time might come when the peasant would have to go to his well and follow his cattle with arms in his hands and the country would relapse into the condition from which we rescued it 70 years ago.

"We have a further difficulty which especially affects the Punjab. There is a certain amount of apprehension already being felt even in England as to what the effect will be when a large number of men come back from the war, men who have been accustomed to see bloodshed, men who are well accustomed to the prompt handling of arms; when they come back in civil life and wish to enforce their claims for this or that. We also shall be having large numbers of men coming back from the war; men who are daily accustomed to handling arms,—men in the prime of youth. Would it be wise to let them have access to arms for their civil disputes and to make themselves, as they probably would, a terror to the countryside?

"A further point has been raised, that by allowing the people to have arms we would be maintaining their martial spirit. If that were the case, I think the point would require further consideration, but I doubt very much whether we can accept that as an axiom. Mr. Kincaid has already mentioned one case in which it certainly has not been the result of not having arms that the people have lost their martial instinct. I may take the case of the English people themselves. 99 out of a hundred of the men who are now fighting have not handled arms before the war, and no one can say they had lost their martial instincts. In the Native States it is ordinarily the custom to allow the use of arms, but recruiting in the Native States has not been better than in British India.

"I need hardly allude to the increased difficulties which the free possession of arms would put in the way of dealing with organised violent crime. At present the people of the criminal and predatory population have difficulties in getting arms. They have to do so by subterfuge or force, but if they had free access to arms, the trouble of keeping them in order would be very greatly increased. I think we all recognise the absolute justice of the contention which has been put forward, that where there is a great fear of dacoity or predatory crime, that there it is only right that we should allow a certain proportion of

[11TH SEPTEMBER, 1918.]

[*Sir Edward Maclagan.*]

arms to the people who are likely to be attacked ; but these arms, as Sir William Vincent pointed out, would have to be placed in the hands of men who know how to use them, and who would use them in the manner that has been intended. Even if we had a free issue of arms in the manner the Hon'ble mover proposes, it is doubtful how far the ordinary money-lender or shopkeeper would provide himself with arms, and even if he did, his possession of arms would not deter the dacoit from robbing his house ; in many cases it would afford an additional inducement for him to do so. If dacoits are to have free access to arms the protection of the commercial and industrial classes in this country will become a very difficult and costly affair.

" I have said nothing about revolutionary crime. Sir William Vincent has referred to it, but I may mention as regards the Punjab particularly that the recent report on the subject points out the effect that the absence of arms had on the attempts made a few years ago to introduce revolution in the Province. In one place it is said : ' The issue of the *Ghadr* of the 13th January, 1914 had advised Indians to go abroad, learn how to make rifles, bring boxes full of them into the Punjab and rain over the Province a sweet shower of guns'. Some pistols and ammunition were brought from America and Rash Behari contributed four revolvers. Other weapons too were collected, but most fortunately for the public the procurement of sufficient arms was a serious difficulty and the plans for attacking the Ferozepore and Mian Mir arsenals collapsed. In another place, referring to the judgment in the second Conspiracy trial in the Punjab, the Report says : ' The judgment recites evidence which shows that it was mainly want of arms that prevented a large rising in December 1914'. If by any chance this form of crime was to revive in the Province and fire-arms could be easily obtained by purchase or by force, the difficulty of coping with this form of crime would be practically insurmountable. "

The Council adjourned to Wednesday, the 18th September, 1918.

A. P. MUDDIMAN,

*Secretary to the Government of India,*

*Legislative Department.*

SIMLA ;

*The 19th September, 1918.*