

# East India (Constitutional Reforms)



Reforms Enquiry Committee, 1924.

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Views of Local Governments,  
on the working of the Reforms,  
dated 1923.

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*Presented to Parliament by Command of His Majesty.*

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**Reports**  
**of the Local Governments**  
**on the working of the**  
**Reformed Constitution,**  
**1923**

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Letter no. D-917, dated the 23rd April 1923.

From—The Secretary to the Government of India, Home Department.

To—The Chief Secretaries of all local Governments (except Burma).

His Excellency the Viceroy desires to have from each Presidency and Province a report on the working of the reformed constitution and its results, political, financial and administrative, covering the whole period from the commencement of the Government of India Act up to date. The report is intended to enable His Excellency to make a comprehensive and comparative survey of the operation of the reformed system of government in the various provinces, the directions in which the strength or weakness of the system has been manifested, the lines on which the possibility of further progress and development or the necessity for greater elements of stability has been indicated and its effects on the administration and on the general political situation.

2. As a great deal of ground has to be covered and as it is necessary for purposes of comparison that there should be some substantial uniformity in the scope and method of the reports from the various provinces, His Excellency desires that the following main heads should be dealt with *seriatim* :—

A—The Executive Government.

B—The Legislature.

C—The constituencies and the public.

D—Political agitation and parties outside the reforms scheme and their influence on it.

3. A—*The Executive Government*.—Under this head the following points appear to call for particular notice :—

- (i) Constitution and personnel of the Executive Government on both reserved and transferred sides, and distribution of business.
- (ii) Allocation of funds to reserved and transferred subjects.
- (iii) Constitutional or Cabinet difficulties and the resignation on such grounds of members or ministers.
- (iv) Reinforcement or readjustment of Secretariat or other Head Quarters establishment necessitated by the Reforms.
- (v) Co-operation between the Executive Government and the Legislature with special reference to permanent or special Committees of the latter and the action taken in pursuance of their recommendations, and the use of Council Secretaries.
- (vi) Relations between the reformed Government and the Public Services.
- (vii) General effect of the reforms on the cost and efficiency of the administration.
- (viii) The Reforms and Local Self-Government.

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4. B—*Legislature*.—The working of the Legislative Councils will naturally form one of the principal subjects of the report. The first requisite is a concise but comprehensive summary of the business transacted by the Councils under the following main heads :—

- (i) Government Legislation.
- (ii) Private Bills.
- (iii) Financial Business.
- (iv) Resolutions and questions.
- (v) Miscellaneous.

His Excellency desires to have a self-contained record in the briefest possible compass of the items of business transacted, but this should be supplemented by a commentary dealing with the more important questions of policy or politics thereby raised. As regards (i) Government legislation, the salient points are the general attitude taken towards Government measures by the Council, especially those involving additional taxation, measures dealing with law and order or public security, measures involving racial considerations and measures directed towards social reform, development of resources and improvements in the administration. Legislative measures which have been defeated or withdrawn owing to opposition should be particularly noticed. Other points of importance are cases of the certification, return or reservation of bills (sections 72-E. and 81-A. of the Government of India Act), the withholding of assent (section 81, *ibid*) and resort to regulations, ordinances or other extraordinary legislative powers.

(ii) *Private Bills*.—Some account should be given of the character of the private legislation proposed, introduced or passed, and special reference should be made to cases in which such legislation was supported, adopted or opposed by Government.

(iii) *Financial Business*.—Under this head, the most important points are the attitude of the Councils towards Government proposals for expenditure and taxation; action taken by the Councils to enforce or extend their financial powers; cases in which Government have accepted reductions of their estimates or in which the restoration of rejected demands have been found necessary; measures of retrenchment; and proposals emanating from the Councils involving increased expenditure.

(iv) *Resolutions and Questions*.—Some general comment would be of value on the exercise of the Councils' powers of resolution and interpellation; with special notification of the more important particular instances; of the action taken by Government in pursuance of resolutions or questions; and of the general lines on which resolutions and questions have been disallowed.

(v) *Miscellaneous*.—The more important cases under this heading will probably relate to motions for adjournment and amendments of Standing Orders.

5. In addition to the specific points above detailed arising out of particular items of the business transacted by the Councils, there are many questions of

a more general nature regarding the working of the Councils to which attention should be directed, of which the following are examples :—

- ✓(a) The extent to which the Councils represent and react on current public opinion.
- ✓(b) The extent to which and by what means relations have been maintained between members of the Councils and their constituencies.
- ✓(c) The formation on political lines of groups or parties within the Councils, and how far these coincide with or traverse purely communal lines of cleavage.
- (d) The institution of what may be broadly called conventions of procedure as between the Legislature and the Executive Government or the Governor, as *e.g.*, the grounds for the disallowance of resolutions and questions; the appointment of Commissions and Committees and the scope of their enquiries; and, within the Councils themselves, the institution and growth of a parliamentary practice and tradition.
- (e) The institution, whether on the part of Government or of parties within the Councils, of any form of party organization, the issue of whips, consultation as to the concerted attitude to be taken on particular measures, appointments or election to committees, the priority to be given to particular items of Council business and so forth.
- (f) Prominent party leaders, their policies and adherents.

6. *The Constituencies and the Public.*—Several of the points relevant to this heading have been incidentally touched on in the preceding paragraph, but may be capable of a somewhat broader treatment. Information and opinions on the following points would be of value :—

- (i) The ascertained percentage of enfranchised persons to the total population, and the percentage of votes recorded in general or bye-elections to the total number of voters on the register.
- (ii) The interest evinced by the constituencies and the public in the work of the Councils.
- (iii) The extent to which the formation of political groups or parties in the Councils is reproduced in or derived from the constituencies.
- (iv) Electoral organization in the constituencies, political programmes, parties and party funds and machinery.
- (v) The influence of the press on politics and public opinion, and the promotion of organs of the press supporting the views of particular groups or parties in the Councils.

7. D.—*Political agitation and parties outside the Reforms Scheme.*—It is obvious that no appreciation of the present political situation and of the possibilities of the future would be complete without careful consideration of th

attitude and activities of the Congress and Khilafat parties which have hitherto elected to remain outside or to oppose the political system set up by the Government of India Act and of their influence on the Councils and constituencies. In this respect the attitude of the Councils towards the measures taken by Government against non-co-operative and Khilafatist activities and the interest taken in the trial, conviction and treatment in jail of persons charged with offences connected with political movements are of importance. The later stages of the non-co-operative movement and the formation of parties of the Congress with the object, of entering the Councils will require particular attention with regard both to the present political situation and to possible developments in the immediate future. Non-co-operative activities in Municipalities and Local Boards should also be considered in the same connection.

8. The above suggestions are not intended to be exhaustive but merely general indications of the scope and contents of the report. The weight to be given to the points here summarised will necessarily vary greatly in different provinces and doubtless many others, which have not been included, will be found to have an important bearing on the enquiry proposed.

9. I am to request that the report may be submitted not later than June 30th.

## MADRAS.

Letter No. 833, dated 16th July 1923.

From—The Chief Secretary to the Government of Madras,

To—The Secretary to the Government India, Home Department.

With reference to your letter no. D. 917, dated 23rd April 1923, I am directed to submit the following report on the working of the reformed constitution and its results, political, financial and administrative, covering the whole period from the commencement of the Government of India Act up to date. To facilitate reference, the paragraphs of this report are numbered in the centre headings in the same way as those of your demi-official letter under reply.

### A.—THE EXECUTIVE GOVERNMENT.

*Paragraph 3 (i). Constitution and personnel of the Executive Government on both the reserved and transferred sides, and distribution of business.*

2. The strength of the Executive Government under the Reforms scheme introduced by the Government of India Act, 1919, was fixed as follows for the Madras Presidency:—

Four Members of the Executive Council, and

Three Ministers.

The Hon'ble Sir Lionel Davidson and the Hon'ble Mr. (now Sir Charles) Todhunter were re-appointed as Members of Council, and the Hon'ble Khan

Bahadur (now Sir) Muhammad Habib-ul-lah Sahib Bahadur and the late Hon'ble Sir K. Srinivasa Ayyangar were appointed as the Indian Members of Council. All the four Members took their seats with effect from the 17th December 1920.

3. The three Ministers who were appointed from the same date were :—

- (1) The late Hon'ble Diwan Bahadur A. Subbarayulu Reddiyar Garu.
- (2) The Hon'ble Diwan Bahadur P. Ramarayaningar (now the Hon'ble the Raja of Panagal).
- (3) The Hon'ble Rai Bahadur (now Sir) K. Venkatareddi Nayudu Garu.

In selecting the Ministers His Excellency the Governor adopted the plan, in strict consonance with the British constitutional practice, of calling upon the leader of the party which had been returned to power by the general elections to make recommendations.

4. The subsequent changes in the personnel of the reserved half of the Government were—

- (a) The Hon'ble Sir Charles Todhunter took leave from May to October 1921 and the Hon'ble Mr. A. R. Knapp was appointed temporary Member of Council.
- (b) The Hon'ble Sir Lionel Davidson retired from active service from 1st April 1922 and the Hon'ble Mr. A. R. Knapp was appointed as permanent Member in the vacancy.
- (c) The late Hon'ble Sir K. Srinivasa Ayyangar resigned from the 12th February 1923 and the Hon'ble Mr. C. P. Ramaswami Ayyar was appointed temporary Member from 12th February 1923 till 21st March 1923 and permanent Member thereafter.
- (d) The Hon'ble Mr. A. R. Knapp availed himself of six months' leave from 1st May 1923, and the Hon'ble Mr. R. A. Graham was appointed as temporary Member.

5. On the transferred side the only change was that entailed by the resignation of the late Hon'ble Diwan Bahadur Subbarayulu Reddiyar Garu from 11th July 1921, and the appointment of the Hon'ble Rao Bahadur A. P. Patro as Minister in the resultant vacancy.

6. Under sub-section (2) of section 49 of the Government of India Act, the following distribution of business among the Members of the Executive Council and the Ministers was made by His Excellency the Governor on the introduction of the Reforms scheme. The portfolios reserved for His Excellency the Governor in the pre-reform Council are now distributed among other Members of the Cabinet.



## A.—MEMBERS.

HOME MEMBER .. { Hon'ble Sir Lionel Davidson—17th December 1920 to 31st March 1922.  
 Hon'ble Mr. A. R. Knapp—1st April 1922 to 30th April 1923.  
 Hon'ble Mr. R. A. Graham—1st May 1923 to date.

Aliens.  
 Administration report.  
 Air-craft.  
 Arms and explosives.  
 Cinchona.  
 Court of Wards and zamindars.  
 \*Criminal justice, including petitions for mercy.  
 Criminal Tribes Act, 1911, except settlements and schools established under sections 16 to 19.  
 Dramatic performances and cinematographs.  
 Ecclesiastical.  
 European education.  
 European vagrancy.  
 Excluded areas.

Forests, including preservation of game.  
 \*Magistracy.  
 †Malabar affairs.  
 Military.  
 Newspapers, books and printing presses.  
 Passports.  
 Pilgrimages outside British India.  
 \*Police.  
 Political.  
 Public Works (Governor's residences).  
 Protection of wild birds and animals.  
 Railways.  
 \*Regulation of betting and gambling.  
 \*Reports on matters of political and administrative importance.  
 Rewards for saving life and property.  
 \*State prisoners.

FINANCE MEMBER .. { Hon'ble Sir Charles Todhunter—17th December 1920 to 3rd May 1921 and 24th October 1921 to date.  
 Hon'ble Mr. A. R. Knapp—4th May 1921 to 23rd October 1921.

Archæology.  
 Borrowing.  
 Conduct of business in Council.  
 Customs.  
 Finance.  
 Government Press.  
 Income-tax.  
 Indian Civil Service questions other than leave and appointments.  
 Local fund audit.  
 Meteorology.  
 Move of Government to the hills.  
 Office procedure.  
 Pensions.  
 Petition rules—general questions.  
 Precedence.

Posts, telegraphs and telephones.  
 Ports.  
 Protected monuments.  
 Publicity (including Editor's Table).  
 Public Service Commission and service questions, including examinations and special tests, land returns and Government Servants' Conduct Rules.  
 Reforms—not being legislative.  
 Public Works (Harbours).  
 Salt.  
 Stores and stationery for reserved departments.  
 Taxation.  
 Trade.

\*Transferred to Law Member in April 1922.

†New subject allotted as a result of the Mappilla rebellion.

A—MEMBERS—*contd.*

REVENUE MEMBER .. { Hon'ble Khan Bahadur Sir Muhammad Habib-ullah Sahib Bahadur—17th December 1920 to date.

Boilers.  
Census.  
Development of mineral resources.  
Economic condition, including prices wages.  
\*Electricity and water power.  
Escheats.  
Famine relief.  
\*Inland water-ways.  
\*Irrigation—major works.  
Land acquisition.

Land Revenue administration (other than Court of Wards and zamindars and landlords and tenant).  
Minor irrigation.  
Pounds.  
Stamps.  
Territorial changes (intra-provincial).  
Treasure trove.  
Water-rates.  
Wild animals and rewards for their destruction.  
Yeomials and hereditary pensions.

LAW MEMBER .. { Hon'ble Sir K. Srinivasa Ayyangar—17th December 1920 to 11th February 1923.  
Hon'ble Mr. C. P. Ramaswami Ayyar—12th February 1923 to date.

Administrator-General & Official Trustee  
Cantonments.  
Civil justice.  
†Civil supplies.  
Companies.  
Criminal tribes (settlements and schools established under sections 16 to 19 of the Criminal Tribes Act, 1911).  
† Depressed classes.  
Elections.  
†Emigration.  
Extradition.  
Kazis.  
†Labour and factories.

Landlord and tenant, including Estates Land Act.  
Law officers.  
Law reports.  
Legislation.  
Nuisances.  
Poisons.  
†Prisons.  
Prevention of cruelty to animals.  
†Reformatories.  
Regulation of medical and other professional qualifications.  
Translators to Government.  
Vehicles.

## B—MINISTERS.

MINISTER FOR EDUCATION AND PUBLIC WORKS. { Hon'ble Diwan Bahadur A. Subbarayulu Reddiyar—17th December 1920 to 10th July 1921.  
Hon'ble Rao Bahadur A. P. Patro—11th July 1921 to date.

Education (other than European and Anglo-Indian education).  
Excise.  
Libraries.

Public Works, other than Governor's residences, harbour works, irrigation, tramways and light railways.  
Registration of deeds and documents.  
Stores and stationery for transferred departments.

MINISTER FOR LOCAL SELF-GOVERNMENT. { Hon'ble the Raja of Panagal—17th December 1920 to date.

Adulteration of foodstuffs.  
Local Self-Government.  
Medical administration.  
Pilgrimages within British India.  
Public health and sanitation and vital statistics.

Religious and charitable endowments.  
Registration of births, deaths and marriages.  
Tramways and light railways.

\*Transferred to Law Member in April 1922.

†Transferred to Home Member in April 1922.

MINISTER FOR DEVELOPMENT. Hon'ble Rai Bahadur Sir K. Venkatarreddi Nayudu  
Garu—17th December 1920 to date.

Agriculture.  
Civil veterinary department.  
Co-operative societies.

Development of industries, including industrial research and technical education.  
Fisheries.  
Weights and measures.

*Paragraph 3 (ii). Allocation of funds to reserved and transferred subjects.*

7. The division of provincial subjects into reserved and transferred has not been attended by an allocation of the sources of the provincial revenue to the two branches. The expenditure on services of all kinds is a charge on the general revenues and balances of the province ; and the allocation of funds to reserved and transferred subjects is a matter for agreement between the two halves of the Government (*vide* Devolution Rule 31). In the event of failure to arrive at an agreement, the question would have to be decided either by His Excellency the Governor or by an authority appointed by the Governor-General on the application of the Governor (Devolution Rules 32—35). The latter contingency has not arisen in connexion with the preparation of any of the provincial budgets since the Reforms, as the apportionment of funds between reserved and transferred subjects has so far been settled amicably by the combined Government at their joint deliberations.

8. The present procedure adopted by the combined Government in dealing with the expenditure budget is briefly as follows. The budget is divided into part I 'Standing Sanctions,' which means items which have already received the approval of the Legislative Council ; and part II 'New Schemes' which have yet to go before it. In the case of the former, while there is much calculation and adjustment of detail, there is no question of policy to be considered, while the latter need consideration of matters of policy, sometimes from quite a number of points of view. The estimates for 'Standing Sanctions', in the case of both reserved and transferred departments, go through the processes of examination by the Secretariat and are subjected to financial scrutiny ; and the estimates, as revised by the Finance department, are placed by major heads before the Finance Committee. The alterations recommended by the Finance Committee are usually adopted by the Government ; or if there are difficulties in adopting those recommendations, the matter is again placed before the Finance Committee. Broadly speaking, no radical changes have so far been insisted on by the Finance Committee. The recommendations of the Finance Committee are then considered by the combined Government at their joint meeting specially convened for the purpose ; and, with reference to the funds available after providing for 'Standing Sanctions', a selection is made by them of the 'New Schemes' which should be included in the budget to be presented to the Legislative Council.

9. The following statement shows in broad outline the allocation of funds year after year to the reserved and transferred departments since the introduction of the Reforms in 1921-22. Although there have been extensive redistributions of subjects among the reserved departments, yet the general line of boundary between reserved and transferred subjects has remained intact : hence it is possible to trace in the statement a gradual increase in the yearly

allocations to transferred subjects. It is necessary to point out, however, that there are numerous departments on either side which do work for both sides, and that it is not possible to arrive at any exact distribution of expenditure between the two. To take a few instances, there is a large part of the staff concerned with the general administration which serves all departments. The pay of Ministers who are in charge of transferred departments has so far been shown as reserved. The buildings relating to reserved departments come under Public Works (Transferred). There are other charges which are common to both reserved and transferred departments although the budget shows them as reserved, such as Interest on debt, Scientific departments, Superannuation allowances and pensions, and Miscellaneous, etc. :—

Year.	Total expenditure.	Reserved.	Transferred.	Percentage to the total expenditure.	
				Reserved.	Transferred.
	LAKHS.	LAKHS.	LAKHS.		
1921-22 (Accounts) ..	1,677·92	1,254·24	423·68	75	25
1922-23 (Revised estimate) ..	1,652·84	1,217·33	435·31	74	26
1923-24 (Budget estimate) ..	1,711·72	1,245·09	466·63	73	27

The above figures includes under ' reserved ' the contribution of 348 lakhs to the Central Government—a sum of money which, when released, will in all probability be applied almost entirely to transferred subjects. Excluding this contribution, the percentage given above will work out as under :—

Year.	Total expenditure.	Reserved.	Transferred.	Percentage to the total expenditure.	
				Reserved.	Transferred.
	LAKHS.	LAKHS.	LAKHS.		
1921-22 (Accounts) ..	1,329·92	906·24	423·68	68	32
1922-23 (Revised estimate) ..	1,304·84	869·53	435·31	67	33
1923-24 (Budget estimate) ..	1,363·72	897·09	466·63	66	34

*Paragraph 3 (iii). Constitutional or Cabinet difficulties and the resignation on such grounds of Members or Ministers.*

10. Discussion of important questions at joint meetings of both sides of the cabinet has been almost the invariable rule, there having been 46 such meetings in each of the years 1921 and 1922 and 22 meetings in 1923 up to the end of June, while the number of Council meetings has been only 3, 2 and 2, respectively, during the same periods. The arrangement under which practically all administrative questions are considered at joint meetings of the Cabinet has been so far successful in securing agreement that there are only four minutes of dissent on record.

As will be seen from paragraph 4, the only changes that have taken place in the constitution of the Government have been the resignation of Sir Lionel Davidson on the termination of his active service in India, the resignation of the late Diwan Bahadur Subbarayulu Reddiyar on the ground of ill-health and the resignation of the late Sir K. Srinivasa Ayyangar mainly a consequence of the rejection by the Council of the Irrigation Bill at its first reading [paragraph 58 (a) below].

*Paragraph 3 (iv). Reinforcement or readjustment of Secretariat or other headquarters establishment necessitated by the Reforms.*

11. The Reforms led to the creation of the posts of fourth Member of the Executive Council, three Ministers, three Council Secretaries, the President, the Deputy President and the Secretary to the Legislative Council.

The pay of these officers is as follows :—

	Pay.
	Rs.
One Member of Council .. .. .	5,333
Three Ministers .. .. .	5,333 each per mensem from 17th December 1920 to 31st March 1923; and Rs. 4,333 per mensem thereafter.
One President of the Legislative Council ..	3,000 per mensem from 17th December 1920 to 31st March 1923; and Rs. 2,000 per mensem thereafter.
One Deputy President of the Legislative Council	5,000 per annum.
One Secretary to the Legislative Council ..	1,500 per mensem.
Three Council Secretaries ..	500 each per mensem.
	—————
	31,333 per mensem or 3.72 lakhs
	————— per annum.

12. A staff of four steno-typists and twenty-four peons was created for employment under the fourth Member of the Executive Council and the three Ministers, while for the President of the Legislative Council, a separate office was created, consisting of two superintendents, nine clerks, ten Legislative Council reporters and seventeen inferior servants and a temporary establishment costing about Rs. 6,300 per annum of typists and proof-readers.

13. In the Secretariat, a separate Finance department was constituted, thereby raising the number of the Civil Secretariat departments from five to six, and their nomenclature was changed as shown below :—

Designation prior to the introduction of the Reforms.	Designation after the introduction of the Reforms.
Chief Secretariat .. .. .	} Chief Secretariat. Finance Secretariat.
Revenue Secretariat .. .. .	
Revenue (Special) Secretariat .. .. .	Revenue Secretariat.
Home Secretariat .. .. .	Development Secretariat.
Local and Municipal Secretariat .. .. .	Law Secretariat.
	Local Self-Government Secretariat.

14. The main additions made to the Secretariat staff are as follows:—

Department.	Permanent.	Temporary.
Finance Secretariat.	(1) Secretary (pay admissible under the superior scale of pay applicable to Indian Civil Service officers plus a special pay of Rs. 250 per mensem). (2) One Assistant Secretary Rs. 500—50—800.	(1) One Deputy Secretary (grade pay of Indian Civil Service officers under the superior scale plus a special pay of Rs. 200 per mensem). (2) One Assistant Secretary Rs. 500—50—800.
Local Self-Government Secretariat.	Nil.	(1) One Deputy Secretary, in lieu of one permanent Under Secretary (grade pay of Indian Civil Service officers under the superior scale plus Rs. 200 per mensem). (2) One Assistant Secretary Rs. 500—50—800.
Law Secretariat.	Nil.	One Assistant Secretary Rs. 1,050.

15. The Finance Secretariat has been strengthened temporarily by the appointment of a Deputy Secretary and of an Assistant Secretary. A menial staff of five temporary peons in all has been sanctioned for these two officers.

16. A temporary post of Assistant Secretary had to be created in the Law department for legislative drafting work. The pay of that post is at present Rs. 1,050 and the existing sanction for the post will expire on the 31st August 1923. The marginally noted staff is employed under that officer.

17. The Local Self-Government Secretariat had to be strengthened temporarily by the appointment of a Deputy Secretary and of an Assistant Secretary, the permanent post of Under Secretary attached to that Secretariat being held in abeyance during the continuance of those temporary posts.

*Paragraph 3 (v). Co-operation between the Executive Government and the Legislature, with special reference to permanent or special committees of the latter and the action taken in pursuance of their recommendations, and the use of Council Secretaries.*

18. One of the most important features of the Reforms has been the development of government by committees; and since their inception there has hardly been a week during which committees of one sort or another have not been sitting. The committees may be said to be of four classes:—

I. Standing committees whether (A) elected by the Legislative Council or (B) appointed by the Government.

II. Departmental committees appointed by the Government.

III. Committees appointed by the Government for the preparation of projects of legislation, etc.

IV. Committees appointed by the Government at the instance of the

19. *I (A). Standing committees elected by the Legislative Council.*—As regards committees under this class, reference may be made in the first place to the Public Accounts Committee constituted under rule 33 of the Legislative Council rules for the purpose of dealing with the Audit and Appropriation Accounts of the province and such other matters as the Finance department may refer to it. The committee is composed of ten members, of whom seven are elected by the Legislative Council and three are nominated by Government. The intention is that it should become an inquisitorial body which will probe thoroughly all financial irregularities and defalcations and misdemeanours. As it could not function till the accounts of at least one previous financial year were ready, it only got really to work in the beginning of the present year when it examined fully the Accountant-General's Audit and Appropriation reports for 1921-22. Its most important resolution dealt with the Public Works department and the finances of local bodies. With reference to the first, it emphasised the need for closer examination by the Finance department with a view to check such irregularities as starting works without estimates, exceeding estimates without sanction and late payment of bills. As regards local bodies, the committee took a very serious view of the growing practice of overdrawal of accounts at the Government treasuries by some of the municipalities and many of the district and taluk boards. The remedy suggested was the introduction of a proper banking system and the strengthening of the audit staff working under the Examiner of Local Fund Accounts.

20. The Finance Committee, though not statutory, is in some ways an even more important body than that on Public Accounts. It consists of nine members, of whom three, including the Finance Member as chairman, are nominated by the Government, and six are non-official members of the Legislative Council, elected by the Council: a fresh committee is appointed every year. While the Public Accounts Committee reviews the finances after the year is over, the Finance Committee deals with current and proposed expenditure. Before it all schemes involving new and recurring commitments are brought for examination before they are included in the budget; and though the committee is only advisory, its recommendations naturally have great weight with the Cabinet when deciding what expenditure shall be included in the estimates to be placed before the Legislative Council for sanction for the coming year. It has also proved of great importance that a selected number of members of the Council should have had the opportunity of closely examining all new schemes before they come to be debated on the floor of the House and of bringing informed criticism to bear on the various proposals.

During the budget session the committee sits at least once a week, at other times at such convenient intervals as may be required.

21. *I (B). Standing committees appointed by the Government.*—Besides the above two committees, which are mainly composed of members elected by the Legislative Council, there are standing committees in various departments appointed wholly by the Government, but consisting of a majority or comprising a considerable number of non-official members of the Legislative Council, whose assistance and co-operation the Executive Government wish

to secure in the administration of the various departments. The following standing committees may be mentioned in this connexion :—

(1) The Road Board consists of fifteen members of whom seven are members of the Legislative Council (non-officials), appointed by G. O. no. 880, dated 19th May 1921, to work out a definite policy for improving the communications of the Presidency. It is a standing advisory committee.

(2) The Standing Advisory Committee for Excise Administration. There are eleven members of whom nine are members of the Legislative Council (non-official), with the Hon'ble the Minister in charge of Excise for their president. A resolution moved in the Council by Rao Bahadur A. S. Krishna Rao Pantulu on 3rd August 1921 to the effect that a special Excise Committee should be appointed was modified by the unanimous consent of the House into a resolution that the standing committee to be attached to the Excise department be required to investigate and suggest means of improving the Excise administration of the Presidency. The committee prepared a questionnaire on prohibition and local option and sent it to selected officials and non-officials to be answered. The answers received were duly examined and a number of witnesses were also selected for oral examination at the next meeting of the committee, the date of which has not yet been fixed.

(3) The Agency Advisory Committee consisting of nine members, of whom six are members of the Legislative Council (non-official), has for its president the Hon'ble the Home Member. It was appointed in October 1921 to advise the Government in regard to Agency administration. The committee has met from time to time to advise the Government on various questions, chiefly in regard to the budget. The Committee's opinion is generally accepted and acted on.

(4) The Forests Committee has nine members, of whom seven are members of the Legislative Council (non-official), presided over by the Hon'ble the Home Member. It was appointed by G. O. No. 1858, dated 4th October 1921, and its functions are advisory.

(5) The Standing Committee on Education and Registration has eight members, of whom seven are non-official members of the Legislative Council, and the president is the Hon'ble the Minister in charge of Education and Registration. The committee was appointed by G. O. No. 1577, Law (Education), dated 5th November 1921.

(6) The Industries and Fisheries Committee has fourteen members, of whom ten are members of the Legislative Council (non-officials), and the president is the Hon'ble the Minister in charge of Industries. This committee, whose functions are advisory, was appointed by G. O. no. 2118, dated 12th November 1921.

(7) The Agriculture and Co-operation Committee has fourteen members, of whom ten are members of the Legislative Council (non-official), and it was appointed by G. O. no. 2125, Development, dated 14th November 1921, its functions being advisory.

(8) The Public Works Advisory Committee, consisting of ten members, of whom nine are non-official members of the Council, with the Minister in



charge of Public Works as chairman, appointed by G. O. no. 1731 W., dated 29th November 1921.

(9) The Consultative Council of Public Health with twenty-one members, of whom eight were members of the Legislative Council and presidents of district boards, was appointed by G. O. no. 7, Medical, dated 4th January 1921, in order to maintain touch with non-official opinion both as regards the general principles of health policy and as regards such broad questions as might from time to time arise concerning medical relief, preventive medicine and medical education. This council was dissolved on the formation of the Advisory Committee for Public Health to be presently mentioned.

(10) The Advisory Committee for Public Health, ten out of eleven members of which are members of the Legislative Council (non-official), was appointed by G. O. no. 314 (Public Health), dated 27th February 1922. Meetings were held on 17th February 1922 and on 3rd and 17th March 1923; most of the recommendations of the committee have been given effect to by the Government.

(11) The Advisory Committee for Local and Municipal Administration has eleven members, of whom ten are members of the Legislative Council (non-official), and was appointed by G. O. no. 378, L. & M., dated 27th February 1922.

22. II. *Departmental committees appointed by the Government for special purposes.*—The number of such committees is naturally very large and it is perhaps unnecessary to specify those composed solely or mainly of officials. The following are instances in which the Government have *proprio motu* included in their departmental committees a substantial proportion of non-official members of the Legislative Council:—

(1) The Madras Disturbances Committee consisting of three members, of whom two were members of the Legislative Council, with the Hon'ble Justice Sir William Ayling, Officiating Chief Justice of the Madras High Court, as its president, was appointed by G. O. no. 481, dated 30th July 1921, to enquire into and report on the disturbances in the Peranbur division of the Madras City on or after the 29th June 1921, and the measures taken to restore order. The report of the committee justified the action taken by the police and the military and it was laid before the Council and the public for information.

(2) The Local Loans Fund Committee had seven members, of whom three were members of the Legislative Council (non-officials), and was appointed to investigate the constitution of a local loans fund by G. O. no. 1015, L. & M., dated 3rd June 1921.

(3) The Light Railways Committee, four out of eight members of which are members of the Legislative Council (non-official presidents of district boards), was appointed to consider and prepare a note for the use of district boards on the construction and management of light railways—G. O. no. 1414, L. & M., dated 16th August 1922. The committee's report is under the consideration of the Government.

(4) The Leather Industries Committee, with ten members of whom six are members of the Legislative Council (non-officials), was appointed by G. O. no. 148, Development, dated 25th January 1923. The committee has not yet reported.

(5) The Public Works Department Enquiry Committee. Eight members, of whom two are members of the Legislative Council (non-official), appointed by G. O. no. 375-W., dated 5th April 1923, to consider the present system of execution of works and accounting in the Public Works Department, and to make suggestions for simplifying and improving the same with a view to secure economy in construction as well as in establishment charges. The committee's report has been received and is being considered by the Government.

(6) Lastly may be mentioned the Educational Conferences assembled by the Hon'ble the Minister for Education (1) at Ootacamund on the 26th and 27th May 1923, consisting of eight members, of whom six were members of the Legislative Council (non-official), and (2) at Madras on the 11th June 1923. The resolutions passed by the conference are under the consideration of the Government.

23. III. *Committees appointed by Government to frame projects of legislation or assist in framing rules and orders.*—(1) The Land Revenue Settlement Bill Committee consisted of fifteen members, of whom seven were members of the Legislative Council (non-official) and the president was the Hon'ble the Revenue Member. The committee was appointed by the Government in April 1921 to make recommendations as to the lines on which a bill defining the principles of land revenue settlement should be drafted. The majority of the non-official members of the committee recommended a permanent settlement of the ryotwari tracts, but the committee, as a whole, objected to such a measure and drafted a bill following the existing settlement procedure, with the modification that the proposals for each settlement should be placed before the Legislative Council. The Government did not accept this recommendation which would make each scheme of settlement practically a taxation bill; and they put forward certain alternative suggestions for the consideration of the Government of India and the Secretary of State. The Government of India have now addressed this Government pointing out the inexpediency of legislating on the lines of a permanent settlement at the present moment, and also disapproving of the suggestion made by this Government as to an income-tax on land. They have asked this Government to reconsider the position in the light of their remarks.

(2) The Religious Endowments Act (Amendment) Bill Committee consisting of twelve members, of whom eight were members of the Legislative Council (non-official), was appointed by G. O. no. 2317, L. & M., dated 25th November 1921, to suggest amendments and alterations in the existing Act and to consider the principles on which a new bill should be drafted. The recommendations of the committee were taken into consideration before the bill was introduced into the Legislative Council [*vide* paragraph 41 (c) below].

(3) A Committee to draw up a set of draft rules under the Madras Village Panchayat Act, 1920. This consisted of eight members, of whom five were members of the Legislative Council (non-official). The chairman was Rao Bahadur C. V. S. Narasinha Raju, M.L.C. (non-official). It was appointed by

G. O. no. 2318, L. & M., dated 25th November 1921. The draft rules drawn up by the committee were approved in G. O. no. 168, dated the 24th January 1922.

(4) A Committee to frame rules under the Madras State Aid to Industries Act, 1923. This committee consisting of ten members, of whom six were members of the Legislative Council (non-official), was appointed by G. O. no. 181, dated 2nd February 1923. The rules framed by the committee were approved by the Government and published in the Gazette.

(5) The Irrigation Bill Committee. This committee consisting of seventeen members, of whom twelve were members of the Legislative Council (non-official), was convened by Government in May 1923 to consider the terms upon which the Irrigation Bill which had been rejected by the Council in January 1923 should be redrafted. The committee sat for a week in May 1923. Its recommendations will be duly considered by the Government in the draft bill which it is intended to place shortly before the Legislative Council.

24. IV. *Committees appointed in pursuance of resolutions or interpellations in the Legislative Council.*—(1) The most important committee to be described under this head is the Retrenchment Committee, with its subsidiary committees in different departments. By a resolution of the House, dated 16th September 1922, the Finance Committee was constituted a Retrenchment Committee, and it has been assisted in its work by subsidiary committees appointed by the different departments, *e.g.*, (a) The Judicial Retrenchment Committee consisting of four members, of whom two were members of the Legislative Council (non-official), appointed by G. O. no. 1505, Law (General), dated 6th June 1923, this committee has submitted a preliminary report, on part of which action has been taken by the Government. (b) The Survey and Settlement Retrenchment Committee consisting of twelve members, of whom six were members of the Legislative Council (non-official), appointed to advise on the cheapest system of survey and settlement. Certain specific questions were put before the committee and their opinion taken thereon. The Board of Revenue has been asked to submit proposals for giving effect to the decisions of the committee. (c) The Land Revenue Retrenchment Committee on which there are fourteen members, of whom ten are members of the Legislative Council (non-official), appointed to simplify the system of land revenue administration and to propose alterations in the volume and nature of the work entrusted to the district officers in the maintenance of statistical and revenue accounts. The committee has made certain interim proposals upon which the Board of Revenue has been asked to report. (d) The Medical and Public Health Retrenchment Committee with eight members, of whom two were members of the Legislative Council (non-official). The committee has reported and most of its recommendations have been given effect to. (e) The Veterinary and Agricultural Retrenchment Committee consisting of nine members, of whom five were members of the Legislative Council (non-official). It was appointed to review the whole expenditure in the two departments; action is being taken by the Government on the report of the committee. (f) The Police Retrenchment Committee with eight members, of whom three were Indians; two members from the Finance Committee were asked to assist this committee. It was appointed by G. O. no. 43, Judicial

dated 25th January 1923, and its report is under the consideration of the Government.

(2) The Committee for the Revision of Salaries of Non-Gazetted Officers appointed in pursuance of a resolution of the Council, dated 16th February 1921, and consisting of eight non-official members of the Legislative Council. The committee sent in a report, dated 1st March 1921; its recommendation regarding the raising of the minimum pay of clerks has been given effect to at an additional cost of Rs. 3·50 lakhs.

(3) The Board of Revenue Reorganization Committee. Eleven members, of whom six were members of the Legislative Council (non-official), appointed in April 1921, with reference to a resolution in the Council, dated February 1921, to enquire into the feasibility of replacing the Board of Revenue by such alternative agencies as might be required in order to carry on the administration with economy and at the same time without loss of efficiency. The committee's recommendations as regards curtailment of the establishment have been given effect to and in pursuance of another of its recommendations, the post of Secretary, Settlement department, has been left unfilled.

(4) The Famine Code Revision Committee. Nine members, of whom three were members of the Legislative Council (non-official), appointed in August 1921, in pursuance of a resolution in the Council to revise the provisions of the Famine Code of 1914, after prompt and necessary enquiry regarding wages and allowances. The committee suggested various amendments to the Famine Code and orders have been passed accepting the recommendations in most cases—G. O. no. 978, dated 23rd June 1923.

(5) The Education Reorganization Committee. Thirty-two members, of whom twenty-one were non-official members, including several members of the Legislative Council; president, M. R. Ry. Diwan Bahadur R. Venkatratnam Nayudu Garu. The committee was appointed in pursuance of a resolution carried in the Legislative Council on 1st September 1921. The committee made numerous recommendations having an important bearing on secondary and intermediate education and its report was placed on the Editors' Table in February 1923. The report is under the consideration of the Government.

(6) A Committee to examine certain matters connected with the establishment of an Andhra University. Twenty-one members, mostly members of the Legislative Council, of whom the Director of Public Instruction was the only official. The decision to appoint such a committee arose out of a resolution moved in the Council by Mr. M. Suryanarayana Pantulu on the 2nd September 1921. The committee's report was placed on the Editors' Table in December 1922 and is under the consideration of the Government.

(7) A Committee on the School of Arts. Eleven members, of whom five were members of the Legislative Council (non-official), appointed in pursuance of a resolution in the Council, dated 2nd September 1921, to examine the whole question of the present working of the Madras School of Arts and to submit proposals as to the lines on which re-organization should proceed. The committee has submitted its report and orders have been passed in G.O. no. 250, dated 15th February 1923.

(8) A Committee on the Indigenous Systems of Medicine. Ten members, of whom four were members of the Legislative Council (non-official), appointed by G. O. no. 135, P. H., dated 17th October 1921, in pursuance of an undertaking given by the Minister for Local Self-Government on 10th February 1921, in answer to a question in the Council, dated 10th February 1921, and to a resolution moved in the Council on 21st February 1921. The chairman of the committee was a non-official member of the Legislative Council and yunani doctor, Khan Bahadur Muhammad Usman Sahib. The committee was asked to report on the question of the recognition and encouragement of indigenous systems of medicine. Its report has been reviewed by a special committee appointed by the Government. Both the report and the review are under the consideration of the Government.

(9) The Water-rate Committee. Eight members, of whom five are members of the Legislative Council (non-official), appointed by G. O. no. 324, Revenue, dated 20th February 1922 (in pursuance of an undertaking given by the Government in the Council in November 1921), to advise the Government on various matters connected with the levy of water-rate. The recommendations of the committee are under the consideration of the Government.

(10) A Committee on Industrial and Technical Education. Nineteen members, of whom nine were members of the Legislative Council (non-official), appointed by G. O. no. 528, Development, dated 8th April 1922, in pursuance of an undertaking given by the Government at the Legislative Council meeting dated 15th November 1921, in answer to a motion made on that date. The committee enquired into the present equipment of the Presidency in the matter of industrial and technical education and drew up a comprehensive scheme. The committee's report, which is of considerable size, was placed on the Editors' Table by G. O. no. 433, dated 6th April 1923, and is under examination by Government.

(11) A Committee on the Separation of Judicial and Executive Functions appointed by Government by G. O. no. 86, Judicial, dated 18th February 1923, in pursuance of a resolution in the Council, dated 22nd September 1922. This important committee consisting of fourteen members, of whom seven were members of the Legislative Council (non-official), has reported and its recommendations are under the consideration of the Government.

(12) The Srirangam Temple Committee. Five members, including one member of the Legislative Council (non-official), appointed with reference to a resolution in the Council passed on 26th February 1923, to examine the necessity for repairs to the temple at Srirangam from the points of view of safety, archaeological interest and sanitary requirements. Owing to unavoidable circumstances the committee has not yet begun its sittings.

(13) A Committee to enquire into the Drainage and Irrigation of the Cauvery Delta appointed in pursuance of a resolution in the Council, dated 19th February 1921. Five members, of whom two are members of the Legislative Council (non-official). The committee has just transmitted its report which the Government will take into consideration.

(14) Three Forest Committees to consider and report on Forest Grievances in the districts of Coimbatore, Chittoor and Kurnool ; appointed in pursuance of resolutions of the Council, dated respectively 2nd August 1921, 6th February and 26th February 1923. The members of the committees are mainly non-official members of the Legislative Council.

*Paragraph 3 (v) —continued—Council Secretaries.*

25. Three Council Secretaries under the Government of India Act were appointed by His Excellency the Governor in February 1921 and one such Secretary is assigned to each of the Ministers. Each of the three Council Secretaries is paid Rs. 500 per mensem in accordance with a vote of the House and enjoys the privileges and travelling allowances of a Government official so long as he is on duty and attached to his Minister, whether at headquarters or on tour. The three Council Secretaries first appointed were Messrs. E. Periyannayagam, M.L.C. (Indian Christian), A. Ramaswami Mudaliyar, M.L.C., and Dr. P. Subbarayan, M.L.C., and Bar.-at-Law. Dr. P. Subbarayan resigned after a short tenure of office and was succeeded by Mr. M. K. Shanmukham Chettiyar, M.L.C., who also resigned after a short time and was succeeded by the present incumbent, Mr. T. Thangavelu Pillai, M.L.C., Bar-at-Law.

26. As regards the practical working of the system of Council Secretaries, the Ministers are of opinion that since their institution in February 1921 they have proved of very considerable assistance in various ways. They have sat on select committees on bills introduced by the transferred side of the Government and both in this capacity and in the Council itself have helped materially towards the passage of various measures. They have also occasionally replied on behalf of the Ministers to resolutions and to motions on the budget. Owing to the fact that the heads of most of the transferred departments and the Secretaries to Government in those departments are not themselves members and cannot always be in attendance during the prolonged sittings of the Council, the Council Secretaries have proved of the greatest value in keeping the Ministers in touch with the opinions of different sections of the Council and in supplying them with such information as may be required in the course of a debate. In the constituencies they have been useful in interpreting the ministerial view both to members of the Council and to the electors and in keeping the Ministers in close touch with party opinion and feeling. The Council Secretaries have also been instrumental in securing the vote of the party on transferred subjects and on several occasions have been used for the same purpose on behalf of the reserved half of the Government. In fact it may be said generally that Council Secretaries have proved the utility of the institution and have contributed towards the smooth working of the Council.

*Paragraph 3 (vi). Relations between the Reformed Government and the Public Services.*

27. This branch of the subject, so far as the European services are concerned, is so large and so complicated that it is impossible to treat it fully within the limits of this report. It is an undoubted fact that there has been and still is, an appreciable amount of discontent and a considerable feeling of insecurity

among these services both as to the terms of their pay and pension and as to their general prospects. The feeling is partly due to the fact that in translating the spirit of the Reforms into practical action a considerable number of posts hitherto reserved or believed to be reserved for Europeans have been thrown open recently, and more are likely to be thrown open in the future, to Indians, as has been already done, to take typical instances, in the Educational and Agricultural services, while others have been abolished or threatened with abolition. A second cause is uncertainty as to how the constitution of India under the Reforms will develop in the future. A third arises out of the economic conditions which are a legacy of the war.

28. Speaking generally, the attitude of the services towards the Reforms has probably been very much the same in this Presidency as in the rest of India; but the good points are perhaps more in evidence here than elsewhere. The relations between the Ministry and the heads of departments under their control have generally been cordial; and the local Legislative Council, though naturally sympathetic towards Indian aspirations, has not been unreasonable in its attitude towards the British services. Individual members of the service have undoubtedly found it difficult to serve under the altered conditions; but the great majority have accepted the change in a most loyal spirit and have done their best to make the Reforms a success. The best proof of harmony lies in the fact that, despite the enormous displacement of the centre of political gravity due to the Reforms, the departments have continued to be manned by the same individuals, as heads of departments or as Secretaries to Government, as before the Reforms. Naturally the efforts of these permanent officials have been generally directed towards maintaining continuity, but it is at the same time undeniable that greatly increased respect is now evinced by officials of all classes towards the decisions of the Council as well as towards the status of its members. Thus genial and cordial relations have been created between the chief representatives of the old and of the new régime which, considering the short time the Reforms have been in operation, may be described as extremely satisfactory. The difficulties of the task are not to be denied or under-rated; and it has to be remembered that not only the officials but the people themselves have had to learn a new lesson. In many cases the latter have found it difficult to understand why the district officer, for instance, is not nearly so ready or so able to redress their grievances as he was in the days before the Reforms. That the centre of political gravity has been shifted is not quite so obvious to them as it is to those at the helm; but this very fact—the silent operation of the Reforms, so far as the mass of the people are concerned—may be pointed to as an index of their success.

*Paragraph 3 (vi). General effect of the Reforms on the cost and efficiency of the administration.*

29. *Cost.*—The Reforms may be said to have affected the cost of the administration in six principal ways—

(1) At the outset of the Reforms the Madras Government were led to expect very large increase in the revenue available for expenditure, and preparations were made to use it accordingly. The organization of a separate Labour department to promote the advancement of the depressed classes, the extension

and development of the co-operative movement, the opening up and improvement of communications in the backward tracts of the Agency, larger grants to municipalities and local bodies for roads, water-supply and drainage works, extension of education in all its branches and development of industries may be mentioned as some of the many projects which called urgently for generous assistance. It is safe to say that inception would not have been given to many of these schemes, involving as they do large and increasing recurring expenditure, but for the anticipation of a large reduction of the contribution to Imperial funds.

(2) The Ministry are pledged to their constituencies to promote development in what are called the 'nation-building' departments and are under constant pressure by the Council to do so. To quote only a single department, the large increase in grants to the Madras University under the new Act, the very large grants for vocational education and the proposed large expansion in elementary education, are cases in point.

(3) The check of the Council on expenditure is less rigorous than that previously exercised by the Government of India. There can be little doubt that had the previous control of the Imperial Government continued to be exercised, the Madras Government would have been compelled to close each financial year with a balance and this would have been done at the expense of the departments which have been 'transferred', that is to say, of the most modern departments which are anxious to spend and spend largely on schemes of development. It is needless to add that in this Presidency there is a strong and universal feeling against the heavy contribution which has to be paid to the Government of India; and the Ministers look forward with hope to the early realization of the assurance of relief given by the Secretary of State in the course of his speech during the recent debate in the House of Commons.

(4) The Council itself has urged large expenditure in many directions and has directly promoted it in the case of the subordinate services and the village officers. It has proposed schemes such as the creation of an Andhra University, the grant of free meals throughout the Presidency to school children of the poorer classes and large increases in the number of medical schools and colleges. Large improvements in the pay of the subordinate services were carried out in accordance with the recommendations of a Salaries Committee of the New Council, while as regards the village establishment, Government had to increase the pay of the village headmen to more than double what it was before, thus throwing an additional burden on the finances of the province of about 20 lakhs a year. There can be no question that this increase would not have been made under a bureaucratic Government. Steady pressure for the increase of the pay of the village establishment had been resisted for years prior to the Reforms.

(5) On the other hand the Council has pressed continuously for economies at the expense of the superior services and their amenities. As examples may be mentioned resolutions advocating the abolition of the Board of Revenue, the Land Records department and the post of Commissioner of Labour, curtailment of salaries of all appointments on Rs. 500 and over, and reconsideration of the Government Order allowing increased rates of travelling allowance. The Council has also rejected repeatedly proposals for the construction



of very necessary residences for officials and has cut down the building programmes generally. In consequence of another agitation in the Council, dating from before the Reforms, considerable economy has been effected by the decision of the Government arrived at in 1921 to reduce the period spent by the Government on the bills from six to three months. A very much reduced establishment is now taken to Ootacamund for the shorter period, and the move now costs Rs. 15 lakh as against Rs. 58 lakh in pre-reform days.

(6) There has been a large increase of expenditure, not only in the office of the Council but also on the travelling allowance of members, while the travelling allowance of non-official members of district and taluk boards has crippled very seriously the resources of those bodies. The printing and stationery charges for the Legislative Council are very large. For printing and binding alone the figures rose from Rs. 2,803 in 1920-21 to Rs. 14,549 in 1921-22.

30. *Efficiency.*—As regards the question of efficiency, it is sufficient perhaps to state that the main change to be observed is that between a rigid adherence to a fixed policy and the constant formulation of new and progressive policies. The former is the more efficient so long as the policy is the right policy, but in its nature tends to be unprogressive. The latter is apt to be less efficient until the policy is established, but may result in changes which bring about economy as well as efficiency in the administration.

Another effect which is very noticeable in the post-reform era is the general unsettlement of the minds of the permanent officials. They have been brought up to carry out definite policies without questioning the underlying reasons for them. They have now seen the policy of every department pulled up by the roots and examined *ab initio* and they are uncertain what is to be taken as established policy and what is not. Meanwhile the revision of all salaries and allowances, as well as of the financial codes, has produced undoubtedly inequalities which did not exist before, has resulted in a general uncertainty as to officers' positions and has prompted a spirit of questioning of authority and demurring to rules and orders which will render administration difficult until the services settle down again to an established order.

It is too early to pronounce with any certainty on the general question of efficiency; but, taking into consideration the great changes effected by the Reforms and the fact that they are still in their initial stage and that difficulties have necessarily been encountered, it may be stated that the efficiency of the administration has been fairly well maintained.

#### *Paragraph 3 (viii). Reforms and Local Self-Government.*

31. It is difficult to arrive at a correct appreciation of the effect of the Reforms on Local Self-Government in this Presidency, because simultaneously with them the operation of the administration of the local bodies has been greatly affected by two factors. The first of these was the complete revision just before the Reforms of the old Local Boards Act and District Municipalities Act which was accompanied by legislation relating to village panchayats, elementary education and town-planning, as well as by a large increase in the number of local bodies and the removal of them from official control which also involved depriving them to some extent of the assistance of the revenue

and other staffs who had carried out a good deal of their work for them when the revenue officers were presidents. The second cause was the increase of prices which, while it rendered it necessary for them to increase their charges on account of establishment and otherwise, rendered Government unable to give them all they expected in the way of grants thus imposing a check on the new activities which they were anxious to pursue, and led to a state of affairs under which many of the local bodies have overdrawn their accounts at the treasury and close the year's working with considerable deficits.

32. There has certainly been an awakening of the civic consciousness of the people as a result of the Reforms and the policy of deofficialization, but it is too early yet to estimate results in the way of civic achievement.

33. There has been an unwillingness shown, which is not unnatural to elected bodies who have had new powers given them, to face the unpopularity of imposing new taxes or even to collect sufficiently strictly those which they imposed, or to enforce the law in dealing with appeals for remissions, but with better financial conditions, there is every hope that the policy of giving wider powers to local bodies will in the future be justified.

34. The political aspect of Local Self-Government is dealt with in a later paragraph under the heading of 'khilafat and non-co-operation'. For a short time and in certain quarters there was a tendency to introduce the doctrines of extremists politicians into local politics. But this was successfully combated by the Ministry and there is now little, if any, ground for complaint on that score.

#### B.—THE LEGISLATURE.

35. The work of the Legislative Council will be dealt with under the five heads suggested in the letter under reply, viz.,—

- |                             |                                 |
|-----------------------------|---------------------------------|
| (i) Government Legislation. | (iv) Resolutions and Questions. |
| (ii) Private Bills.         | (v) Miscellaneous.              |
| (iii) Financial Business.   |                                 |

#### *Paragraph 4 (i). Government Legislation.*

36. A considerable number of legislative proposals which the Government had on hand during the latter half of the decade preceding the introduction of the Reforms had to be held up on account of the war. During the two years following the end of the war, five of these measures were introduced into the pre-reform Council and were passed into law during the year 1920. These were—

- (1) The District Municipalities Act, 1920.
- (2) The Local Boards Act, 1920.
- (3) The Village Panchayat Act, 1920.
- (4) The Elementary Education Act, 1920.
- (5) The Town-planning Act, 1920.

37. Although these Acts have had very important effects on the post-reform administration, it is unnecessary to refer to them in detail, because

the passing of these measures belongs to the period anterior to the Reforms. Other projects of legislation, to be presently mentioned, had also been planned before the Reforms and though the reformed Council has had to deal with them in the different technical stages of legislation, they would in all likelihood have been proceeded with, whether there was a change of Government or not. These measures were—

(1) A Bill to amend the Madras Cattle Diseases Act, 1866 (Bill no. 3 of 1921). The object of the amendment was to give discretion to the keeper of a hospital pound in the matter of impounding animals suffering from infectious diseases, such as rinderpest. This bill was introduced on the 11th March 1921 and passed into law on 1st August 1921.

(2) The Madras City Tenants Protection Bill (Bill no. 6 of 1921). In many parts of the city of Madras dwelling houses or other buildings had been erected by tenants on land belonging to others, in the full expectation that, subject to payment of a fair ground-rent, they would be left in undisturbed possession, notwithstanding the absence of any contract as to the duration of the lease or as to the terms on which buildings should be erected. As, however, there had been attempts to evict a large number of such tenants, it was considered necessary to safeguard their interests by legislation. The bill provided for the payment, as compensation to the tenant in case of ejection, of the value of any buildings which might have been erected by him or by his predecessors in interest. It also provided for the settlement of a fair rent at the instance of the landlord.

The bill was read for the first time on 3rd August 1921 and further considered on the 13th and the 15th of October 1921 and was passed into law on the 16th October 1921. On the 13th December 1921, a message was received from His Excellency the Governor suggesting an amendment to clause 12 of the bill as passed. The consideration of this amendment was adjourned to the 16th December 1921, on which date the House agreed to the amendment and report was accordingly made to His Excellency the Governor.

(3) The Prince of Arcot Endowments Bill (Bill no. 5 of 1921). This measure aimed at providing for the better management of the charitable and religious endowments under the control of the Prince of Arcot. The local Government, who had powers of supervision under a scheme of arbitration, sought to discharge that responsibility by legislative enactment. The bill was introduced on the 1st August 1921; the report of the select committee was presented on 13th November 1922, on which date the measure was passed into law.

(4) A Bill to amend the Port Trust Act, 1905 (Bill no. 9 of 1922). The bill was meant to provide for the carrying out of a number of minor alterations in the Madras Port Trust Act, rendered necessary (1) for purposes of administrative convenience, *e.g.*, the constitution of the board, the appointment of a chairman and regulations for the benefit of the staff; (2) for the transfer to agents of steamer lines of certain services hitherto imposed by law on the board; and (3) for the issue and conversion of documents of security which are necessary whenever the Port Trust issues a loan. The bill was read for

the first time on the 12th September 1922. It was further considered on the 13th and 14th September and on the 17th November 1922 on which date it was finally passed into law.

(5) A Bill to amend the law relating to Survey of Lands and Settlement of Boundary Disputes (Bill no. 2 of 1911). The main object of the bill was to make the decision of a survey officer as to boundary conclusive, unless it was challenged in a civil court, and to bring the law into accord with modern requirements, so as to cover the survey of estates or other similar areas, reserves, maintenance and the like. This bill was introduced into the Council on the 14th February 1921; but its further consideration was postponed, according to the wish of the majority of the Council, till 1st August 1921, when it was read for the first time. The report of the select committee was presented in November 1922 and the bill was passed into law on the 30th January 1923.

38. Among other important legislative measures conceived before the Reforms, have to be prominently mentioned the two following which, however, for reasons to be presently stated have not yet been introduced into the Council:—(a) the Madras Irrigation Bill and (b) the Estates Land Bill.

(a) The Madras Irrigation Bill (Bill no. 13 of 1922). The Government had for many years felt the necessity to define clearly the position of the State in respect of irrigation and to introduce an enactment with a view to enable the State to regulate irrigation in the interests of the general community and to secure control over the waters of rivers, streams, etc. The bill, to introduce which an unsuccessful attempt was made by the Government in January 1923, was the result of reiterated draftsmanship, dating from the year 1856. Having been given up in 1861 and again in 1882, the project of legislation was revived in 1898 and again after the publication of the report of the Irrigation Commission in 1909. It was ready for the Legislative Council in 1914, when the war supervened and further progress had to be deferred. After the conclusion of the war the bill was revised again to clear the doubts and difficulties created by recent judicial decisions, particularly by the Privy Council decision in the *Urlam* case (I. L. R., 40 Mad., 886), and advantage was also taken of this revision to make the bill a comprehensive measure by including in it provisions relating to water-rate and to the allied subjects of *mamul wet*, *kudimaramat* (contribution of labour by ryots according to custom), and irrigation panchayats. On 29th January 1923 the then Law Member, the late Sir K. Srinivasa Ayyangar, moved that the bill be read for the first time. The motion was lost after a heated debate, 57 votes being recorded against, 19 for, and 10 being neutral. It may be noticed in this connexion that the special committee [paragraph 23 (5)] was unanimously of opinion that some legislation for the purpose of conferring on the Government the power to regulate irrigation is absolutely necessary.

(b) The Estates Land Act (Amendment) Bill, which is intended to amend the Madras Estates Land Act, 1908, is another measure dating from the period before the Reforms. The project was first considered by an informal committee consisting of a few members of the then Legislative Council and certain representatives of the zamindari classes. The committee was presided over by the late

Sir K. Srinivasa Ayyangar and the bill thus prepared was referred to a special committee of the Cabinet. It is now lying over to be taken up in the session following the formation of the new Legislative Council.

39. The next category of legislative measures to be mentioned is that properly belonging to the period of the reformed Government, inasmuch as they are measures conceived since the year 1921 and more or less directly as a consequence of the Reforms. Three of these measures may be mentioned first, both on account of their priority in time and on account of the fact that they are mutually related as measures dealing with non-co-operation, a danger which seriously threatened law and order at the end of the year 1921 and which urgently demanded the enactment of special measures for the purpose of combating it. These measures were—

(1) A Bill to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920 (Bill no. 10 of 1921). It was considered necessary that all municipal councillors and members of local boards should be required to make an oath or affirmation of their allegiance to the Crown, as the Government had received definite information that several councillors and members were not prepared to give this guarantee of their loyalty. The bill was read for the first time and passed through the several subsequent stages, including its final passing into law, on the 16th December 1921. On the same day His Excellency the Governor addressed an important speech in person to the members of the Legislative Council, referring to the recent attempts of non-co-operators to subvert law and order in the Presidency, and appealing to all loyal citizens to support the Government in their efforts to secure obedience to the constitution of the country.

(2) A Bill to amend the Madras Revenue Recovery Act II of 1864 (Bill no. 1 of 1922). The provisions of the Revenue Recovery Act of 1864 were found inadequate in the face the difficulties caused by passive resistance activities; and the procedure prescribed for the distraint and sale of properties, and to meet a default in the payment of tax, was found in such cases to be unnecessarily lengthy. The bill aimed at shortening the procedure between attachment and sale in these abnormal cases. The bill was read for the first time on the 14th February and was further considered and passed into law on the 16th February 1922.

(3) A Bill to amend the Madras Proprietary Estates Village Service Act, 1894, and the Hereditary Village Officers Act, 1895 (Bill no. 5 of 1922). In certain parts of the Presidency an organised attempt was being made by village officers to prevent the collection of the Government revenue by declining or refusing to do their duties or by suddenly resigning their office. They relied, however, on their hereditary right to secure their offices and emoluments for one member or another of their families. The bill empowered the Government to take steps with a view to preventing such resignations and derelictions of duty. The bill was read for the first time on the 18th December 1922; and after report by the select committee was passed into law on the 16th March 1923.

40. The taxation measures of the reformed Government may next be referred to. They were necessitated partly by the reduction in revenue due to non-co-operation and partly by the increase of salaries to village officers

for which the Council had agitated. Of four such measures, two, namely, (1) a Bill to amend the Court Fees Act and (2) a Bill to amend the Stamp Act, were passed by the Council, and the other two were rejected on the motion for their 1st reading. The details of these measures are as follows:—

(a) A Bill to amend the Madras Court Fees Act, 1870 (Bill no. 6 of 1922). This financial measure was passed in exercise of the power vested in the local legislature to amend any Act of the Imperial legislature in order to meet the requirements of the provinces. The bill was read for the first time on the 17th February 1922; and after report by the select committee was further considered and passed on the 15th March 1922. On the 24th March 1922 a message was received from His Excellency the Governor drawing attention to a certain drafting omission which was thereupon rectified by the Council; and report was made accordingly to His Excellency the Governor.

(b) A Bill to amend the Indian Stamp Act, 1899, in its application to the Presidency of Madras. This financial measure was also passed in the exercise of the power vested in the local legislature to amend any Act of the Imperial legislature in order to meet the requirements of the province. The bill was read for the first time on the 17th February 1922 and the report of the select committee was considered and the measure was passed into law on the 15th March 1922.

(c) A Bill to amend the Madras Proprietary Estates Village Services Act 1894 (Bill no. 3 of 1922). This bill was essentially a financial measure and was designed to meet the extra cost involved in the revision of the pay of the village establishments in proprietary areas. The motion that the bill be read for the first time was made on 17th February 1922 by the Hon'ble the Revenue Member, Mr. (now Sir) Muhammad Habib-ul-lah. There was a warm debate on that and the next day with the result that the motion was lost by thirteen against fifty three votes on 18th February 1922.

(d) A Bill for the levy of a Cess in Ryotwari Villages towards the Remuneration of Village Officers and for other purposes connected with the discharge of their duty (Bill no. 4 of 1922). This also was a financial measure designed to find funds to meet the extra cost entailed by the revision of the pay of village headmen. This measure was the counterpart of the foregoing bill and, like it, was intended to raise funds by means of a special cess for the purpose of revising and increasing to the pay of village headmen. The motion that the bill be read for the first time was made by the same Honourable Member on behalf of the Government on 18th February 1922 and after a debate was lost by twelve against fifty-four votes on the same date.

41. The next group of legislative measures, though relegated to this place by the chronological order of events, comprises three memorable landmarks left by the Ministers. Each of these measures was initiated and piloted through the House by one of them, the State Aid to Industries Bill by the Hon'ble Mr. (now Sir) K. Venkatarreddi Nayudu, the Madras University Reorganization Bill by the Hon'ble Rao Bahadur A. P. Patro, and the Hindu Religious Endowments Bill by the Hon'ble the Raja of Panagal. The following statement presents a more detailed account of these measures:—

(a) A Bill to regulate State Aid to Industries (Bill no. 8 of 1922). This measure was designed to encourage new and nascent industries suitable to and not

hitherto established in, this province and to assist cottage and other small industrialists to build up business, and to this end to afford State assistance to industrial enterprises in this Presidency, partly by direct financial aid and partly by providing, on favourable terms, raw materials such as firewood, water, etc., being the property of Government. The bill was read for the first time on the 14th November 1922; the report of the select committee was presented on the 19th December 1922, and the measure was passed into law on the 20th December 1922. This Act has received the assent of His Excellency the Governor and His Excellency the Viceroy and has been brought into force.

(b) A Bill to provide for the Reorganization of the Madras University (Bill no. 10 of 1922). The University of Madras had been till recently an affiliating University, whose main function was to conduct examinations and grant degrees. The main objects of the measure were (a) to bring the University into closer contact with the colleges, (b) to enable it to take a greater and more active part in organizing the teaching given to its students, and (c) to create an academic atmosphere and a feeling of corporate unity among the institutions by which it is for certain purposes held to be constituted. The motion that the bill be read for the first time was made in the Council on the 14th November 1922 and carried after three days' debate on the 16th November. The report of the select committee was presented on the 22nd December 1922 and further considered from the 30th January to 5th February 1923, on which date it was passed into law. The Act has since received the assent of His Excellency the Governor and His Excellency the Viceroy and has been brought into force.

(c) The Madras Religious Endowments Bill (Bill no. 12 of 1922). The Government of India Act XX of 1863 was found inadequate to ensure the efficient administration of Hindu Religious Endowments in this Presidency, and there had been widespread dissatisfaction with the management and control of religious institutions falling under sections 3 and 4 of this Act. It was considered preferable to repeal the Act of 1863 altogether so far as this Presidency was concerned, and to enact a self-contained measure to deal with the whole subject of religious endowments. The following features of the bill may be specially mentioned: (a) constitution of a special board of control; (b) provisions for regularly constituted committees to supervise and control religious endowments, to settle *dittams*, etc. and (c) provisions for the diversion of surplus funds by applying the *cyprès* doctrine. The motion that the bill be read for the first time was made on the 18th December 1922 and carried after two days' debate on the 19th December. The report of the select committee was presented on the 22nd March 1923 and further considered from the 26th to 29th March and on the 2nd and 3rd April 1923. On the last-mentioned date the measure was passed into law. The bill has been transmitted for the assent of His Excellency the Governor which has not been received up to date. The bill was carried in the Council by a large majority. The question whether it is to be reserved under the provisions of the Government of India Act is under consideration.

42. In addition to the important measures above-mentioned, the following bills on miscellaneous matters also engaged the attention of the Council during the period under review:—

(1) The Deputy President's Salary Bill (Bill no. 1 of 1921). This was intended to provide for the salary of the Deputy President which has to be

determined by an Act of the legislature under section 72-C of the Government of India Act. It was passed into law on the 14th February 1921.

(2) A Bill to amend the District Municipalities Act, 1920 (Bill No 7 of 1920). Section 366 of the Madras District Municipalities Act, 1920, required that one-third of the number of elected seats on a municipal council, as reconstituted under that Act, shall be vacated on 1st November 1922, and the remainder on 1st November 1923. Owing to the time taken in the preparation of the electoral rolls and for the holding of the elections under the Act, the period for which elected councillors could be in office was rendered unduly short. The amending bill extended the term of office of councillors by one year in each case. It was passed into law on the 3rd September 1921.

(3) A Bill to amend the Madras City Municipal Act, 1919 (Bill No. 2 of 1922). The amending bill (i) removed a defect in the original Act under which companies whose paid-up capital was exactly one, two, three, five, ten, or twenty lakhs escaped taxation; (ii) enhanced the rate of tax on motor vehicles plying for hire in the city; and (iii) empowered the Commissioner of the Madras Corporation and the Government to incur certain ordinary charges. It was passed into law on the 14th March 1922.

(4) The Malabar Completion of Trials Bill, 1922 (Bill No. 11 of 1922). This measure was designed to continue the enhanced powers conferred by ordinance on certain first-class magistrates to deal with the large number of offenders implicated in the Malabar rebellion during 1921-22, on the cessation of the special courts constituted under the Malabar (Restoration of Order) Ordinance, 1922. It was passed into law on the 12th December 1922.

(5) A Bill further to amend the Madras City Municipalities Act, 1919 (Bill No. 14 of 1922). This measure was deemed necessary to do away with the statutory prohibition in the case of the Commissioner, Revenue Officer, Health Officer and Engineer of the Madras Corporation, to take up any honorary or paid work not connected with their office. It was passed into law on the 20th December 1922.

(6) and (7) A Bill to amend the Madras District Municipalities Act, 1920, and a Bill to amend the Madras Local Boards Act, 1920. The main object of these bills is to remedy certain defects which experience with the actual working of the original Acts has brought to light in the matter of constitution, taxation and levy of tolls and the undertaking of remunerative enterprises. Both bills were read for the first time on the 6th February 1923, but no further progress was made by the existing Council.

*Paragraph 4 (i)—continued—Salient points in regard to Government Legislation.*

43. While the Council has rendered full assistance to the Executive in all measures intended to preserve the peace and order of the country it is noteworthy that three important legislative measures [paragraphs 38 (a) and 40 (c) and (d) *supra*] proposed by the Government were opposed by a majority in the Council and rejected on the very threshold. Of these two were measures intended to secure additional revenue to cover additional expenditure proposed



by the Council itself on the pay of village officers ; the particular proposition of the Government to find the money by reimposing the village-cess on ryotwari and zamindari lands was thrown out by the Council, which, however, was at the same time prepared to pass and did eventually pass, other financial measures, such as those meant to enhance certain fees and certain stamp duties in the Presidency [paragraph 40 (a) and (b)]. A like fate was shared at the beginning of the year 1923 by an Irrigation Bill which was stoutly and successfully opposed by practically all the representatives of the landholding interests, both great and small, in the Council. Steps have however recently been taken by the Government—*vide* paragraph 23 (5) *supra*—to ascertain the wishes of the chief representatives of public opinion in regard to the Irrigation Bill and it is probable that it will be reintroduced at no distant date.

44. With the above exceptions the Council has received favourably all the Government measures placed before it. There were no measures passed during the period under review which involved racial considerations, while the Religious Endowments Bill was the only measure directed towards social reform. Two important Acts—one bearing on education and designed to reform and reorganize the Madras University, and the other intended for the protection of, and the regulation of State Aid to, Industries,—both of which have been passed into law, deserve special mention, both on account of the prolonged and thorough discussion to which they were subjected in the Council and on account of the likelihood of their having far-reaching effects in the intellectual and industrial advancement of the Presidency. In two cases bills passed by the Council were returned by His Excellency the Governor for the purpose of incorporating in them certain drafting amendments which were suggested and which were eventually adopted by the Council [paragraphs 37 (2) and 40 (a) *supra*]. There have been no cases so far of the certification or reservation of bills or of the withholding of assent, or of the resort to regulations, or other extraordinary legislative powers during the period under review. Six ordinances were promulgated by His Excellency the Viceroy in connexion with the Mappilla rebellion.

#### *Paragraph 4 (ii). Private Bills.*

45. Private bills have not played any conspicuous part in the proceedings of the reformed Council. Private bills in the sense in which they are understood in England practically do not exist in this country, as all bills passed by the legislature are what would be called public bills in the language of the British Parliament. As in England, however, non-official members of the Council are always at liberty to bring in public bills and of such there have been a few instances during the last three years.

46. For instance, leave was given by the Council for the introduction of three non-official bills—one to amend the City Municipal Act, 1919, and two to amend the Madras Municipalities Act, 1920. In the case of the bill to amend the City Municipal Act, the object was to do away with the compulsory prepayment of increased assessment before presenting a petition for the revision

of the assessment. Leave to introduce the bill was granted to Mr. Usman Sahib, M.L.C., on the 1st April 1921; the bill was read for the first time on the 1st August 1921 and passed into law on 13th October 1921. Two bills to amend the District Municipalities Act were aimed respectively at raising the rate of toll levied on every cart, whether laden or unladen, and at extending to three years the period during which an elected chairman should hold office. The former bill, of which the author was Mr. P. Siva, Rao, M.L.C., was brought before the Council on 1st August 1921 for leave to introduce, was read for the first time on 13th October 1921 and was passed into law on 15th October 1921. The second bill, in respect of which Mr. T. A. Ramalingam Chettiyar obtained leave to introduce on 1st September 1921, was read for the first time on 14th October 1921 and passed into law on 13th December 1921.

47. Leave to introduce was not granted in the case of the following non-official member's bills. On 16th November 1922 Mr. T. M. Narasimhacharlu sought leave to introduce a bill to amend the Madras Elementary Education Act, so as to provide for the proper representation of local authorities on educational councils, but the Council refused leave. On 12th September 1922 Mr. K. Gopalakrishnayya made a motion for leave to introduce a Bill to amend the Local Boards Act, 1920, in a matter of minor detail and likewise a similar motion for leave to amend the District Municipalities Act, 1920; both motions were withdrawn by the member on the advice of the Minister for local Self-Government. In September 1922 Mr. M. Suryanarayana, after giving notice of a motion for leave to introduce a Bill to amend the District Municipalities Act, 1920, also on a point of detail, refrained from making any motion to this effect. No objects or reasons were stated on this occasion.

48. Certain other bills of which notice was given by the non-official members concerned were not brought on the agenda at all owing to the operation of the ballot standing order—see paragraph 64 below. These were (a) a Local Option Bill of which notice had been given by the leader of the opposition, and (b) a Malabar Tenancy Bill of which notice had been given by two non-official members. These notices will no doubt be renewed in the next Council.

#### *Paragraph 4 (iii). Financial Business.*

49. Three successive budgets, those for the years 1921-22, 1922-23 and 1923-24, have been so far presented to the Council, to be dealt with in accordance with the extended powers of voting or revising supplies granted by the Government of India Act. The course of the budget discussion provided by the rules and standing orders is as follows. The budget is presented to the Council by the Finance Member on a date previously notified, which is usually a late date in February or an early day in March. When the budget has been in the hands of members for two or three days, a further period of three days is allowed for a general discussion during which the majority of non-official members make speeches of fifteen minutes' maximum duration apiece, to which the other Members of the Government, followed by the Finance Member's reply at the close of the third day. During the three days following the general discussion members are at liberty to send in notices of motion for omitting or curtailing either particular items, or totals, of expenditure, in any part of

the budget which is subject to the vote of the Council. After the lapse of six further days the various Members of the Cabinet, who are responsible for the demands in the budget, present their demands in order and these are voted on by the Council, subject to restriction of time as to the maximum period allowed for the discussion of particular demands. The discussion of the several motions for the omission or reduction of grants continues for nine or ten days (maximum twelve days), and the consideration of the budget is brought to an end towards the close of the financial year.

50. The following statement shows the number of budget motions received, admitted and discussed in each of the three years under review :—

Budget motions.	1920-21.	1921-22.	1922-23.	Total.
Received .. .. .	540	840	1,050	2,430
Admitted .. .. .	343	794	1,005	2,142
Discussed .. .. .	276	174	203	653

51. The bulk of the motions were aimed in the beginning at cutting out slices, more or less considerable, from the Government demands rather than at criticising definite features of the Government policy, which is the main trend of a budget discussion in the House of Commons. The absence of an organized opposition, as well as the lack of means of official communication between the whips on either side, was probably responsible for the haphazard way in which the budget was attacked at the commencement. In subsequent years, however, the members began to evince some grasp of the principles of budgetary criticism and a measure of progress from particular to general scheme of attack is noticeable in the more recent budget debates. There have been few occasions on which the Government have had to restore grants rejected by the Council. Three cases are on record—

- (1) the restoration, on a certificate by His Excellency the Governor, of a demand of Rs. 2·16 lakhs for the Russellkonda Saw Mill (Budget 1921-22);
- (2) the restoration, on a similar certificate, of a demand of Rs. 9,840 on account of the Chief Inspector of Factories included in Demand XXV, Rs. 9·59 lakhs (Budget 1923-24); and
- (3) the restoration, on a similar certificate, of a demand of Rs. 5 lakhs, for expenditure in the Agency Tracts, included in Demand XXXIV 33·6 lakhs (Budget 1923-24).

52. A statement showing the reductions in budget grants made by the Council for each of the three years 1921-22, 1922-23 and 1923-24, and the further grants applied for by Government in each year is furnished below :—

Table showing, under reserved and transferred subjects, respectively, the reductions that have been made in the budget by the vote of

the Council and the restorations that have been effected by the certificate of His Excellency the Governor.

Head of account.	BUDGET, 1921-22.		BUDGET, 1922-23.		BUDGET, 1923-24.	
	Reserv- ed.	Trans- ferred.	Reserv- ed.	Trans- ferred.	Reserve- d.	Trans- ferred.
	Lakhs	Lakhs.	Lakhs.	Lakhs.	Lakhs.	Lakhs.
5. Land Revenue .. ..	5·15	..	5·00	..	·23	..
6. Excise* .. ..	..	·50	..	·30	..	..
8. Forest .. ..	2·16†	..	1·06	..	1·00	..
9. Registration .. ..	..	..	..	·03	..	..
22. General Administration ..	·18	..	..	..	·64	..
24. Administration of Justice	·43	..	1·11	..	·20	..
25. Jails and Convict Settle- ments.	..	..	2·00	..	·50	..
26. Police .. ..	..	..	1·00	..	..	..
34. Agriculture .. ..	..	..	..	·02	..	..
37. Miscellaneous Departments	1·00	..	·21	..	·10†	..
41. Civil Works .. ..	..	4·75	..	·13	..	1·3
47. Miscellaneous .. ..	..	..	·20	..	..	..
Agency Division .. ..	..	..	..	..	5·00†	..
Loans and Advances by the Provincial Government.	..	..	12·0	..	..	..
Total .. ..	8·92	5·25	22·58	·48	7·72	1·35
	14·17		23·06		9·07	

\*The Provincial demand for Excise represents two-thirds of the charges of the joint Salt and Excise Department.

†These reductions were restored by the Local Government on certificates by His Excellency the Governor under section 72-D of the Government of India Act.

53. Towards the close of the voting of grants by the Council, it has been the practice for the Government to move additional demands to meet the expenditure necessitated by the following among other reasons :—

(a) Provision has to be made for the pay or the allowances due for March and payable in April, in respect of appointments which have been abolished, or the allowances which have been cut out, as a result of the voting of grants by the Council.

(b) Provision has to be made for urgent new items of expenditure which might have to be incurred between April and August when the House would not be sitting and which could not be foreseen at the time the budget was presented to the Council.

The total sums voted by the Council as additional demands in the three years under review were as follows:—

							LAKHS.
1921-22	..	..	..	..	..	..	17.95
1922-23	..	..	..	..	..	..	31.23
1923-24	..	..	..	..	..	..	10.58

*Paragraph 4 (iv). Resolutions and Questions.*

54. The reformed Council in this Presidency has been very active in making interpellations and motions on matters of general public interest, ordinarily called resolutions. Both privileges no doubt existed under the Minto-Morley Reforms, but the fact that they can be much more effectively used in the reformed Council which contains a greater number of representatives of the people, has materially tended to increase the importance of this branch of legislative business, which entails in consequence far more work than before on the Executive Government.

55. In the following table an attempt is made to analyse the 3,000 odd questions asked in the Council during the period under review, to distinguish the proportion of those admitted and answered and those disallowed, and also to show at a glance the various reasons for disallowance:—

*Questions for the three years 1920-21, 1921-22 and 1922-23.*

Total number received	..	..	..	..	..	3,302
Do. admitted and answered	..	..	..	..	..	2,924
Do. disallowed	..	..	..	..	..	253
Lapsed	..	..	..	..	..	125
Supplemental questions	..	..	..	..	..	444

*Grounds of disallowance.*

	Total number.
(1) Disallowed as being in the nature of suggestions for action and not of requests for information	137
(2) Argumentative	3
(3) Questions relating to matters which are not primarily the concern of the local Government	36
(4) Questions containing statements for the accuracy of which the interpellator was not prepared to vouch, especially citations from newspapers	5
(5) Questions which were disallowed as being hypothetical and not relating to matters of fact	4
(6) Questions bearing on matters under adjudication by a court of law or justice	2
(7) Questions not relating to any of the branches of the administration for which the Government Member or Minister interpellated was responsible	20
(8) Question not within the special cognizance of any Member of the Government	12
(9) Questions not bearing on matters of public concern	10
(10) Questions relating to Native States	6
(11) Abstract legal question	1
(12) Questions of excessive length	4
(13) Questions relating to matters of hardship to individuals and not involving any principle of administration	6
(14) Questions which merely asked for an expression of opinion	6
(15) Questions anticipating budget motions	1
Total	253

56. It may be noted that questions are seldom disallowed in the Madras Council without giving the interpellators an opportunity of amending them in conformity with the rules and standing orders. The most common ground of disallowance is that a question, instead of asking for information, suggests to the Government a line of action which it would be impossible to concede or discuss without first consulting local officers or the wishes of the Council as a whole. Another, though less frequent, ground of disallowance is that a question relates to a matter which is primarily the concern not of the local Government, but of the Government of India or of a body, like a railway company or an electrical corporation, which is not under the official control of the Government. Where a question offends by reason of excessive length, an endeavour is first of all made to induce the interpellator to shorten it, and the small number of questions (4) disallowed on this ground represents the residue after carrying on more or less prolonged correspondence with the members concerned.

57. It would be difficult to single out typical questions from among the great variety of those asked at every meeting of the Council (except perhaps to mention that 255 questions were asked in the three years under review about communal representation in the public service); nor would it serve any purpose to catalogue those instances where the asking of a question has led to definite action on the part of the Government, because such action is an ordinary and necessary incident of the administration. It is obvious that where further action is promised in the answer to a question and there is no subsequent evidence of action having been taken, the interpellator will probably return to the charge by means either of a renewed interpellation or of a notice of a resolution. The number of occasions on which the members have taken action in either of these ways has been few compared with those on which the Government willingly and promptly took the promised action. The comparatively small number (444) of supplemental questions asked during the three years also shows that members have on the whole been satisfied with the answers first given.

58. Oral questions are seldom asked in the Madras Council unless the public or their representatives in the Council desire immediate information upon a recent event of importance; such questions were asked, with the concurrence of the Members of the Government concerned, and were answered by them, during the progress of the Malabar Rebellion and the Rampa fituri, and on the occurrence of famine or of floods.

59. Practically all questions admitted are answered by the Government, although the normal period of seven days allowed by the standing orders has been frequently exceeded in cases where the complicated nature of the information demanded, or the necessity of making local inquiries, warranted delay. It will be seen from the statement given at the beginning of this section that only 125 admitted questions lapsed by reason of their being still under the consideration of departments of the Government at the time of a prorogation of the Council.

*Resolutions or motions on matters of general public interest.*

60. Of 115 days occupied by sittings of the reformed Council since its inauguration in January 1921, the major portion of 39 days was devoted to the

discussion of motions of general public interest, exclusive of budget motions, which, as mentioned in paragraph 49 supra, regularly occupy nine or ten days in every year.

61. The following statement shows at a glance the number of notices of resolutions received during the first three sessions of the reformed Council, the numbers admitted and disallowed (with the grounds of disallowance), and the number disposed of by the Council. The balance undisposed of, 350, is partly due to notices of motions lapsing by prorogation, and partly to the dropping out of certain motions by reason of their being identical with others disposed of. Several lapses of notices of resolutions were no doubt also due to the system of ballot hitherto in force—see paragraph 64 infra. This defect has since been remedied by an amendment of the standing orders.

*Notices of resolutions received during the three years 1920-21, 1921-22 and 1922-23.*

Total number received	..	..	..	..	..	906
Admitted	..	..	..	..	..	783
Total number disallowed	..	..	..	..	..	118
Do.	disposed of in Council	..	..	..	..	433

*Grounds of disallowance.*

	Total number.
(1) As not being primarily the concern of the local Government	.. 76
(2) As not containing a specific recommendation to the Government	.. 3
(3) As not raising a definite issue.	.. 3
(4) As not being a matter of general public interest	.. 4
(5) As a matter concerning His Excellency the Governor and not a Member of the local Government	.. 1
(6) As detrimental to public interests	.. 2
(7) As not being the concern of the Council	.. 1
(8) As interfering in matters of executive control	.. 3
(9) As relating to the appropriation of funds and therefore requiring the recommendation of His Excellency the Governor	.. 4
(10) As having been discussed within one year previous	.. 13
(11) As relating to the administration of a Prince under His Majesty's suzerainty	.. 1
(12) For want of notice	.. ..
(13) As not falling within the category of motions on matters of general public interest	.. 1
Total	.. 118

62. The most interesting resolutions are no doubt those which have been carried, either with the concurrence of the Government or despite their opposition. The Government regularly place on the table at the commencement of each session a list of resolutions carried by the Council during the previous session, together with a statement of the action taken by them upon

each, or of the reasons which have precluded the taking of any action. The following is the list for the three years :—

*Statement of resolutions passed by the Madras Legislative Council and the action taken thereon by the Government.*

I.—FIRST YEAR.

(8th January to 2nd April 1921.)

Serial number and subject of resolution. (1)	When passed by the Council. (2)	Nature of the action taken by Government. (3)
1. Postponement of the adoption of resettlement proposals till the principles of land revenue settlement are embodied in legislation.	15th February 1921.	The Government agreed to expedite the Land Revenue Settlement Bill with a view to passing it by July 1922 and in this hope also agreed that no orders on settlement schemes would be passed before the bill passed into law. The Council having however since declared for permanent settlement ( <i>vide</i> second year, No. 33 below), renewed correspondence with the Government of India has become necessary and in the meanwhile the Government cannot delay the progress of settlement any longer, since to do so would be to sacrifice the public revenues to a considerable extent.
2. Appointment of a committee for the revision of salaries of non-gazetted services.	16th February 1921.	Committee appointed—G. O. No. 148, Financial, dated 17th February 1921— <i>vide</i> paragraph 24 (2) <i>supra</i> , for the action taken by the Government.
3. Relief of rural areas from scarcity in drinking water-supply—Ganjam district.	17th February 1921.	A provincial grant of Rs. 20,000 was sanctioned to the district board for sinking wells—G. O. No. 278, P. H., dated 22nd March 1921.
4. Half-fees for Muhammadan students in aided schools and colleges.	18th February 1921.	Necessary amendments to the Grant-in-Aid Code and the Madras Educational Rules have been notified—G. O. No. 1405, Education, dated 23rd September 1921.
5. Appointment of a committee to inquire into the drainage and irrigation in the Cauvery delta.	19th February 1921.	Committee appointed— <i>vide</i> G. O. No. 177-I., dated 9th June 1921, paragraph 24 (13) <i>supra</i> .
6. Waiving of recovery of contributions from local bodies for the maintenance of headquarter hospitals.	Do. ..	The recommendation has been given effect to—G. O. No. 493, Finance, dated 11th May 1921.
7. Encouragement of the indigenous systems of medicine.	21st February 1921.	A committee has been appointed to report on the subject—G. O. No. 964, P. H., dated 17th October 1921; paragraph 24 (8) <i>supra</i> .
8. Revision of Agency rules .. ..	5th March 1921 ..	The revised rules are under consideration.
9. Postponement of the bifurcation of the Kistna district and redistribution of the districts of Ganjam, Vizagapatam, Godavari and Kistna.	Do. ..	The Government have called for proposals for the redistribution of the districts of Ganjam, Vizagapatam, Godavari and Kistna.
10. Racial distinctions among railway passengers.	Do. ..	A copy of the proceedings on the subject was forwarded to the Railway Board for necessary action. A note of the action taken with regard to retiring rooms has been published in G. O. No. 36-Ry., dated 23rd July 1921.
11. Appointment of a committee to consider the question of the abolition of the Board of Revenue.	17th March 1921	Committee appointed and its recommendations given effect to— <i>vide</i> paragraph 24 (3) <i>supra</i> .
12. Enfranchisement of women ..	1st April 1921 ..	Necessary regulation framed under the Madras Electoral Rules—G. O. No. 109, Legislative, dated 10th May 1921
13. Provincial contribution to the Central Government.	Do. ..	The Government of India and the Secretary of State have been addressed.
14. Recruitment to judicial offices from the bar and communal representation therein.	2nd April 1921 ..	The observations made in the debate will be borne in mind as vacancies arise.



## II.—SECOND YEAR.

(1st August 1921 to 27th March 1922.)

Serial number and subject of resolution. (1)	When passed by the Council. (2)	Nature of the action taken by Government. (3)
1. Reduction of the strength of the Executive Council.	1st August 1921	The proceedings were forwarded to the Government of India for transmission to the Secretary of State.
2. Appointment of a committee to revise the Famine Code.	Do. ..	A committee was appointed—G. O. No. 1982, Revenue, dated 31st August 1921, paragraph 24 (4) <i>supra</i> .
3. Ownership of river poramboke lands in Malabar.	Do. ..	The matter was not, as pointed out by the Government in the course of the debate, properly one for executive action, but was a matter for the parties interested to establish their rights, if any, in a Court of Law.
4. Addition of a statement to the administration report of the Forest Department showing the extent of each class of reserved forest, district wise.	2nd August 1921	A statement in the form desired has been incorporated in the administration report—G.O. No. 1934, Development, dated 14th October 1921.
5. Appointment of a committee to inquire into forest grievances in the Coimbatore district.	Do. ..	A committee was appointed for the Coimbatore district—G. O. No. 1556, Development, dated 4th October 1921; paragraph 24 (14) <i>supra</i> .
6. Disafforestation of forests lying within one mile of occupied area in villages.	Do. ..	The Government have announced that they are ready to institute inquiries in any individual cases of hardship that may be brought to notice—G. Os. No. 1933, Development, dated 14th October 1921 and No. 30, Development, dated 6th January 1922.
7. Disafforestation of class V forests in the Chittoor district.	Do. ..	After discussion with the Advisory Committee on Forest administration the Government decided that the adoption of the recommendation would be detrimental to the public interests—G.Os. No. 1932, Development, dated 14th October 1921 and No. 31, Development, dated 6th January 1922.
8. Improvement of grazing grounds by providing drinking water facilities.	Do. ..	The question is under examination and orders will issue shortly.
9. Reduction of seigniorage rates for forest produce in Godavari district.	Do. ..	The Collector of the district has been directed to reduce the rates if in any respect he thinks there is cause for doing so—G.Os. No. 2084, dated 7th November 1921 and No. 2185, dated 24th November 1921.
10. Committee to consider the improvement of excise administration.	3rd August 1921	An Advisory Committee of the Council was appointed. It has advised that no separate committee is called for—G. O. No. 2642, Revenue, dated 2nd December 1921; paragraph 21 (2) <i>supra</i> .
11. Dr. Gour's Civil Marriage Bill ..	Do. ..	A copy of the report of the debate was forwarded to the Government of India.
12. Exemption of members of the Legislative Council from restrictions under the Indian Arms Act.	4th August 1921	A copy of the resolution with a report of the debate was forwarded to the Government of India.
13. Revocation of G. O. No. 163, Finance, dated 18th February 1921, regarding the rates of travelling allowances.	5th August 1921	The Government were unable to give effect to the resolution for reasons given in G. O. No. 1170, Finance, dated 30th November 1921, but have since carried out a complete revision of the rates in consultation with the Finance Committee.
14. Communal representation in the public services.	Do. ..	Instructions were issued in G. Os. No. 613, Public, dated 16th September 1921, and No. 653, Public, dated 15th August 1922.

**II.—SECOND YEAR—contd.**  
**(1st August 1921 to 27th March 1922)—contd.**

Serial number and subject of resolution.  (1)	When passed by the Council.  (2)	Nature of the action taken by Government.  (3)
15. Communal representation in the Secretariat.	6th August 1921	Names of suitable non-Brahman candidates have been obtained and are considered as vacancies arise.
16. Increase of pay to village headmen ..	6th August 1921	Orders have issued in G. O. No. 1483, Revenue, dated 15th August 1922.
17. Appointment of a committee to suggest reforms in secondary and intermediate education.	1st September 1921.	A committee has been appointed—G. O. No. 1557, Education, dated 25th October 1921— <i>vide</i> paragraph 24 (5) <i>supra</i> for the action taken by the Government.
18. Admission of maximum number of students in colleges.	Do. ..	Orders have issued— <i>vide</i> G. O. No. 694, Law (Education), dated 6th June 1922, and No. 713, Law (Education), dated 10th June 1922.
19. Raising the status of the Government Islamia School, Trichinopoly.	Do. ..	The question has been deferred pending the permanent transfer to the Government of the site and buildings.
20. Appointment of a committee to reorganize the School of Arts.	2nd September 1921.	A committee was appointed in G. O. No. 1394, Development, dated 6th October 1921. The Government have issued orders on the committee's report; paragraph 21 (.) <i>supra</i> .
21. Grant of Takkavi loan—Resolution recommending— (i) that the loans granted in famine-affected areas should be free of interest; (ii) that the repayment of the first instalment should be postponed to January 1922; and (iii) that a portion of the principal up to one-half of the aggregate sum advanced should be remitted according to the circumstances of the debtors.	3rd September 1921.	The Board of Revenue has submitted a report on the financial loss involved in proposals (i) and (ii) and the Government have decided to proceed under the rules in the Takkavi Manual which are sufficiently elastic to meet hard cases. As regards proposal (iii), the Collectors concerned have been directed to submit half-yearly reports and recommendations.
22. Opening of telegraph offices at Pullvenda, Rayachoti and Badvel.	Do. ..	The Postmaster-General has been asked to take action.
23. Use of the term Achari for members of the Viswakarma Community.	14th October 1921	Orders were issued in G. O. No. 1955, Law (General), dated 19th November 1921, in accordance with the undertaking given in the Council.
24. Provincial contribution to Central Government.	15th October 1921	A deputation waited on His Excellency the Viceroy in February 1922 to represent the case of this province.
25. Action taken by Government on the resolutions passed by the Legislative Council during each session.	Do. ..	Orders have issued in the sense desired—G. O. No. 264, Law (Legislative), dated 22nd November 1921.
26. Uniformity of text-books for schools under public management and other aided schools.	15th October 1921	Requisite amendments to the Madras Educational Rules notified in G. O. No. 123 Law (Education), dated 30th January 1922.
27. Ceylon quarantine restrictions ..	Do. ..	A copy of the report of the debate was forwarded to the Ceylon Government with whom the question is still under discussion.
28. Appointment of a special officer to compile information regarding Presidency establishment on a communal basis.	Do. ..	Orders regarding the compilation of the information desired have issued in G. O. No. 658, Public, dated 15th August 1922.
29. Modification of rules relating to the levy of penalty for default in payment of income-tax.	16th November 1921.	A copy of the report of the debate was forwarded to the Government of India for consideration when rules under the new Income-tax Act were framed.

## II.—SECOND YEAR—contd.

(1st August 1921 to 27th March 1922)—contd.

Serial number and subject of resolution. (1)	When passed by the Council. (2)	Nature of the action taken by Government. (3)
30. Curtailment of salaries of appointments on Rs. 500 and above.	17th November 1921.	The Council was informed of the reasons why effect could not be given to the resolution— <i>vide</i> paragraph 16 of the Hon'ble the Finance Member's speech, dated the 4th March 1922, made when presenting the budget for 1922-23. The question is now under examination by the Retrenchment Committee.
31. Placing on the Council table orders creating new appointments on Rs. 500 and above.	18th December 1921.	Orders have issued in the sense desired—G. O. No. 42, Finance, dated 11th January 1922.
32. Location of the court of Special Deputy Collector, Chandragiri.	Do. ..	The court has since been abolished.
33. Introduction of permanent settlement of land revenue in the ryotwari holdings of the Presidency.	14th December 1921.	The Government of India have been addressed in the matter.
34. Honorifics for Oriya names ..	15th December 1921.	Orders were issued in G. O. No. 450, Law (General), dated 17th February 1922.
35. Issue of a vernacular manual of laws for the common people.	19th December 1922.	Action could not be taken owing to financial stringency.
36. Repeal of orders regarding collection of punitive tax from the people of Kamudi and neighbouring villages (Rannad district).	21st January 1922	The collection of the punitive tax has been discontinued and the force has been retained as part of the general strength of the district.
37. Changing of the name of Panchama or Paraiya into Adi-Dravida.	22nd January 1922	Orders were issued in G. O. No. 817, Law (General), dated 25th March 1922, in accordance with the undertaking given in the Council.

## III.—THIRD YEAR.

(August 1922 to April 1923.)

Serial number and subject of resolution. (1)	When passed by the Council (2)	Nature of the action taken by Government. (3)
1. Reduction of the price of each of the proceedings of the Council to two annas.	13th September 1922.	Price reduced—G. O. No. 242, Law (Legislative), dated the 25th October 1922.
2. The British Empire Exhibition ..	14th September 1922.	All arrangements connected with the Exhibition have been entrusted to a general committee which has in its turn appointed an Executive Committee with the Director of Industries as Chairman. On this committee's advice the proposal to hold a local exhibition has been abandoned. Arrangements for participation in the British Empire Exhibition are in progress. The Legislative Council has since voted 1½ lakhs for the purpose.
3. Withdrawal of the powers of the Agency Commissioner to deport individuals.	Do. ..	Accepted by Government. Draft bill on the subject is pending the repeal of the State Prisoners' Regulation by the Central legislature. The abolition of the post of Agency Commissioner is under consideration.
4. Appointment of Indians as Conservators of Forests, Deputy Inspector-General of Police and Members of the Board of Revenue.	Do. ..	Resolution recorded by Government, pending the occurrence of vacancies which will give an opportunity of giving effect to it.

## III—THIRD YEAR—contd.

(August 1922 to April 1923)—contd.

Serial number and subject of resolution. (1)	When passed by Council. (2)	Nature of the action taken by Government (3)
5. Increase in the number of certified public Auditors.	14th September 1924.	A press communiqué has been issued explaining why effect could not be given to the resolution—G. O. No. 410, Law, dated 5th February 1923.
6. Construction of the Palghat-Manantoddy railway.	15th September 1922.	The preliminary survey of the Shoranur-Manantoddy line having been completed the Railway Board sanctioned a detailed survey of the Shoranur-Nilambur section and have also accorded permission to land being notified for acquisition. The survey has recently been completed. The Government have under consideration the question of financing the project and are taking steps towards the early construction of the line.
7. Appointment of a Retrenchment Committee.	16th September 1922.	Orders have been issued in G. O. No. 795, Finance, dated 22nd September 1922 paragraph 24 (1) <i>supra</i> .
8. Postponement of resettlement proposals in respect of Anantapur and Bellary districts.	Do.	Resolution as amended was accepted by Government. Instructions issued accordingly.
9. Separation of judicial and executive functions.	22nd September 1922.	A special committee under the presidency of Mr. F. A. Coleridge, I.C.S., was appointed to consider the question. The committee has submitted a report which is now under the consideration of the Government; paragraph 24 (11) <i>supra</i> .
10. Appointment of a committee in each district to investigate the grievances of ryots in respect of forest reserves lying within a mile of the village-site or of the cultivated area of a village.	6th February 1923.	Committee appointed for Chittoor district as a test case. Orders were issued in G. O. No. 742, Development, dated 23rd May 1923; paragraph 24 (14) <i>supra</i> .
11. Appointment of a committee to examine forest grievances in the Karnool district.	28th February 1923	Committee appointed for the Karnool district. Orders were issued in G. O. No. 435, Development, dated 23rd March 1923, which has been placed on the Editor's Table, paragraph 24 (14) <i>supra</i> .
12. Addition of a section to the Presidency Administration Report relating to members of the depressed classes in Government service.	Do.	Motion was withdrawn by the mover but the suggestion has been accepted by the Government. The question of giving effect to it is under reference to the Accountant-General.
13. Repairs to the S-Iranganam temple	Do.	Action will be taken after personal inspection by the committee appointed— <i>vide</i> paragraph 24 (12) <i>supra</i> .

63. An analysis of the foregoing list of resolutions passed by the Council will probably reveal the want of a clear distinction between policy and administrative practice in the minds of the Council politicians, especially of those who have been in, or associated with, the Government service, and who, since their assumption of the role of members of the Legislative Council, have shown a tendency to interfere in administrative detail when they might have better

confined themselves to examining questions of policy. As regards the effect of these tendencies, reference may be made on the one hand to the committees which have re-examined policy *ab initio* in almost every department—*vide* paragraphs 18 to 24 *supra*—and on the other to the resolutions of the Council suggesting interference in quite minor matters of administrative detail. On the whole it might be said that the Government have disarmed many suspicions by placing all their cards upon the table, and that generally speaking the result has been an increased amount of co-operation in all branches of the administration.

64. *Ballot for resolutions.*—Although standing order 5 (2) provides that the relative precedence of notices of bills and resolutions given by non-official members shall be determined by ballot, the Council was content, until September 1921, to take up the motions in the order arranged by the Secretary. In September 1921, however, on the representation of the then leader of the House, Sir Lionel Davidson, the system of ballot for resolutions was first introduced; this was extended to bills on 20th January 1923, both bills and resolutions contending together in one ballot. The low place obtained by bills on this system—one result of which was that notices of two bills of importance given by non-official members (a Malabar Tenancy Bill and a Local Option Bill) never came on the agenda at all, but lapsed by prorogation—led to steps being taken to amend the standing orders; and it is now provided by virtue of these amendments, (1) that non-official members' bills and notices of resolutions should be balloted for separately, (2) that the priority determined by a ballot should hold good for thirty days only and that after thirty days a fresh ballot should be held, at which notices previously balloted for but not already moved in the Council may compete for priority (3) that only fifteen notices of resolutions arranged in order of priority should be placed on the agenda paper on each day available for this class of business and (4) that all non-official members' bills should be dealt with by the Council in the ballot order before any motions on matters of general public interest are taken up. These changes will relieve to a considerable extent the congestion of business, not only in the Council, but also in the several departments of Government which hitherto have had to work up cases on hundreds of resolutions that have never come up for disposal.

*Paragraph 4 (v). Miscellaneous.*

65. Under this heading fall (a) motions for the adjournment of business on matters of urgent public importance, (b) motions not falling under any of the recognized categories of motions, (c) motions relating to the amendment of standing orders and (d) the extent to which the nomination of experts has been resorted to in the Council.

(a) The following is a list of motions for the adjournment of the business of the House for debates on matters of urgent public importance. Such debates, unless disallowed by the Governor under rule 23 (2), take place between 4 and 6-30 P.M. on the day on which any such motion is made, provided the leave of the House has been obtained.

## MOTIONS FOR ADJOURNMENT OF DEBATE.

<i>Subject.</i>	<i>Reference to Council Proceedings.</i>	<i>Result.</i>
(1) Arrest of the non-co-operator Yaqub Hasan.	Vol. I, pages 340—342 and 392 to 412.	Talked out.
(2) Shooting in Madras of persons concerned in labour riots.	Vol. II, pages 629—630.	Motion disallowed by His Excellency the Governor.
(3) Disturbances caused by labour troubles.	Vol. III, pages 962 and 1005—1032.	Talked out.
(4) Train tragedy resulting in the death from asphyxiation of 70 Mappilla prisoners.	Vol. IV, pages 1655—1656 and 1699—1725.	Talked out.
(5) Extension of Criminal Law (Amendment) Act of 1908.	Vol. IV, page 1795.	Leave of the House not granted.
(6) British Premier's speech referring to the position and prospects of the Indian Civil Service.	Vol. VIII, page 65.	Motion disallowed by His Excellency the Governor.
(7) Provincial contribution to the Central Government.	Vol. VIII, pages 389—90 and 431—435.	Motion put and carried.

(b) Occasionally and quite exceptionally, the President has granted leave for the discussion of a motion on a matter of public interest not involving a definite recommendation to the Local Government. Of this class of motions were (1) a motion by Mr. T. A. Ramalinga Chettiyar on the provincial contributions to the Central revenues, 15th October 1921; and (2) a motion by the same member to thank Mr. Montagu for his public services, 15th March 1922.

(c) Several important amendments to the standing orders have been carried out from time to time with the object of (1) relieving the congestion of business, to which end the procedure for balloting for non-official members' bills and notices of motions was revised, as stated in paragraph 64 above; and time limits of ten minutes in the case of speeches on resolutions and fifteen minutes in the case of speeches during an adjournment debate (subject to exceptions in favour of the first speech of the mover and of the Government Member answering him) were introduced into standing orders 23 (2) and 57; likewise, the provision already mentioned in paragraph 49 *supra* about sending in notices of budget motions was introduced into standing order 53; (2) giving opportunity to a member who has given notice of a question or a resolution to amend the same; standing orders 13 and 55; (3) forming a House Committee; standing order 80; (4) giving the President discretion to delegate his powers under the standing orders to the Deputy President.

(d) Advantage was taken of section 72-A (2), proviso (b), of the Government of India Act to nominate certain experts as additional members of the Council to help in the discussion of important measures in respect of which such assistance was necessary. These were—

- (i) The bills described in paragraphs 39 (2) and (3) and 40 (c) and (d) *supra*—Two Members of the Board of Revenue were appointed expert members in connexion with these Bills.

- (ii) The State Aid to Industries Bill described in paragraph 41 (a) *supra*.
- (ii) The Madras University Bill described in paragraph 41 (b) *supra*.
- (v) A Bill to amend the Madras Port Trust Act, 1905, described in paragraph 37 (4) *supra*.
- (v) The Hindu Religious Endowments Bill described in paragraph 41 (c) *supra*.
- (vi) Two Bills to amend the District Municipalities and Local Boards Acts, 1920, described in paragraph 42 (6) and (7) *supra*.

The gentlemen who took part in the discussion of these measures as experts rendered much valuable assistance in that capacity.

Paragraph 5 (a). *The extent to which the Council represents, and re-acts on public opinion.*

66. (Broadly speaking, the Council is composed of two main parties—the non-Brahman, or ministerial party, including non-Brahman Hindus, Muhammadans and Christians, and the ‘Opposition,’ which consists almost entirely of Brahmans. This division in the Council reproduces the partition of public opinion in almost every district of the Presidency. It may therefore be said that the Council does represent public opinion and it would also be probably true to say that it does a good deal to create it. There is of course a third party which has no avowed representation in the Council and which must be taken to represent the views of a certain section of the people, and that is the Congress party.) At the last elections no non-Brahman candidate stood as the representative of this party and only a few Brahmans openly professed adherence to the Congress creed. The few who persisted in this profession and nevertheless entered the Council, notably Mr. S. Srinivasa Ayyangar, C.I.E., referred to in paragraph 74 below as the first leader of the opposition, subsequently refrained from participating in its proceedings. The rest were content to remain in the Council as moderates; but the actual working of the Council has shown that the difference between the view of the opposition and those avowed by the Congress party has been more imaginary than real; and their attitude towards many political questions, such as the treatment in jail of persons convicted of offences connected with political agitation, the course of the Mappilla rebellion and the causes of its outbreak, the agitation against the payment of taxes in Guntur and obstructive policy adopted by certain municipalities in the same district, went to show that for all practical purposes they shared the Congress policy and sentiments. (As regards the extent to which the Congress party really does represent, or has represented, public opinion, it is true that at the time of the elections and during the first year of the Council the non-co-operation movement had a very considerable number of adherents, but with the arrest and imprisonment of Gandhi and the subsequent fiasco of the Congress it has lost the greater part of any influence it may have exerted on the public mind.)

*Paragraph 5 (b). How far and by what means relations have been maintained between members of the Council and their constituencies.*

67. So far as the ministerial party is concerned, the relations between the members of the Council and the constituencies have been more or less closely preserved by the organization of a series of non-Brahman conferences. Such conferences have been held in most of the districts of the Presidency and have been attended either by the recognized party leader, Sir P. Tyagaraya Chettiyar or by one or more of the Ministers. Confederations of the non-Brahman party of the entire Presidency have also been held annually at Madras and have been largely attended by all the important representatives from the mufassal. At these meetings resolutions have been passed appreciating the work done in the Council and focussing the future policy of the party. The Ministers, especially in 1921, and in the earlier months of 1922, when the non-co-operation movement was at its height, toured extensively in the districts and did much to expose the dangers of the movement and to demonstrate the possibility of a whole-hearted working of the Reforms. Other members of the Council belonging to the party in power also visited their constituencies at frequent intervals and addressed them on the work of the Council and on the programme of the ministerial party.

Individual members of the opposition party have pursued similar tactics, but in their case there has been nothing like the same organization.

*Paragraph 5 (c). The formation of political groups or parties within the Council and how far these coincide with, or traverse, purely communal lines of cleavage.*

68. As mentioned above in paragraph 66 *supra*, it is to a considerable extent true that political parties in the Madras Presidency are divided according to caste or community and that the political line of cleavage generally coincides with the communal, with a few individual exceptions on either side. It would, however, be a mistake to suppose that the division is purely communal and regardless of political principles. If the two contending parties were to be described in political parlance, and excluding the few individuals who hold extreme views postulating the absolute disconnection of this country with England, they might be called respectively progressives and ultra-radicals. Though the latter may be, to a certain extent, re-actionary where questions of social and religious freedom are concerned, the ultimate goal of both parties is really identical, namely, the attainment of self-government for India on colonial lines. This is in fact the published creed of the South Indian Liberal Federation, the main Presidency organization of the non-Brahman party. But the difference lies in the pace at which this goal is to be attained; and in consequence the methods of the two parties differ widely in practice and give rise to a number of points on which there are acute differences of opinion owing to the difference in the angle of vision.



*Paragraph 5 (d). The constitution of what may be broadly called conventions of procedure as between the legislature and the Executive Government or the Governor, e.g., the grounds for the disallowance of resolutions and questions; the appointment of Commissions and committees and the scope of their inquiries; and within the Councils themselves, the institution of a parliamentary practice and tradition.*

69. In laying down the conventions of procedure which lie outside the Act, rules and standing orders, but which rank next after these in value and importance and in regulating the relations between the Council and the Government, the lead is naturally taken by the President of the Council, as well as by the Governor, as the head of both the Council and the dyarchic Government. In the speeches addressed by His Excellency the Governor to the Council and in the rulings of the President from the chair a steady, if gradual, approach has been made towards the establishment of such conventions on a lasting basis. To illustrate this aspect of the matter and also to show how far the attempt to engraft parliamentary practice on the Council has been successful, a list of the principal rulings of the President during the last three sessions is included in the appendix. How far the policy of the Government can be made the subject of discussion when voting grants, whether the non-votable items in the budget can be discussed at all by the Council while criticizing the Government policy, whether the Government have an indefeasible right of reply after closure has been moved, what documents the Government should place on the table before using them in debates, how far the Council is at liberty to refer to the two halves of the Government in any discussion of the Government policy, these and many other points touching the relations between the Council and the local Government have formed the subject of rulings from the chair. In disallowing questions and resolutions, certain conventions are observed, by which the Government are enabled to bring to the notice of the President or of the Governor any defects or irregularities in the notices given by the members. How far the Government have a voice in the composition of committees of the House properly so called, and how far they have proceeded in the constitution of standing and other advisory committees, composed largely of members of the House, has been already mentioned in paragraphs 18 to 24 *supra*.

70. The growth within the Council of a body of precedents reproducing as far as possible parliamentary tradition and procedure is a matter which has steadily received attention, as will be evident from the numerous rulings of the President. To bring about a more rapid growth of such traditions, the Government with the concurrence of the Council, sent the Secretary to the Council on a prolonged deputation last year to study parliamentary procedure in the House of Commons, and the President himself was on a visit to the House of Commons during part of the period; and since their return much has been done to assimilate the practice of the Council to the best traditions of the British Parliament. The facts that English is the prevailing language of the Council, that practically all speeches during the last three years have been delivered in that language, and that a substantial proportion of members are gentlemen who are familiar by firsthand knowledge with parliamentary institutions in the United Kingdom have helped a good deal

to the same end. The Government have during the last two years recommended and obtained substantial grants to enable the President to form a good reference library for the use of members, and it is evident that the nucleus of a library thus formed is already popular. One of the indications of a parliamentary atmosphere in the Council is the gradual growth of a healthy opposition. The terms 'the opposition benches', 'the leader of the opposition', etc., are in constant use in the Madras Council and are beginning to be well understood.

71. In this connexion it may be worth while to refer to an observation frequently made by official as well as by casual visitors to the Council, that the level of debate in the Madras Council is of a high order, notwithstanding the unfamiliarity to several members of parliamentary institutions and to a few of the English language. Exuberant eloquence is held within the bounds imposed by reason and public convenience by the strict enforcements of time limits, which no one will perhaps regret. On the whole the members may be said to have accustomed themselves gradually to the restrictions required by parliamentary decorum, no less than to the assertion of parliamentary rights and privileges. In particular it is gratifying to note that the number of occasions on which members lapsed into unparliamentary language have been exceedingly few.

✓ *Paragraph 5 (e)- The institution, whether on the part of the Government or of parties within the Council, of any form of party organization, the issue of whips, etc.*

72. As has been pointed out in paragraph 66 above, there is a fairly well defined ministerial party in the Council. Until recently no formal whips were issued. The practice was, before a meeting of the Council, to hold an informal gathering of the members of the party and discuss the agenda of the coming session and the attitude which it was proposed to take towards various questions. In this way concerted action was more or less guaranteed; but the procedure was found to be not altogether satisfactory, as the conference had to be held at the eleventh hour and hardly gave the Ministers sufficient opportunity to ascertain the opinion of their party, and they were compelled to rely a good deal on chance consultations with individual members between the sessions. At the beginning of 1923 it was therefore decided to elect a small committee of the ministerial party which could be consulted in emergencies when it was impossible to convene a larger gathering. This committee consists of the party leader and the three Ministers *ex officio* and eight elected representatives of the party. It also co-opted two of its members to act as non-official whips. It is somewhat early to express an opinion on the practical working of the system. Owing to the lack hitherto of party organization and of communications between opposing whips, the only means by which any particular business could secure priority over other items of the agenda has been by the fiat of the President or the unanimous wish of the Council. For the rest, the general rule is for the order in which resolutions are proposed to be determined by ballot. So far as the opposition are concerned, the Government are not in a position to supply details of their organization within the Council; and so far as the Members of Council are concerned

they have contented themselves with informal consultations with the ministerial party on certain Government measures and a certain amount of 'lobbying' with individual members of both parties on important resolutions or questions.

*Paragraph 5 (f). Prominent party leaders, their policies and adherents.*

73. In the ministerial party the most important personalities are the leader, Sir P. Tyagaraya Chettiyar, and the Ministers themselves. Their policy has already been described as the attainment of self-government for India on colonial lines by gradual means and the avoidance of any cataclysmal changes which might retard rather than advance progress. An essential part of their creed has been the development of Indian nationality with the help of, and in close union with Great Britain, and a whole-hearted working of the Reforms. Their adherents are, generally speaking, the non-Brahman communities all over the Presidency and the non-Brahman members of the Council.

74. When the Council was first formed in January 1921 there was no recognized leader of the opposition. Spontaneously the lead, whenever an expression of the views or the co-operation of the opposition was called for in response to general usage, was taken by Mr. S. Srinivasa Aiyangar, C.I.E., late Advocate General, and when he cut himself adrift by adopting the principles of non-co-operation, the mantle of leader of the opposition as spontaneously fell on Diwan Bahadur Mr. Ramachandra Rao, whose position in the pre-reform Council, combined with his extensive knowledge of English politics, eminently qualified him for leadership. He has since associated with himself other prominent politicians of the Presidency, like Diwan Bahadur L. A. Govindaraghva Ayyar, Rao Bahadur A. S. Krishna Rao, Mr. C. V. Venkataramana Aiyangar, Rao Bahadur C. V. Narasimha Razu and others, who now occupy either the front opposition bench or that immediately behind it. Mr. Narasimha Razu is a non-Brahman by caste, but by his own desire he has ranged himself with the opposition. Certain other non-Brahman politicians like Messrs. T. Sivasankaran and Ranganatha Mudaliyar have taken up a position entirely independent of either party. It will thus be seen that the organization of an opposition is proceeding on lines of its own in the Madras Council, and that those lines are not exactly communal.

### ✓C — THE CONSTITUENCIES AND THE PUBLIC.

*Paragraph 6 (i). The ascertained percentage of enfranchised persons to the total population, and the percentage of votes recorded in general or bye-elections to the total number of voters on the register.*

75. The following statements give the information required for the elections held in 1920. It has not been possible to give exact figures for the total population comprised in certain constituencies, groups 50 to 61, but it may be presumed from the nature of the cases that the populations in those constituencies (e.g., Madras Planters, Madras University graduates, Nagarattar's Association, etc.), are identical with the numbers of voters. On the whole 3 per cent. of the total population (including females and children)

possessed a vote for the general elections and 24.9 per cent. of the registered voters went to the poll. In the elections to be held this year women also will be entitled to vote:—

I.—Non-Muhammadan Urban.

Constituency.	Popu- lation.	Number of voters.	Percentage.	Number that polled.	Percent- ages.	Number of seats.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Madras City ..	429,612	16,553	3.9	8,700	52	4
2. Madura City ..	121,264	6,583	5.5	3,110	48	1
3. Trichinopoly and Srirangam.	111,319	4,507	4.1	1,961	43.5	1
4. Cocanada City ..	49,232	1,287	2.1	..	..	1
5. Vizagapatam City.	40,311	992	2.4	717	72	1
6. Tinnevely cum Palamcottah.	75,353	3,156	4.2	2,258	71	1

Non-Muhammadan Rural.

7. Anantapur ..	685,987	23,199	2.6	10,588	45.6	2
8. North Arcot ..	1,901,230	58,686	3.05	7,747	13	3
9. South Arcot ..	2,187,370	58,970	2.7	13,782	23	3
10. Bellary ..	771,439	27,678	3.5	14,087	50.09	2
11. Chingleput ..	1,427,071	43,426	3.4	22,872	52.6	2
12. Chittoor ..	1,197,365	39,897	3.3	11,522	29	2
13. Coimbatore ..	2,145,506	57,075	2.6	13,257	23	3
14. Cuddapah ..	755,765	25,156	3.3	9,293	37	2
15. Ganjam ..	1,828,422	65,761	3.6	14,975	22.7	3
16. Godavari ..	1,384,081	44,281	3.2	9,950	22	2
17. Guntur ..	1,525,346	83,014	5.4	9,594	11.5	3
18. South Kanara ..	989,254	21,139	2.1	4,360	20.6	2
19. Kistna ..	1,967,474	87,669	4.1	12,214	13.9	4
20. Kurnool ..	738,694	27,665	3.7	12,110	43.7	2
21. Madura (district)	1,741,595	65,489	3.7	9,956	15	3
22. Malabar and Anjengo.	2,041,676	26,901	1.3	15,906	59	2
23. Nellore ..	1,243,875	51,795	4.1	8,688	16.7	2
24. Ramnad ..	1,520,579	46,689	3.07	12,584	26.9	2
25. Salem ..	2,049,484	59,323	2.4	9,811	16.5	2
26. Tanjore ..	2,106,054	54,733	2.5	14,279	26	3
27. Tinnevely district.	1,524,632	44,110	2.9	10,614	24	2
28. Trichinopoly ..	1,635,861	45,445	2.8	7,286	16	2
29. Vizagapatam ..	2,166,247	70,628	3.2	12,846	18.2	2
30. The Nilgiris ..	99,577	1,291	1.2	1,059	82	1

~~Non-Muhammadan Urban.~~

31. Madras City ..	53,163	2,839	5.3	..	..	1
32. Madura and Trichi- nopoly cum Sri- rangam.	25,784	1,197	4.6	101	8.4	..

~~L. Non-Muhammadan Urban—conclid.~~

Constituency. (1)	Popu- lation. (2)	Number of voters. (3)	Percent- ages. (4)	Number that polled. (5)	Percent- ages. (6)	Number of seats. (7)
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*Muhammadan Rural.*

33. Northern Circars	127,318	3,529	2·7	267	7·56	1
34. East Coast ..	284,776	6,156	2·1	211	3·4	1
35. Ceded districts ..	401,371	6,715	1·6	1,635	24·3	1
36. North Arcot <i>cum</i> Chingleput.	151,801	4,125	2·6	..	..	1
37. Central district ..	167,034	4,118	2·5	505	12·2	1
38. Tanjore ..	130,653	4,054	3·1	835	20·5	1
39. Madura <i>cum</i> Trichi- nopoly.	142,853	3,441	2·4	..	..	1
40. Ramnad <i>cum</i> Tinnevely.	225,217	5,426	2·4	..	..	1
41. Malabar <i>cum</i> Anjengo.	1,004,546	12,055	1·2	..	..	2
42. South Kanara ..	151,756	1,772	1·1	..	..	1

*Christians.*

43. Northern districts	383,284	3,848	1·1	1,328	34·5	1
44. Central districts ..	254,544	3,014	1·1	1,994	65·8	1
45. West Coast ..	218,458	2,607	1·2	1,666	63·9	1
46. Tanjore, Trichino- poly <i>cum</i> Madura.	243,780	4,386	1·8	1,726	39·3	1
47. Ramanad and Tin- nevely.	277,149	5,544	2	3,018	54·5	1
48. European ..	10,788	1,489	13·8	132	8·9	1
49. Anglo-Indian ...	23,481	1,399	5·9	..	..	1

*Landholders.*

50. Northern Land- holders, Group I.	..	86	..	..	..	1
51. Northern Land- holders, Group II.	..	66	..	29	43·9	1
52. North Central Landholders.	..	95	..	57	60	1
South Central Land- holders.	..	55	..	48	72·7	1
54 Southern Central Landholders.	..	55	..	..	..	1
55. West Coast Land- holders.	..	200	..	144	72	1

*University.*

56. Madras University	..	5,463	..	3,612	66·1	1
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## I.—Non-Muhammadans Urban—concl'd.

Constituency. (1)	Popu- lation. (2)	Number of voters. (3)	Percent- ages. (4)	Number that polled (5)	Percent- ages. (6)	Number of seats. (7)
<i>Planting.</i>						
57. Madras Planters ..	..	349	..	..	..	..
<i>Commerce and Industry.</i>						
58. Madras Chamber of Commerce.	..	95	..	..	..	..
59. Madras Trades' Association.	..	26	..	..	..	..
60. South Indian Cham- ber of Commerce.	..	235	..	142	60.4	..
61. Nattukkottai Naga- rattar's Associa- tion.	..	619	..	..	..	..
Total ..	40,931,431	1,248,156	3.05	..	..	98
Uncontested ..	..	33,575	..	..	..	..
Balance ..	..	1,214,581	3.05	3,03,558	24.9	..

## II.—Statement showing the percentages of voters who attended the poll at bye-elections since 1921.

Names of members who succeeded at the bye-elections.	Total number of voters.	Number that polled.	Percent- age.
Rao Bahadur C. Natesa Mudaliyar ..	16,553	4,657	28
Mr. M. Appalanarasayya Nayudu ..	992	673	68
Mr. K. A. Kandaswami Kandar ..	59,323	2,533	4
Mr. T. Somasundara Mudaliyar ..	54,733	43,247	79
Mr. V. Pakkiriswami Pillai ..	54,733	43,247	79
Rao Bahadur V. Appaswami Vandayar ..	54,733	43,247	79
Mr. K. Sitarama Reddi ..	58,970	16,977	29
Diwan Bahadur T. N. Sivagnanam Pillai ..	3,156	2,135	67

Paragraph 6 (ii). *The interest evinced by the constituencies and the public in the work of the Council.*

76. That the work of the Council has created considerable public interest and appreciation is evident both from the amount of space devoted to its doings by the press and also from the number of visitors in the Council galleries during debates. During the passage of the University Bill the galleries were crowded and the papers were full of articles supporting, criticizing or opposing the various provisions of the bill. The State Aid to

Industries Bill received universal support and the Religious Endowments Bill excited perhaps even greater public interest than either of the first two measures. The same interest was displayed when particularly important resolutions were discussed, like the resolution for enfranchising women, and more especially during the debates on motions for the adjournment of the House; and the budget debates were always, closely followed by the public both in Madras and in the constituencies. In fact the constituencies have generally been keenly alive to what is going on in the Council and meetings to support or oppose various decisions of the legislative body were by no means uncommon in many districts.

*Paragraph 6 (iii). The extent to which political groups or parties in the Council are reproduced in, or derived from, the constituencies.*

77. This subject has already been dealt with in paragraphs 72 to 74 above, but mention must be made of an attempt made in the early part of 1921 to form what was known as an independent party. This party was intended to be composed of both Brahmans and non-Brahmans in opposition to the ministerial party. It had no living relation to any real body of opinion outside the Council and died a natural death within a few months. More recently, there has been an attempt on the part of certain individuals to secede from the ministerial party; but these persons have made no effort to form a separate party of their own, nor can they be said to reflect the opinion of the electors or of any section of them. It remains to be seen whether the secession will ripen into a definite opposition, even of the 'cross-bench' variety.

*Paragraph 6 (iv). Electoral organization in the constituencies, political programmes, parties and party funds and machinery.*

78. The chief electoral organization in the constituencies consists of branches of the South Indian Liberal Federation at various centres, by the aid of which, assisted perhaps to an equal degree by individual effort, members of the ministerial party were returned at the last elections and by which means they hope to retain their seats at the next election. The political programme of the non-Brahmin party was put forward at the last elections at a confederation held at the time and its main items were an amelioration in the condition of all non-Brahman classes, the spreading of primary education, the provisions of equal opportunity to all castes for education and for entry into Government service, the attainment of a more equal representation of the different communities in the public services, an improvement in the control over religious endowments, the amelioration of the agricultural condition of the Presidency and the development of industries.

79. A definite programme has just been issued for the coming elections. No rival programme has yet been published and so far as the regular opposition is concerned, very little organization of any kind among its rank and file is apparent; nor is the stir now being made by Mr. C. R. Das in this province likely to eventuate in any radical or extremist programme for the coming elections. The ministerial party has no party fund and no attempt has so far been made to organize one. So far as can be ascertained the same is the

case with regard to the opposition. The machinery by which the non-Brahman party works is, as mentioned before, the South Indian Liberal Federation with headquarters at Madras and branches in different parts of the Presidency.

✓ *Paragraph 6 (v). The influence of the press on politics and public opinion.*

80. The influence of the press on politics is not so great as might be expected, chiefly because the various organs seem unable to take more than one point of view and make little or no impression on rival organs or on rival parties. The ministerial view is expressed by the English daily, *Justice*, and two vernacular papers. *New India* may be held to represent the moderate party, while the *Hindu* is a professed Congress organ and its leanings square with those of the opposition in the Council to a far greater extent than is openly admitted. The *Madras Mail* and the *Daily Express* may be considered independent papers, so far as the two Indian parties in the Council are concerned, and the former specially seeks to express the European point of view. They both have some influence on both sides of the House, except when they advocate either anti-Indian or too obviously European points of view.

The number of newspapers has increased considerably since the repeal of the Press Act, but the majority of the new additions to the strength of the press possess little or no influence on public opinion and have a very limited circulation. The *Swarajya*, a recent daily paper, and a professed organ of non-co-operation, has, however, a considerable circulation; so have certain vernacular papers, which equally profess the non-co-operation creed.

✓ D.—POLITICAL AGITATION AND PARTIES OUTSIDE THE REFORM SCHEME.

*Paragraph 7. Non-co-operation and Khilafat.*

81. The activities of the non-co-operation and Khilafat parties certainly constituted a grave embarrassment to the working of the Council, especially in 1921 and the early part of 1922. These activities were of course mainly outside the Council but they led to a considerable loss of public revenue and also to a very serious disregard for constituted authority and naturally called for strong action on the part of the Government; and, as has been suggested in paragraph 66 above, the opposition party in the Council, though openly disavowing the non-co-operation creed, were certainly affected to a considerable extent by its sentiments. The fact that the supporters of the movement actually decided at the last elections to boycott the Council probably had very little effect on the course of the elections themselves. Few of them were likely to have gained seats in the Council had they stood for election; the majority of the political leaders of the Presidency dissociated themselves from the movement from the outset and the number of those in professed sympathy with the movements and who found seats in the Council was too small to influence its decision to any great extent. It was rather the general effect of the movement on the political atmosphere and on the financial situation that created the difficulties referred to above—and the situation certainly was a difficult one for, any popularly elected assembly to face, much more for a nascent assembly like, the reformed Legislative Council.



82. In the early part of 1921 the energies of the malcontents were directed chiefly to the fomenting of labour troubles, in which they achieved considerable success. The unrest then aroused developed along unlooked for lines and culminated in intercommunal riots, attended with arson and loss of life and spread over several months, in Madras City. The most important event of the year however was the Mappilla rebellion, which was due directly to Khilafat and non-co-operation preaching, and was not suppressed till well on into 1922. In other parts of the Presidency there were manifestations of lawlessness, less serious than this, but sufficiently serious in themselves; riots leading to bloodshed at Kumbakonam in the Tanjore district, at Karur in the Trichinopoly district, and at Pentapad in the Kistna district, besides minor disturbances of the peace in many other localities, following on attempts to interfere with the liberties of the people or to overawe the authorities. At the beginning of 1922 there was the unseemly display of hooliganism in Madras at the time of the visit of His Royal Highness the Prince of Wales, and the no tax campaign in Guntur and to a lesser extent in Godavari. In regard to the riots in Madras there was some difference of opinion; but in dealing with the other disturbances and demonstrations against authority, the Government received a great measure of support from the Council and found themselves able to rely on the ministerial party. Throughout the Malabar rebellion there was a gratifying disinclination to embarrass the Government, for which credit must be largely ascribed to the influence of Sir P. Tyagaraya Chettiyar and the Ministers. Early in the life of the Council, when the District Magistrate of Malabar, with the approval of the Government, found it necessary in February 1921 to restrain the agitator Yaqub Hasan, leave was obtained to move the adjournment of the Council to discuss his action, but in the course of discussion it became clear that the balance of opinion was opposed to any censure. Again, when in December 1921 leave was sought for an adjournment to discuss the application to the Presidency of Part II of the Criminal Law Amendment Act, 1908, the mover was unable to obtain any support. Later a resolution recommending that a committee should be appointed to examine the records of cases in which non-co-operators had been convicted was defeated after strong speeches had been made in opposition to it on the ministerial side; and a similar fate would no doubt have befallen a resolution recommending special treatment of non-co-operation prisoners in jails, if the discussion had not been put an end to by a motion that the Council should pass on to the next item of business. There has latterly perhaps been a tendency to grasp at the idea that the non-co-operation movement is dead and that precautions against further disturbances may be relaxed. It is probable however that this is due more to a desire for retrenchment than to any real wish to weaken the position of the Government; and though dissatisfaction has been expressed at the size of the police budget, the Council, led again by Sir P. Tyagaraya Chettiyar, has accepted the demands of the executive, including a provision for the initiation of a small but highly disciplined striking force on the east coast.

83. The latest attitude adopted by the Congress towards the question of entering the Council has naturally set afloat a good deal of speculation and it would be rash to indulge in any dogmatic expression of opinion as to the issue.

A loudly vocal element in the Congress party in this Presidency is in favour of capturing the Council, but the Congress itself has shifted its position so often and its influence on the public mind has so steadily decreased in consequence, that in well-informed circles it is generally believed that the personnel of the Council will not suffer material change at the coming elections.

X *Paragraph 7.—continued—Activities of the non-co-operators on local bodies.*

84. On 3rd October 1920 (two days after the coming into force of the Madras District Municipalities Act, 1920) six out of the twelve councillors of the Narasaraopet municipality resigned their seats on the council on account of the non-co-operation movement. No special action was considered necessary, as the resignations were not likely to cause any inconvenience to the administration of the municipality. The Collector of Guntur and the chairman of the municipal council were, however, asked to make arrangements for reconstituting the municipal council under section 366 (a) of the District Municipalities Act, 1920, at the earliest possible date; and this was accordingly done.

85. In Repalle, which was constituted a municipality from 1st September 1920, with a strength of twelve councillors nominated by the Government, eight councillors sent in January 1921 a requisition to the *ex-officio* chairman to consider the following matters :—

- (1) the abolition of the municipality ;
- (2) the suspension of the collection of municipal taxes pending the receipt of orders on the memorials submitted to His Excellency for the abolition of the municipality.

The requisition of the eight councillors was mainly due to the influence of non-co-operators from outside, especially from Guntur and Tenali. The chairman did not convene the meeting asked for. The cart-drivers and jutka wallahs were made to strike and people refused to receive tax notices. The chairman suggested that all the municipal councillors might be removed from office and fresh councillors appointed. This suggestion was not feasible, any more than the abolition of the municipality. The Government wished to watch the effect of municipal administration and of the proposed location of a District Munsif's court at Repalle. They ordered, however, that no municipal tax should be levied on lands used solely for agricultural purposes, and that farm cattle should be exempt from tolls and taxes. The Hon'ble the Minister for local Self-Government visited the place in September 1921, and found that it remained rural in character with no indication of early development into a town; and as the location of a District Munsif's court had not materialized, he ordered the abolition of the municipality.

86. In Chirala, which was constituted a municipality in November 1919, there was no trouble till September 1920, when the town received the attentions of the non-co-operators who took advantage of the natural reluctance of the people to pay additional taxes and led an organized agitation against the continuance of the municipality. Ten out of the twelve councillors resigned and the municipal administration was brought to a standstill. The Hon'ble

the Minister for local Self-Government visited the place, and after discussing the situation with the leading residents offered to exempt agricultural cattle and land from municipal taxation, but, presumably under the influence of the agitators, the offer was rejected. After a careful examination of the situation, the Hon'ble the Minister came to the conclusion that the agitation for the abolition was bolstered up by a few political agitators backed by the merchants and money-lenders, and that the town should, in the interests of public health, continue to be a municipality. The Government therefore superseded the council for a period of one year from 1st April 1921 and appointed a paid officer to discharge the duties of the council and its chairman. A resolution moved in the Legislative Council in November 1921 by M. R. Ry. C. V. Venkatarama Ayyangar Avargal, recommending the abolition of the Chirala municipality was lost. On the expiry of the period of supercession, the municipal council was reconstituted under section 41 (4) of the District Municipalities Act.

87. So far as regards non-co-operation in particular places. As regards the effect of the movement on local bodies in general, it has been ascertained that out of an approximate total of 4,048 elected members throughout the Presidency, 358, or less than 9 per cent., are professed non-co-operators, of whom 35 were members elected within the last six months. These figures indicate that any attempts on the part of non-co-operators to capture the elected seats on local bodies have been in the majority of cases unsuccessful.

88. The activities of the non-co-operators on local bodies were mainly confined to (1) getting resolutions passed on subjects such as the prohibition of liquor, picketing, applauding the services of those who went to jail on account of non-co-operation, changing the old names of streets and re-naming them after Tilak and Gandhi, (2) voting and presenting addresses of welcome to such prominent leaders of the movement as Gandhi and the Ali brothers and to the members of the Civil Disobedience Committee, and (3) presenting oil paintings of prominent non-co-operator to the councils. Rajahmundry, Guntur and Salem were among the important municipal councils by which such resolutions were endorsed. In Salem it may be mentioned that the municipal council passed resolutions sanctioning the picketing of liquor shops and weaving of *khaddar* cloth. This council in addition sanctioned an advance of Rs. 1,000 to the president of the Municipal Employees Co-operative Society for the purchase and supply of *khaddar* cloth to the municipal establishment during the Dipavali festival. The same municipal council also passed resolutions suggesting that students and teachers in municipal schools and at the college as well as the municipal councillors should wear *khaddar*. The resolutions were, however, cancelled.

Resolutions voting addresses to Gandhi and others were passed by several local bodies, e.g., the municipal councils of Adoni, Hospet, Bellary, Trichinopoly, Srirangam, Vellore, Tadpatri, the union board of Devakottah and the taluk board of Erode. The Government refused to sanction any expenditure from the funds of local bodies on this account. In cases where local bodies did not approach Government for sanction for such expenditure, no action was considered necessary. In order, however, that any resolution of a local body which signified non-co-operation or was politically objectionable might be

known to Government, Collectors and presidents of district boards were requested in Memoranda no. 14103-1, L. and M., dated 12th July 1921, and no. 1403-2, L. & M., dated 12th July 1921, to watch the resolutions passed by local bodies through the copies of the proceedings submitted under rule 10 of schedule III of the Madras District Municipalities Act, 1920, and rule 10 (2) (a) of schedule II of the Madras Local Boards Act, 1920, and to bring those that were objectionable at once to the notice of Government.

89. As attempts were made by some local bodies to introduce national education of the type approved by non-co-operators, the Government issued orders to the effect that the funds of local bodies should not be applied to the maintenance or in aid of educational institutions which were not recognized or approved by the Government, by the district education council, or by some other authority duly authorized by the Government in this behalf.

90. In order to eliminate from local bodies extreme non-co-operators who were not prepared publicly to declare their allegiance to the Crown, Act II of 1922 requiring every member of a local body to make an oath or affirmation of allegiance to the Crown was brought into force on 21st February 1922. Under sections 3 and 5 of this Act every person who was a member of a local body on that date had to make an oath or affirmation before 21st May 1922 at a meeting of the local body. Members who failed to make the oath before that date have automatically vacated their seats; but the great majority of these have asked to be re-instated, alleging illness or absence from the station as the reason why they did not make the oath or affirmation on the prescribed date. The number of those who abstained from motives of disloyalty is believed to be exceedingly small.

## APPENDIX.

RESOLVINGS OF THE HON'BLE THE PRESIDENT (vide paragraph 69 supra of the letter).

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**BOMBAY.**

Letter no. 73-P., dated the 21st July 1923.

From—The Chief Secretary to the Government of Bombay,

To—The Secretary to the Government of India, Home Department,

I reply as follows to your letter no. D.-917, dated 23rd April 1923, on the question of the working of the Reforms following the main divisions and sub-divisions into which you have divided the subject.

**A.—THE EXECUTIVE GOVERNMENT.****(i) Allocation of funds to reserved and transferred subjects—**

The apportionment of funds between the departments dealing respectively with reserved and transferred subjects was arrived at by amicable arrangement between the Honourable Members and Ministers who based the division upon the previous actual expenditure in these Departments. The division made in 1922-23 was not exact but was arrived at after a good deal of give and take by Honourable Members and Ministers at a series of joint meetings, and this division formed the basis of the Budget allotments made to the various Departments for the current year. Both halves of Government have fully realized the necessity for economy and shewn readiness to look at the problem of balancing the Budget from the standpoint of Government as a whole and not from that of narrow departmentalism. As for the special power of His Excellency the Governor under Devolution Rule no. 32, it has never been necessary for him to exercise it or even to consider whether he should do so. The occasion for such action is when there is no hope of any agreement between Honourable Members and Ministers as regards the apportionment of funds between reserved and transferred subjects. Not only has such a deadlock never occurred but there has never been any serious disagreement. No doubt the knowledge that His Excellency the Governor had these powers in reserve, helped both parties to arrive at an agreement.

To illustrate the harmonious relations between the two halves of Government I may mention that in the Budget of 1922-23 a Reserve of 20 lakhs was provided and allocated by common agreement in the proportion of 12 lakhs to reserved and 8 to transferred subjects. In the course of the year, the reserved department found it necessary to make fewer claims upon this Reserve than did the transferred departments, and part of the money allocated to the former was consequently made over to the latter. The actual expenditure from the 20 lakhs was therefore 8½ in the reserved and 10 lakhs in the transferred. In the current Budget the Reserve has been reduced to 15 lakhs and Government has considered it unnecessary to make any preliminary allocation. The inference is that Honourable Members and Ministers trust the Finance Department to hold the scales evenly between departments in permitting applications to the Legislative Council for grants from the Reserve; and that Government can trust the Legislative Council to consider these demands upon their merits, whether they are made by Honourable Members or Ministers. The cut of 60 lakhs from the Budget of 1922-23, which was spread proportionately over both reserved and transferred subjects is another notable instance of the harmonious relations between Honourable Members and Ministers.

(ii) Reinforcement or re-adjustment of Secretariat or other headquarters establishment due to the Reforms—

Two new Departments were created in the Secretariat in consequence of the Reforms. The old Revenue and Financial Department was divided up into the two Departments now bearing these names. The old Judicial Department was divided up into the present Home and Political Departments. This increase in the number of Departments involved the creation of 2 new appointments of Secretaries and three Deputy Secretaries. One of the latter went to the new Finance Department and the other two went to the General and Legal Departments which were considered to require strengthening. It has subsequently been found necessary to strengthen the Finance Department further by the appointment of an additional Deputy Secretary.

The work of all Departments has been increased very considerably by the Reforms. The money required for administration has now to be voted by a Legislative Council which is jealous of its privileges and eager for retrenchment. Each item of the Budget is carefully scrutinized and has to be explained and justified by the Department concerned. Numerous questions are asked and the preparation of the answers often entails considerable labour. The Finance Department in its present form is a new creation and the work which it performs is very heavy. The strengthening of the Secretariat by two Secretaries and four Deputy Secretaries is amply explained by these considerations, and by the strain on Secretaries of the protracted sessions of the Legislative Council.

I may mention that this increase of establishment is to some extent lessened by the abolition of the posts of Under Secretary, of which there were two when the Reforms were introduced. This was a measure of retrenchment subsequent to the Reforms.

(iii) Co-operation between the Executive Government and the Legislature with special reference to permanent and special Committees of the latter—

The general attitude of the Legislative Council towards the Executive Government is one of criticism. As explained later on, there are no regular parties in the House and consequently no leader who can count upon a following. The Ministers themselves are without followers upon whose support they can rely and the non-official Members do not draw any great distinction between Honourable Members and Ministers but regard them alike as representatives of the Government which has nominated them. The attitude of the House is not necessarily hostile because critical. The anomalous position however remains of an Executive Government carrying on the business of Government without a working majority of any sort in the Legislative Council.

The attitude of the non-official Members towards Honourable Members and Ministers in Permanent and Special Committees is the same as in the House itself. There is a great volume of questions, sometimes amounting to heckling, but ultimately the Committee generally proves reasonable and amenable. There have been instances however in which Committees have proved recalcitrant—as for instance when a Select Committee amended Bill XV of 1921 (a)

Bill to make provision for the management and control of certain open spaces in the City of Bombay), in such a manner that it became unacceptable to Government and was consequently dropped. This was a bad instance, since the Select Committee's amendment was designed to give control to the Legislative Council over an executive matter—the utilization of certain open spaces in Bombay City.

Generally speaking the Permanent and Special Committees, in spite of much questioning and heckling, do honestly co-operate with the Executive Government and are not unreasonably obstructionist.

(iv) The Reforms and local self-Government—

The transfer of this subject to the charge of a Minister coincided with a determined attempt of the non-co-operator party to capture the local bodies in this Presidency. They achieved notable successes in the Municipalities, especially those of Ahmedabad, Surat and Nadiad. The line of attack adopted by these three Municipalities was to declare themselves emancipated from Government control so far as education was concerned, to refuse Government grants for their schools and to disallow inspection of the latter by Government officials. It could not be denied that such a course contravened the law of the land and their own municipal rules; but it was alleged that the will of the ratepayers, which they professed to have ascertained, justified them in over-riding law. This open defiance forced upon Government the task of vindicating the law and compelled the Minister to adopt measures of repression. Two of the Municipalities were suspended; the President of the third was removed from office. The task of maintaining discipline by repressive measure is never a grateful one and to a Minister of a Reformed Government in the first year of its existence it was doubly distasteful. But in dealing with a set of political extremists, whose avowed object was to make the position of Government impossible unless it asserted its authority in a manner out of which they could make political capital, Government had no other course open but to make use of their emergency powers of control, and from this plain duty the Minister did not shrink. This action was taken in the beginning of 1922 when Mr. Gandhi was in the plenitude of his power. There were manifestations of the same unconstitutional spirit in the Municipalities of Karachi, Poona, Broach, Nasik and Borsad, but fortunately these local bodies did not proceed to extremes which rendered disciplinary action necessary.

While the attitude of the Municipalities has been on the whole hostile to Government and in sympathy with the extremists, the relations between the Reformed Government and the Local Boards have been uniformly satisfactory. A Bill to consolidate and amend the various Acts relating to Local Boards was passed last December by the Legislative Council. This Bill extended the franchise, removed sex disqualifications, and gave increased powers to Local Boards, and was in short a very liberal and progressive measure of Legislation. This Government may claim therefore in dealing with local bodies to have shown both its desire to widen the scope of local self-Government and its determination to vindicate the law and check the abuse of the powers which it desired to extend.

## B.—LEGISLATURE.

## (i) Government Legislation—

The legislation introduced in the period under report has not been of a controversial character. Most of the Bills passed have been directed towards the amendment or improvement of existing enactments. A list of them is attached (Appendix A). The three Acts to amend the Bombay Municipal Act were in the nature of supplementary legislation, though Act VI of 1922 effected some change in the franchise and procedure for election to the Bombay Municipality. Two somewhat similar Acts had for their object the amendment of Port Trusts of Aden and Bombay. The latter altered the representation on the Bombay Port Trust in favour of the Indian Mercantile interest.

Four Acts were passed with the object of increasing revenue. Two took the shape of amendments of the Stamp and Court Fees Act and one imposed a duty on entertainments. The latter was the Second Bill of the kind. An earlier Bill imposing such a tax was rejected by Council on account of dissatisfaction at the rate of Government expenditure and desire to enforce retrenchment. When the expenditure had been cut down the second Bill was passed with little opposition on the understanding that the revenue to be raised was required for meeting the fresh expenditure involved by the provision of the Compulsory Education Act. A fourth Act (No. VII of 1923) raised the fees payable for inspection of boilers.

Four Acts passed fell under the category of Law and Order but were not controversial or of much importance. They were amendments of the Gambling Act, the City of Bombay Police Act, the Prevention of Cruelty to Animals Act and the Identification of Prisoners Act.

The most important Bills dealt with the Council related to Local Boards and Education. Act VI of 1923 consolidated and amended the law relating to Local Boards, widened their franchise and increased their powers of administration and taxation. Act IV of 1923 provided for the introduction by the local authorities of schemes of primary and compulsory education.

The following Government Bills were not passed:—

Bill No. III of 1921 to repeal the Bhagdari Act was withdrawn owing to opposition.

Bill No. IV of 1921 to amend the Bombay General Clauses Act was withdrawn as its object was achieved by Government of India legislation.

Bill No. VIII of 1921 was also withdrawn.

Bill No. XV of 1921 to control certain open spaces in the City of Bombay was withdrawn because the Select Committee amended it in a manner unacceptable to Government.

Bill No. III of 1922 to impose a tax on entertainments was rejected at the first reading for the reason already given.

Bill No. XI of 1922 was incorporated by the Select Committee in Bill No. VIII of 1922.

The Governor General upon the recommendation of this Government in view of subsequent representations by the Cotton Trade refused assent to Bill No. XI of 1921 which repealed the Cotton Contracts Control Act. The required legislation was embodied later in a revised Act.

A glance through the list contained in Appendix B shows that Government legislation during the past two years has been of a description little calculated to arouse opposition. The Legislative Council has from the beginning shewn a laudable desire to retrench expenditure on the one hand and on the other to avoid increase of taxation. This tendency however has not been carried beyond the bounds of reason and common sense. The solitary rejection of a Bill to increase taxation (the earlier Entertainments Tax Bill) was due to a determination to enforce retrenchment, an object which it effected. The four Bills which concerned Law and Order were hardly of sufficient importance to test the temper of the Council upon these matters. So far as could be seen, the tendency of the Legislative Council is to reduce penalties, to impose checks upon Courts and to make over-liberal provision for revisions and appeals. The same anxiety was displayed by the Legislative Council when powers had to be given to Local Bodies for the maintenance of discipline amongst their servants. Such a tendency is natural to a body which is recruited from the middle class and led mainly by lawyers. Another marked tendency is towards decentralization when dealing with Bills granting powers to local authorities—a tendency to increase the powers of the latter to the fullest extent, to bind Government to contributions from general revenues and to free the local authority from supervision. This is due partly to the fact that the many of the Members of the Legislative Council have served on municipalities and Local Boards, partly to the inability of the Indian citizen to identify his interests with those of the State or realize that State subventions come ultimately from his own pocket. Of racial and communal bias I say nothing here, since it so happens that the legislation of the past two years has not often been of a character to arouse such feelings.

#### (ii) Private Legislation—

Only four Private Bills have been introduced but none has been yet enacted. A Bill to amend the Hereditary Offices Act, introduced by Mr. Kale, was rejected at the first reading. A second Bill dealing with the same subject now awaits the second reading.

Mr. Pahalajani withdrew a Bill to amend the Bombay Civil Courts Act, on the understanding that Government would introduce a similar measure.

A Bill to amend the Bhagdari Act V of 1862 was introduced but was not proceeded with as the motion to introduce lapsed.

#### (iii) Financial Business—

The mainspring of the Legislative Council's action in all financial business has been the desire to avoid responsibility for fresh taxation, but they have faced it where the plain necessity has been established, as for instance, in the

increase of Court Fees and Stamps by the amendment of the Court Fees and Stamp Acts. As the two years under report have been a period of financial stringency this has naturally led to demands for retrenchment of the public expenditure. The manner in which they desire such retrenchment to be effected is the outcome of certain beliefs which are not peculiar to Council but have long been promulgated by politicians and the Press ; namely, that the nation-building Departments are starved to the advantage of purely administrative Departments—that the administration is top-heavy—that Europeans are overpaid—that allowances are unjustifiable sources of profit—and that temporary establishments are mere jobbery. Experience has, it is believed, somewhat shaken the belief of Members of the Legislative Council in some of these principles. As has already been pointed out, there has been no serious contention between the Executive Government and the Ministers as regards the allocation of funds. It is therefore not easy to maintain that the transferred Departments have been ungenerously treated by Government in their Budgets, a fact which has undoubtedly had effect upon the opinion of the Legislative Council as a body. Some of the other beliefs mentioned have also been modified and criticism tends to be levelled against the salaries of the better paid Indian official rather than his European confrere. But these beliefs have been long expressed and are strongly held : they are continually reappearing in the Legislative Council whenever there is financial business under discussion. They continue to colour the views and to determine the attitude of the Legislative Council, however, they are modified by the experience gained in the handling of financial questions both in the Committees and in the Council itself.

The defeats of Government on Budget items have been due frequently to racial feeling. It is not always easy to trace this in the printed reports of the debates, though it is easily discernible in the course of the debate itself. As examples of it I may mention (1) the reduction of the grant for increased salaries to Ship Surveyors, (2) the reduction of provision for a European matron at Yeravda Jail, (3) refusal of revision of salaries to Boiler and Factory Inspectors—all from the Budget of 1922-23. A list of Budget demands rejected by the Legislative Council is given in Appendix B.

The most important example of the way in which the Legislative Council have forced Government to conform to their wishes in the matter of retrenchment was the 60 lakh cut from the Budget of 1922-23. The manner in which they attained this end was eminently practical. Instead of attempting to reduce the total by rejecting or reducing various Budget demands in detail—a course which would have involved them in great difficulties and split their own ranks over the interests affected—they wisely took the course of rejecting the Entertainments Tax Bill and threatened of rejection of the Stamp Bills if their demand for retrenchment were not substantially met. Government, which was already considering a reduction of expenditure, thereupon promised to cut it down by 60 lakhs—a promise which has been more than fulfilled. There is no question that the Legislative Council on this occasion felt its powers and used them wisely and justifiably. The Bill which was rejected has been subsequently passed.

There have been no important instances in which the Legislative Council have abused the powers which they used on this occasion to good effect. In the course of the general discussion of the Budget in February 1922, a certain member argued at great length that as a protest against their being debarred from dealing with non-voted expenditure the Legislative Council ought to throw out the Budget entirely. He was taken seriously by the Legislative Council. Not infrequently they were disposed to resent the restrictions against reducing non-votable items and made indirect attacks upon officers whose pay is non-votable by proposing reduction or rejection of the Budget provision for the pay of their establishment, which is voted. A recent ruling of the late President has put a stop to this practice.

The late President discouraged the tendency to detailed and petty interference in minor items which was at first markedly in evidence and frequently reminded Members of the Legislative Council that they could use a motion to reduce a particular grant as a means of raising a general debate on grievances felt against the Department for whom the grant was intended. The lesson is now learnt and this course is frequently followed. Similarly the Legislative Council have learnt to use their wide powers in financial matters to enforce respect for their opinion in extra-financial matters. For example, the Budget provision for revision of the pay of village officers in Sind and similar provision in favour of provincial police officers were recently rejected by the Legislative Council, not upon their merits but as a protest against what they considered to be the unsympathetic attitude of Government with regard to the imprisonment of a Member of the Legislative Council.

There has been no case up to date of the restoration by His Excellency the Governor of a grant rejected by the Legislative Council.

As regards measures of retrenchment due to action of the Council, I have already mentioned the 60 lakhs cut in 1922, and the rejected grants shewn in Appendix B. The appointment of a Retrenchment Committee was not actually due to the action of the Legislative Council. Government placed an Officer (Mr. Maxwell) upon special duty to enquire into the question of retrenchment and especially to overhaul Secretariat office procedure. The Legislative Council cut the provision for his establishment out of the Budget for 1921-22 and only consented to restore it on condition that a non-official Committee of the Legislative Council was attached to the Officer on Special Duty. The Committee has recently produced its report which is under the consideration of Government.

No legislative proposals involving increased expenditure have emanated from the Legislative Council. All measures affecting the public revenues require the previous sanction of the Governor and no application for such sanction has been made as required by Section 80-C. of the Government of India Act. A resolution was moved recommending the restoration of retrenched grants to Secondary Education but was ruled out of order by the President under Rule 30 of the Legislative Council Rules. A reference as to the wording of the Rule was made to the Government of India.

## (iv) Resolutions and Questions—

If we take all the sessions of the Legislative Council together notice was given of 530 resolutions in all. They were considerably more numerous in the earlier than in the later sessions, probably because experience taught the Members of the Legislative Council that there was no time for discussion of a very large number of resolutions. Another point which is noteworthy is that the members who bring forward resolutions are a small group. Of the 530 resolutions no fewer than 343 were proposed by 18 members and of the latter number more than half were proposed by eight members only. Some of the leading members have given notice of very few resolutions.

A great number of resolutions were duplicates of others and some of the members gave notice of the same resolution on more than one occasion. Their nature varied greatly and they covered a very wide field. A large number of Resolutions advocated the adoption by Government of proposals which have long been the subject of debate in Indian politics—such as the separation of the judicial and executive functions, trial by Jury, increased Indianization of the Services, recruitment of judicial officers from the bar and so forth. A large number relate to Education, and in these the representation of communal interests was much in evidence. Thus several resolutions in favour of compulsory education were based by their movers upon the necessity for educating the backward and depressed classes. Many contained demands for concessions to these classes in the matter of admissions to Colleges, opening of special schools, endowment of scholarships and appointments in Government service. A resolution which attracted great interest was to the effect that Government aid should be withdrawn from schools and colleges in which religious training is compulsory—a resolution which though drafted in general terms was directed mainly against the Wilson College in Bombay. It was passed in an amended form and effect is being given to it in cases where the school or college is the only one of its kind in the locality. Other resolutions were brought forward with the object of restoring grants which had been curtailed on account of financial stringency, of doing something for Ayurvedic and Yunani medical instruction and for the opening of a school of Tropical Medicine in Bombay.

It is not possible briefly to summarize the subject matter of the resolutions as they cover so wide a field; but they show generally an interest in the treatment of so-called political prisoners in jails, the temperance cause and prohibition, the working of the Development Department and land acquisitions, the cases of the suspended Municipalities, the abolition of tolls on roads, the grievances of railway passengers, the construction of village chowdies from provincial funds and a number of temporary and local grievances. They indicate a desire on the part of the Legislative Council to assume executive functions and frequently suggest that committees be appointed with a non-official Legislative Council majority to advise on numerous matters, including the administration of the Districts. One resolution was to the effect that zamindars should have a voice in the distribution of water from Government canals by means of local committees who would relieve irrigation officers of their duties in this respect. A resolution was moved that all revision settlement proposals should be discussed in the Legislative Council and its



recommendations adopted by Government. This particular resolution however was withdrawn.

Of the resolutions of which notice was given 174 were disallowed (63 by His Excellency the Governor and 111 by the President). The usual grounds were that they were bad in form because they raised more than one issue, or in substance because they related to a central subject. His Excellency the Governor was strict in disallowing any resolution upon which action could not be taken by the local Government.

On a resolution being moved it was the practice of Government not to intervene until several members had spoken and the general attitude of the house could be guessed. Where Government agreed partially with a resolution but could not accept it in the form in which it was moved it frequently staved off a division by promising to enquire into the matter or by preparing an amendment either itself or through some non-official. In such cases the attitude of the House was generally reasonable and a great number of resolutions were consequently withdrawn. It was seldom that a resolution was carried in the teeth of Government opposition. There were instances, however, in which the House showed an uncompromising temper.

Government often took important action on resolutions of the Council and several Committees have been appointed in consequence of them—*e.g.*, the Bombay Prostitution Committee and the Excise Committee.

#### QUESTIONS.

The majority of the members availed themselves very freely of the privilege of asking questions and in some sessions a single member would ask from 70 to 100, each sub-divided into several parts. Many questions were genuine requests for information, but for the most part they were either put in order to draw attention to a particular grievance or to advertise discontent and disagreement with some general policy of Government. A considerable number had no discernible object and were probably put in order to bring the members who asked them into the public view.

The total number of questions put in the Legislative Council during the past two years is 3,690. At first questions were admitted or disallowed by the President on receipt. Subsequently all questions were sent on receipt to the Departments concerned which expressed their opinions before the President issued orders. This procedure was found to involve great labour and delay so that it was abandoned after trial for one session. Thereafter it was the practice for the President to exercise his discretion in the first instance and for the various Departments to bring to his notice any fact which, if known to him, might have led to the disallowance of the question. The rules for the admission of the question are substantially the same as those obtaining in the House of Commons and Parliamentary precedent is invariably followed in their interpretation. Questions were most commonly disallowed on the grounds that they dealt with a central subject or a matter "sub judice," that they were argumentative, asked for an opinion, contained assumptions or suggested a particular course of action. It was a common habit of members in the

course of a single question to bring to light a grievance, suggest a particular remedy and support the suggestion with several arguments. The underlying principle in determining whether a question was allowable was that it should not be of a debating nature.

The rule that the member who asks a question must make himself responsible for the accuracy of any statement which it contains was generally disregarded in practice, as such statements were often grossly inaccurate. It was obvious that certain members merely searched the files of the local newspapers for a grievance which they proceeded to incorporate in a question without further enquiry. At first they used to quote the newspaper from which their information was drawn, until the President ruled such questions out of order. In other cases it was impossible for the President to disallow the question as he could not know whether the member had or had not conducted a proper enquiry.

General request for information were only disallowed when the information applied for was easily obtainable from standard works of reference. When it was available from administration reports contained in the Council Library it was the practice of Government to give the reference by way of answer. In some cases an answer was refused on the ground that the value of the information was incommensurate with the expense or labour involved in its collection. Other grounds for disallowance of questions were imported from Parliamentary precedent—*viz.*, that a question must not refer to more than one Department that it should not demand a treatise by way of answer and so forth. On the other hand the phrase "matters of public concern" was given a liberal interpretation so as to include any matter coming within the control of a public Department even though it might only concern a single individual; but it was ruled that personal matters were not matters of public concern unless they involved questions of principle or law. The President during the earlier sessions invariably explained to the Member who asked a question the reasons for which he disallowed it—a course which resulted in the rapid improvement of the form in which questions were put.

Out of 3,690 questions put during the past two years 995 were disallowed under one or other of the above objections. Of these three were disallowed by His Excellency the Governor and 992 by the President.

The main classes into which questions fell were as follows: about 25 per cent. related to the services, particularly to the personal interests or grievances of this or that branch of the services; another 25 per cent. came under the head of racial or communal interests: the remainder may be divided between questions regarding local wants or grievances and questions of a miscellaneous character which cannot well be summarised under main heads. The questions regarding the services were obviously the result of representations made to the Members of the Legislative Council by Government servants in their constituencies. A large number concerned the Indianization of the Services and came under the second heading also. More dealt with the pay, promotion, punishment or prospects of particular classes of Government servants and even of individuals. The impropriety of individual Government servants thus airing their grievances has recently been pointed out by the Government of India. The large number of such questions shows the marked tendency of the

Legislative Council to interfere in purely executive affairs. Another noticeable feature is that while the Council invariably insists upon economy as a general principle, yet in particular cases the tendency of the questions asked is to suggest more liberal treatment for the provincial and subordinate services. Racial and communal questions often deal with the various services and so fall in the first two categories. They generally suggest further Indianization of the services, or specially favourable treatment of Mohammedans or non-Brahmins or the depressed classes in the matter of recruitment, pay or promotion. Questions regarding local interests covered a very wide field and so did the miscellaneous questions. Noticeable amongst the latter were the numerous questions regarding the treatment of so-called political prisoners, the reasons moving Government to prosecute agitators or the measures taken to put down disorder. The general purpose underlying these was largely to show that entrance into the Legislative Council did not preclude the questioner from feeling strong sympathy with the non-co-operator party. Some were designed to elicit a statement of policy upon which a resolution might subsequently be brought forward or which might provide damaging material to the extremist press. On the other hand many questions were put with the intention of giving Government a good opportunity to explain or rebut allegations made by critics outside the Council.

Considering the vast multitude of questions put and the great variety of motives underlying them, one could not expect that Government would be able to undertake action upon the subject of the question in a large percentage of cases. Many of the questions however served a useful purpose by eliciting information, by contradicting mischievous reports or correcting erroneous notions; and in a few cases Government have been induced to take action—*e.g.*, as regards impressment of carts by officials and consumption of liquor amongst factory hands. The number of such cases would have been greater but for the financial stringency, as many questions brought to light local wants and grievances which could not be met or remedied without heavy expenditure. This applies mainly to the demand for school buildings, bridges, travellers' bungalows and other works of public utility.

(v) Motions to adjourn the House—

(a) The first motion to adjourn came from Rao Bahadur Kale in the first session of 1921 and was for the purpose of appointing a Committee to discuss the budget. It was ruled out of order as not being a matter of urgent public importance.

(b) In 1922 an adjournment was moved to discuss the action of the Collector of Kaira in forcibly taking possession of the Municipal School at Nadiad. After a short discussion the mover of the resolution dropped the matter.

(c) An adjournment was moved in order to discuss the circumstances connected with the firing at Dharwar in 1921. It was ruled out of order as referring to a matter "sub judice".

(d) Similarly an adjournment was moved in order to consider the firing at Matiari. At first it was ruled out as bad in form. It was then renewed and after some discussion as to the Committee to be appointed the motion was lost by 35 votes to 46.

(e) In December last adjournment was moved on the question of the opening of a third enclosure on the Bombay race course. After some discussion the matter was dropped.

(f) In the February session 1923 adjournment was moved to discuss the prosecution of.....under the Sind Frontier Regulations. It was postponed on February 22nd as the Honourable Home Member had no information. The motion was withdrawn on the release of.....on his giving the required security under the Regulations.

Of the six motions for adjournment, three concerned police and judicial matters of interest at the moment and three matters of political interest. The motion for adjournment to discuss the arrest of ..... aroused the excitement of the House to a most remarkable extent. In order to mark its displeasure it threw out a Budget item utterly unconnected with the cause of offence—a grant for the revision of the pay of the village establishment in Sind and later, while still in angry mood, a demand for the revision of the pay of Deputy Superintendents of Police. The refusal of these grants was a demonstration of the House that it would not proceed with business until it was satisfied with regard to the arrest. The incident illustrates the Legislative Council's sense of its own power as well as its inability to distinguish between the functions of the legislative, the executive and the judiciary.

#### AMENDMENTS OF STANDING ORDERS.

There have been 57 motions to amend the Standing Orders. The majority have been moved by non-official members.

The principal amendments carried were to:—

- (1) Standing Order X, 8 (1).
- (2) Ditto IV, (1) 1.
- (3) Schedule I.
- (4) Standing Order VI, 10.
- (5) Ditto VIII, 15.
- (6) Ditto XII, 7.
- (7) Ditto V, 1.
- (8) Ditto VII, 1 (1) (3), 2.
- (9) Ditto XI, 1A.
- (10) Ditto XI, 1.

And the most important of these were to Part IV, relating to motions for adjournment of the House, and to Part XI, 1 and 3 and 1A, relating to financial business and to the presentation of the budget.

The general tendency of non-official amendments to the Standing Orders is towards a relaxation of the rules requiring notice of motions and questions,

a wish to have notices of resolutions and questions carried over to a new session : and to shorten the period of one year which is laid down in Standing Order X, rule 12, which disallows the repetition of resolutions raising substantially the same question within that period. One amendment was to reduce this period to three months and another to six months : but they have not been carried.

One amendment illustrates the disabilities of members who know only their own vernacular, and was in the form of a motion to amend Standing Order, V, 6 by the addition of a paragraph ensuring that Urdu translations of parts of Bills to be introduced, resolutions, notices and budgets, should be supplied to those members who did not know English.

There is also a desire that the notice to be given of questions should be ten clear days before " a meeting " of the Council and not a " session ".

#### EXPERTS.

The nomination of experts under the Government of India Act, section 72-A (2) proviso B has only once been resorted to. The occasion was a Bill to amend the Prince of Wales' Museum Act, a very technical matter and the expert was the Collector of Bombay, who was on the Board of the Museum Trustees and largely responsible for the Bill:

#### GENERAL REMARKS ON THE LEGISLATURE.

✓ (1) Extent to which it represents and reacts upon public opinion.

Judged by European standards the Legislative Council can hardly be said to represent anything, but the individual opinions of the members, nor is there any well defined public opinion for them to represent. The great mass of the electorate is as yet ignorant, illiterate and little interested in general political questions. The non-co-operator and Khilafatist lecturers have awakened interest in some parts of the country, it is true : but in the main one may still say that the eyes of the people are on the doings of the local subordinate officials or on the provision of wells and chowdies in their own villages. The candidates, apart from the paramount issue of acceptance or rejection of the Reforms Scheme, placed no programme before the electorate. They neither asked for nor received anything that could be called a mandate. But although they cannot be said to pursue any declared policy or policies which represent the opinion and wishes of their electors and although each member of the House is free to take his own line upon any question without incurring the charge that he has broken faith with his constituency, yet in a different sense one may call the Council a representative body, inasmuch as its members constitute a fairly representative selection from the chief classes of the people. There are classes which are unrepresented, it is true ; but they are classes which in the country itself are voiceless and powerless. If the Brahmin element is stronger than numbers warrant it undoubtedly represents the relative power which religious tradition, wealth, education and intelligence have conferred upon their community. All the chief communities in the Presidency and in Sind are represented in the Legislative Council. Further, their representatives are upon the whole fit representatives, typical specimens of the communities from which they are drawn, clearly understanding the interests of their own people and ready to support and defend them. The one

important party not represented in Council is the extremist opponent of the British connection : but a scrutiny of the questions and resolutions will show that if absent in body he is often present in spirit.

The extent to which the Legislative Council reacts upon public opinion is difficult to judge and differs largely in various parts of the country. Where the people are backward and ignorant or where the influence of the non-co-operator and Khilafatist movement prevails, there is little reaction. Where the educated minority is most numerous and religious or political fanaticism does not stifle the receptive intelligence of the people the effects of the Council debates are not altogether unnoticeable. An officer of experience asserts that in the course of informal discussions with non-officials he is often struck with the change of opinion due to this cause and that many admit this in their hearts but have not the courage to say so openly. It may be said that the wholesome discipline of experience has begun to modify the thought of the educated minority through the medium of the Legislative Council, but that the vast mass of the people is as yet totally unaffected.

(2) Relations between Members of the Legislative Council and their constituents.

So far very few Members of the Legislative Councils have felt any need of maintaining touch with their constituencies or have made any effort to do so. From many districts it is reported that the sitting members have never addressed a public meeting since the day of their election. In some cases they have taken up local grievances not in the Legislative Council, but with local officials, and that not as individuals but as representatives of the people and at the direct request of their constituents. This is a very effective way of gaining prestige with the illiterate masses who know nothing of Council debates. In the Central and Southern Divisions a few members have kept themselves before the public by holding meetings in the villages. The non-Brahmin party and especially the Lingayats have been noticeable in this respect. In these various ways a few members have endeavoured to strengthen their hold in the constituencies : but the great majority have done nothing. The Ministers have, however, occasionally been on tour and addressed meetings.

### (3) Conventions of Procedure.

There has not been time for any conventions to be formed in the sense in which the word is used by writers on constitutional law. The only practice which approaches a convention is that effect is given as far as possible to the Resolutions of the Legislative Council even though these are not binding on Government. This cannot be done in all instances—when such Resolutions run counter to the whole policy of Government or involve a plain injustice to an individual.

In the Council itself the President invariably followed the Parliamentary procedure so far as it could be adapted to the local conditions. The following are some of his rulings :—

- (a) The Governor stands in relation to the Council as the King stands to Parliament. His name may not be mentioned in debate.
- (b) Individual officers of Government may only be censured by a substantive motion to that effect.

- (c) If a member of Government refers to a document in debate he must, unless it is confidential, lay it on the table.
- (d) A motion to reduce a major head in the Budget is an opportunity for a general criticism of the working of that Department.
- (e) The principle of a Bill accepted at a first reading may be limited at the second reading but not nullified.

Parliamentary procedure has been imposed upon the House and adopted by it as a model. Its conventions can hardly be said to have grown up, because they have been accepted.

The reasons for which questions and resolutions are disallowed have been already dealt with.

#### COMMITTEES.

Four permanent Committees have been appointed. They are as follows :—

(a) The Housing Committee.

This Committee is appointed to consider the provision of housing for Government officers. It consists of two officials and four elected non-officials. It is useful from the Government's point of view since the non-official members become acquainted with the real requirements of Government servants in respect to bungalow accommodation and therefore support all reasonable proposals in the Legislative Council.

(b) The Library Committee.

This merely looks after the Council Library and is of no importance.

(c) The Public Accounts Committee.

This is a statutory Committee. It only meets once a year. It considers the Accountant General's Audit Report and produces a report of its own suggesting remedies for defects which are brought to light.

(d) The Finance Committee.

This consists of 12 elected members and 4 nominees of Government and meets to criticize and consider the Budget.

Besides the aforesaid permanent Committee select committees are appointed to consider Bills. The names of the members are generally proposed by the Member of Government in charge of the Bill, but other names are sometimes suggested by the members either in addition to or in substitution for those proposed by Government. Usually Government offers no opposition; but if it does so, the matter is usually not pressed. On two occasions however the question regarding the personnel of a Select Committee was carried to a division and upon one of these occasions Government was defeated. Such incidents are exceedingly rare.

Committees are departmentally appointed by Government in consequence of Resolution passed or action taken in the Council. The Retrenchment Committee has already been mentioned. The Legislative Council threw out the Budget provision for the establishment of a special officer who had been appointed to enquire into Secretariat procedure with a view to retrenchment and only consented to its restoration on condition that the enquiry were entrusted to a Committee consisting of non-official Members of the Legislative Council in addition to the officer already appointed. The Committee held a very full and searching enquiry into the whole administration and made very drastic suggestions which have yet to be considered by Government. Other similar Committees have been departmentally appointed in consequence of Council resolutions. Such was the Prostitution Committee which dealt with the problem of prostitution in Bombay. Such also was the Excise Committee which is investigating the drink question throughout the Presidency and has yet to make its report.

#### 4. (1) Party of Organization.

The Chief Secretary is responsible for the official vote. Apart from Government officials, there is no organized party. The Ministers as already mentioned have no regular party behind them. It follows that there can be no party whips. A good deal of lobbying work is done by certain individual members but this is not organized. There is practically no party organization in the usual sense of the word.

Consultation amongst communal groups as to the concerted attitude to be taken on particular measures is common enough. Conferences between Government and the more influential members are frequently held. A notable instance occurred in the Budget session of 1922 after the rejection of the Entertainments Tax Bill, when a conference of this kind was held and an agreement made that the remaining Bills should be passed provided that a 60 lakh cut were made from the Budget. These are the only sort of conferences which are possible under present conditions as there are no organised parties.

#### 5. (2) Arrangement of Business.

Government business is taken up first. The usual arrangements is for His Excellency the Governor to allot so many days to non-official business after the conclusion of Government business, since it is seldom possible to predict what time the latter will take. Owing to the shortness of the session it is rarely possible to pass a controversial Bill in all its stages at a single one. Occasionally, however, the session is divided into two periods with a break of a month between to enable the mass of legislation to go through. This was done last year in order that the House might pass the Local Boards, Compulsory Education and Entertainments Tax Bills. Under rule 18 of the Council Rules Government Bills are invariably published to avoid delay entailed by asking for leave of the House to introduce them.

For non-official business questions are taken daily for half an hour or an hour as required and the stereotyped order is (1) non-official bills, (2) motions to amend Standing Orders, (3) resolutions. The first have been few in number and of very minor importance. The Standing Orders have been



amended several times. Priority of resolutions is settled by ballot, each member then moving his own in turn. With the permission of the President special priority may be given to a member: but in practice this is only done with the consent of all the members who are prior to him according to the ballot. Although a member may give notice of many resolutions in a single session he must state 15 days before in what order he intends to move them. In practice the time allotted to non-official business is insufficient to allow all members who give such notice to move even the first resolution standing upon the list of each.

✓(6) Party Leaders, their policies and adherents.

As already indicated there are no well-defined parties in the House and so no leaders. There are prominent personalities whose utterances are listened to with respect and who may decisively influence the issue of a debate. But there is no acknowledged leader who can control effectively the votes of the smallest block in the House.

✓ C.—THE CONSTITUENCIES AND THE PUBLIC.

(1) The Electorate.

The population of the Presidency at the last census was 19,235,219 and the number of electors on the rolls at the time of the last election was 549,097 or 2·8 per cent. of the whole. The number of persons who actually voted at the election was 98,863 or only 18·004 per cent. of the voters enrolled and 501 of the total population.

There have been five contested bye-elections in the Presidency since 1921. The possible number of voters was 85,496 and the total number who voted was 11,042. The percentage of electors who voted was therefore 12·9.

(2) Interest evinced by constituencies and the public in the work of the Council.

This point has already been dealt with above and I need only repeat that except in Bombay very little interest is taken by the electors or by the public in the affairs of Council. The proceedings of the Council are reported in the "Bombay Chronicle" and in the Indian Press but only the educated minority follow them. The great mass of the people, including probably the bulk of the electorate, are indifferent. Such at least is the opinion of the district officers and the neglect of their constituencies by most of the members goes far to confirm it. The Director of Information distributes a great number of pamphlets dealing with the work of Council but it is doubtful how far these reach the masses or excite any interest.

CONCLUSION.

In conclusion I may say that it is early at present to attempt an appreciation of the working of the Reforms. There has so far been no time for the Members of the Legislative Council to gain experience, to adopt conventions or to recognise the limitations on the powers and functions of the Legislative

body. The scheme so far is only half working. The Ministers occupy an anomalous position. They were appointed before the Legislative Council had begun to function, and this naturally affects their position in the House. In the future it may be that the Ministers as a party will represent an ascertainable majority in the House, and their measures will then be the measures of that majority acting under their guidance and leadership. But till that is the case, it cannot be said that there has been a proper opportunity of testing the working of Parliamentary control over Transferred subjects.

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**APPENDIX A.**  
**STATEMENT OF BILLS.**

## Statement showing the various stages of Bills in the Legislative

Serial No.	Title of Bill.	From what source received.	Date of introduction.	Date of publication and name of Member in charge.	Date of Translations.	Date of first Reading.	Date on which referred to Select Committee.	Names of Members of Select Committee.
	1921.							
1	A Bill to facilitate the citation of certain Acts in force in the Presidency of Bombay (Bill No. XIII of 1920).	J. D. Memo. No. 4894, dated 27th May 1920.	15-3-21	30th August 1920 and 13th January 1921. Hon. Mr. Havward.	..	15-3-21	..	..
2	A Bill further to amend the Bombay Land Revenue Code, 1879 (Bill No. I of 1921).	R. D. Memo. No. 1312, dated 18th May 1920.	Do.	13th January 1921, the Hon. Sir Ibrahim Rahimtoola.	27-1-21	Do.	15-3-21	Sir Ibrahim Rahimtoola, Rao Bahadur Kale, Messrs. Pahalaani, Chikodi, Thakore of Amod, Mr. Bakcr, Mr. Praty, Sardar Mutalik, and Rao Bahadur Nilkanth.
3	A Bill further to amend the City of Bombay Municipal Act, 1888 (Bill No. II of 1921).	G. D. Memo. No. 5703, dated 20th May 1920.	Do.	13th January 1921. Hon. Hidayatallah.	Do.	Do.	Do.	Hon. Khan Bahadur Hidayatallah, Mr. Kowaji Jehangir, Dr. Dadachanji, Mr. Dumasia, Mr. Havelivalla, Rao Bahadur G. K. Sathe, Dr. Batiwala, and Mr. Surve.
4	A Bill further to amend the Bombay Act No. V of 1862 (an Act for the preservation of the Bhagdari and Narwadari Tenures) (Bill No. III of 1921).	R. D. Memo. No. A-30, dated 17th December 1920.	Do.	13th January 1921. Hon. Sir Ibrahim Rahimtoola	Do.	Do.	Do.	Sir Ibrahim Rahimtoola, Rao Bahadur Nilkanth, Rao Bahadur Chitale, Rao Saheb P. D. Desai, Rao Saheb D. P. Desai, Mr. Gandhi Mr. Baker, Mr. Ghosal, Mr. Ambaram, and The Thakore of Amod.
5	A Bill to determine the salary of the Deputy President of the Bombay Legislative Council (Bill No. IV of 1921).	G. R. L. D. No. 263, dated 21st February 1921.	Do.	22nd February 1921. Hon. Sir Setalvad.	..	Do.	..	..
6	A Bill further to amend the Bombay General Clauses Act, 1904 (Bill No. V of 1921).	G. R. L. D. No. 337, dated 3rd March 1921.	..	3rd March 1921. Hon. Sir Setalvad.	..	..	..	..
7	A Bill further to amend the City of Bombay Municipal Act, 1888 (Bill No. VI of 1921)	G. D. Memo. No. 539, dated 6th April 1921.	25-7-21	8th April 1921. Hon. Khan Bahadur Hidayatallah	..	26-7-21	26-7-21	Hon. Khan Bahadur Hidayatallah, Mr. Cowasji Jehangir, Dr. Dadachanji, Mr. Havelivalla, Mr. P. E. Cadell, Rao Bahadur Chitale, Rao Bahadur Nilkanth, Mr. K. Dwarkadas, Mr. Gandhi, and Mr. I. S. Haji.
8	A Bill further to amend the Bombay Hereditary Offices Act, 1871 (Bill No. IX of 1921).	Letter from Rao Bahadur R. R. Kale, dated 21st April 1921.	26-7-21	5th August 1921. Rao Bahadur Kale.	25-8-21	..	..	..
	A Bill further to amend the Prince of Wales' Museum Act, 1909 (Bill No. VII of 1921).	G. R. L. D. No. 1294, dated 28th July 1921.	4-8-21	28th July 1921. Hon. Paranjpye.	..	4-8-21	4-8-21	Hon. Mr. Paranjpye, Messrs. Brander, Jehangir, Dewan Bahadur Godbole, Messrs. Macnaughtan Wadia and Bole.

## Council of the Governor of Bombay since 1921.

Date of publication of the report.	Date of presentation of report.	Date of second Reading.	Date of consideration of Bill clause by clause.	Date of third Reading and passing.	Date of assent by His Excellency the Governor.	Date of assent by His Excellency the Governor General.	Date of publication and number of Act.	REMARKS.
..	..	15-3-21	15-3-21	15-3-21	11-4-21	1-6-21	21st June 1921 Bombay Act II of 1921.	
18-5-21	25-7-21	25-7-21	25-7-2	25-7-21	29-9-21	2-11-21	2nd December 1921. Bombay Act III of 1921.	
15-4-21	Do.	Do.	Do.	Do.	Do.	Do.	2nd December 1921. Bombay Act IV of 1921.	
25-6-21	Do.	..	..	..	..	..	..	The Bill was withdrawn at the 4th session of the Council on the 17th October 1921.
..	..	15-3-21	15-3-21	15-3-21	11-4-21	20-5-21	11th June 1921 Bombay Act I of 1921.	
..	..	..	..	..	..	..	..	This Bill was withdrawn on the 15th March 1921.
26-9-21	7-10-21	7-10-21	8-10-21	8-10-21	10-11-21	24-12-21	18th January 1922. Bombay Act VII of 1921.	
..	..	..	..	..	..	..	..	Motion for the first Reading rejected by the Legislative Council on 28th September 1921.
17-9-21	8-10-21	8-10-21	8-10-21	8-10-21	10-11-21	10-12-21	28th December 1921. Bombay Act VI of 1921.	

## Statement showing the various stages of Bills in the Legislative

Serial No.	Title of Bill.	From what source received.	Date of introduction.	Date of publication and name of Member in charge.	Date of Translations.	Date of first Reading.	Date on which referred to Select Committee.	Names of Members of Select Committee.
	1921—contd.							
10	A Bill to restrict the transport of cotton in certain areas (Bill No. VIII of 1921).	G. R. L. D. No. 1240, dated 22nd July 1921.	..	23rd July 1921, Hon. Mr. Mehta	11-8-21	..	..	..
11	A Bill to repeal section 32 of the Bombay Civil Courts Act, 1869 (Bill No. XII of 1921).	Letter from Mr. Pahalajani, dated 6th August 1921.	29-9-21	24th Octr. 1921, Mr. Pahalajani	17-11-22	..	..	..
12	A Bill further to amend the City of Bombay Police Act, 1902, (Bill No. X of 1921).	G. R. L. D. No. 1639, dated 17th September 1921.	10-10-21	15th September 1921, Hon. Mr. Hayward.	..	10-10-21	..	..
13	A Bill to repeal the Bombay Cotton Contracts Control (War Provisions) 1919: (Bill No. XI of 1921).	G. R. L. D. No. 231-P., dated 21st September 1921.	8-10-21	19th September 1921, Hon. Sir Ibrahim Rahimtools	..	Do.	..	..
14	A Bill to repeal the Bombay Act No. V of 1862 (an Act for the preservation of Bhagdari and Nardari (Tenures).	Letters from Mr. Antoldas, dated 19th August and 26th September 1921.	..	..	..	..	..	..
15	A Bill further to amend the Prevention of Cruelty to Animals Act, 1890 (Bill No. XIII of 1921).	G. R. L. D. No. 1911, dated 27th October 1921.	21-7-22.	28th Octr. 1921, Hon. Mr. Hayward.	24-11-21	21-7-22	21-7-22	Hon. Mr. Hayward, Messrs. Purshotamdas Petit, Surve., R. B. Kale, Messrs. Haji, Griffith, Painter, Hul-koti, and Nimbalkar.
16	A Bill further to amend the Matadars Act, 1887 (Bill No. XIV of 1921).	G. R. L. D. No. 1941, dated 2nd November 1921.	Do.	3rd November 1921, Hon. Sir Ibrahimé Rahimtools.	17-11-21	Do.	..	..
17	A Bill to make provision for the management and control of certain open spaces in the City of Bombay (Bill No. XV of 1921).	G. R. L. D. No. 2344, dated 23rd December 1921.	Do.	28th December 1921, Hon. Hidayatallah.	12-1-22	Do.	21-7-22	Hon. Mr. Hidayatallah, Messrs. Petit, Kani Dwardkadas, Haji, Proes, Pradhan, R. B. Kale, Mr. Nelson, Mr. Purshotamdas, and Dr. Dadachanjli.
	1922.							
	The Mahul Creek Extinguishment of Rights Bill. (Bill No. I of 1922).	G. R. L. D. No. 184, dated 24th January 1922.	16-3-22	26th January 1922, Hon. Sir Setalvad.	23-2-22	16-3-22	..	..
2	A Bill to repeal the Bombay Cotton Contracts Control (War Provisions) Act 1919, (Bill No. 11 of 1922)	G. R. L. D. No. 278, dated 6th February 1922.	25-2-22	7th February 1922, Hon. Mr. C. Jehanzir.	..	29-3-22	..	..

## Council of the Governor of Bombay since 1921—contd.

Date of publication of the report.	Date of presentation of report.	Date of second Reading.	Date of consideration of Bill clause by clause.	Date of third Reading and passing.	Date of assent by His Excellency the Governor.	Date of assent by His Excellency the Governor General.	Date of publication and number of Act.	REMARKS.
..	..	..	..	..	..	..	..	Bill withdrawn at the meeting of the Legislative Council held on 16th March 1922
..	..	..	..	..	..	..	..	Bill withdrawn at the meeting held on 28th July 1922.
..	..	10-10-21	10-10-21	10-10-21	10-11-21	23-11-21	8th December 1921, Bombay Act V of 1921.	
..	..	Do.	Do.	Do.	8-11-21	..	..	Assent of His Excellency the Viceroy and Governor-General withheld.
..	..	..	..	..	..	..	..	Motion for introduction lapsed on 18th March 1922 owing to absence of mover.
31-8-22	21-9-22	21-9-22	21-9-22	22-9-22	23-10-22	8-12-22	28th December 1922, Bombay Act XIII of 1922	
..	..	21-7-22	21-7-22	21-7-22	14-8-22	28-9-22	13th October 1922, Bombay Act VIII of 1922.	
..	..	..	..	..	..	..	..	Bill withdrawn from the Council at a meeting held on 22nd September 1922.
..	..	16-3-22	16-3-22	16-3-22	6-4-22	3-5-22	20th May 1922 Bombay Act IV of 1922	
..	..	25-2-22	25-2-22	25-2-22	21-3-22	26-4-22.	5th May 1922. Bombay Act III of 1922.	

## Statement showing the various stages of Bills in the Legislative

Serial No.	Title of Bill.	From what source received.	Date of introduction.	Date of publication and name of Member in charge.	Date of Translations.	Date of first Reading.	Date on which referred to Select Committee.	Names of Members of Select Committee.
	1922— <i>contd.</i>							
3	A Bill to impose a duty in respect of admission to entertainments (Bill No. III of 1922).	G. R. L. D. No. 239, dated 10th February 1922.	23-2-22	14th February 1922. Hon. Mr. C. Jehangir.	2-3-22	..	..	..
4	A Bill further to amend the Bombay Prevention of Gambling Act, 1887 (Bill No. IV of 1922).	G. R. L. D. No. 312, dated 13th February 1922.	25-2-22	14th February 1922. Hon. Mr. Hayward.	2-3-22	25-2-22	25-2-22	Hon. Mr. Hayward, Messrs. K. Dwarkadas, Haji, M. Saluddin, Macnaughten, Surve, Gupte, and Dr. Batliwala.
5	A Bill further to amend the Indian Stamp Act, 1899 (Bill No. V of 1922).	G. L. R. D. No. 311, dated 13th February 1922.	Do.	14th February 1922. Hon. Sir Setalvad.	9-3-22.	Do.	Do.	Hon. Sir Setalvad, Rao Saheb H. Desai, Messrs. Hayward, Bhat, Nimbalkar, R. B. Nilkanth, Messrs. K. Dwarkadas, Haveliwala, Mead, Khan Bahadur Hidayatallah, Messrs. Ferrira, Dussasia, Chaugule, R. B. Chitale, Messrs. Ojha, Petit, and Trivadi.
6	A Bill further to amend the Court Fees Act, 1870, and the Presidency Small Cause Court Act, 1882 (Bill No. VI of 1922).	G. R. L. D. No. 313, dated 13th February 1922.	Do.	Do. ..	23-3-22.	Do.	Do.	Do. do.
7	A Bill further to amend the City of Bombay Municipal Act, 1888 (Bill No. VII of 1922).	G. R. L. D. No. 337, dated 15th February 1922.	17-3-22.	15th February 1922. Hon. Khan Bahadur Hidayatallah.	Do.	17-3-22	17-3-22	Hon. Khan Bahadur, Hidayatallah, Messrs. Dumasia, Dadachanjji, Kanji, Haji, Bole, R. B. Chitale, R. B. Kale, Messrs. Ker Thomas, Vichare, Nimbalkar, Petit, Purshotamdas, and Haveliwala.
8	A Bill further to amend the Prince of Wales' Museum Act, 1909 (Bill No. VIII of 1922).	G. R. L. D. No. 359, dated 16th February 1922.	21-7-22	17th February 1922. Hon. Mr. Paranjpye	27-4-22	21-7-22	21-7-22	Hon. Dr. Paranjpye, Khan Bahadur Hidayatallah, Messrs. C. Jehangir, Bhat, Ker Trivedi, Jadhav, and Purshotamdas.
9	A Bill further to amend the Karachi Vaccination Act, 1879 (Bill No. IX of 1922).	G. R. L. D. No. 340, dated 15th February 1922.	Do.	15th February 1922. Hon. Mr. Paranjpye	16-3-22	Do.	..	..
10	A Bill further to amend the Prince of Wales Museum Act, 1909 (Bill No. X of 1922).	G. R. L. D. No. 1286, dated 27th June 1922.	Do	28th June 1922. Hon. Dr. Paranjpye.	..	Do.	21-7-22	Hon. Dr. Paranjpye, Khan Bahadur Hidayatallah, Mr. C. Jehangir, Messrs. Bhat, Ker, Trivedi, Jadhav, and Purshotamdas.



## Council of the Governor of Bombay since 1921—contd.

Date of Publication of the report	Date of presentation of report.	Date of second Reading.	Date of consideration of Bill clause by clause.	Date of third Reading and passing.	Date of assent by His Excellency the Governor.	Date of assent by His Excellency the Governor General.	Date of publication and number of Act.	REMARKS.
..	..	..	..	..	..	..	..	Motion for the first Reading lost at the meeting of the Legislative Council on 23rd February 1922.
7-3-22 ..	16-3-22	16-3-22	16-3-22	16-3-22	6-4-22 ..	17-5-22..	5th June 1922 Bombay Act V of 1922.	
4-3-22 ..	15-3-22	15-3-22	15-3-22 and 16-3-22	Do. ..	29-3-22	13-4-22	22nd April 1922. Bom- Act II of 1922.	
Do. ..	10-3-22	10-3-22	10th, 11th and 13-3-22	13-3-22	25-3-22	Do. ..	22nd April 1922. Bom- Act I of 1922.	
7-7-22	22-7-22	24-7-22	24th, 25th, 26th & 27-7-22	31-7-22	30-8-22	22-9-22	27th September 1922. Bombay Act VI of 1922.	
14-8-22	22-9-22	22-9-22	22-9-22	22-9-22	23-10-22	6-12-22	28th December 1922. Bombay Act XII of 1922.	
..	..	21-7-22	21-7-22	21-7-22	30-8-22	27-9-22	16th October 1922. Bom- bay Act VII of 1922.	
..	..	..	..	..	..	..	..	Incorporated the Select Com- mittee with Bill No. VIII of 1922.

## Statement showing the various stages of Bills in the Legislative

Serial No.	Title of Bill.	From what source received.	Date of introduction.	Date of publication and name of Member in charge.	Date of Translations.	Date of first Reading.	Date on which referred to Select Committee.	Names of Members of Select Committee.
	1922—contd.							
11	A Bill further to amend the Aden Port Trust Act, 1888 (Bill No. XI of 1922).	G. B. L. D. No. 1372, dated 11th July 1922.	22-7-22	12th July 1922. Hon. Sir Setalvad.	..	22-7-22	..	..
12	A Bill further to amend the law relating to public ferries in the Presidency of Bombay (Bill No XII of 1922).	G. B. L. D. No. 1407, dated 14th July 1922.	Do.	14th July 1922. Hon. Khan Bahadur Hidayatallah.	27-7-22	22-7-22	22-7-22	Hon. Khan Bahadur Hidayatallah, Mr. Ferris, Thakor, of Amod Messrs Mountford, Thomas, R. B. Vichare, Kale, Sarda, Mutalik Mr. Jadhav Sardar: Dalal. 1 4 4
13	A Bill to provide for the regulation and control of transactions in cotton in the presidency of Bombay (Bill No. XIII of 1922).	G. B. L. D. No. 1450, dated 21st July 1922.	25-7-22	21st July 1922. Hon. Sir Ibrahim Rahimtoola.	..	25-7-22	25-7-22	Hon'ble Sir Ibrahim, Messrs. Petit, Mangaldas, Kanji, Nelson, Purshotamdas, Sardar Mutalik, R. S. D. P. Desai, Messrs. Kasim, Jadhav, Hulkoth, and Thomas.
14	A Bill to amend the Identification of Prisoners Act 1920. (Bill No. XIV of 1922).	G. R. L. D. No. 1585 dated 11th August 1922.	22-9-22	12th August 1922. Hon. Mr. Hayward.	..	..	..	..
15	A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, the Bombay Rent (War Restrictions No. 2) Act, 1918 (Bill No. XV of 1922).	G. R. L. D. No. 1637, dated 18th August 1922.	27-9-22	21st August 1922. Hon. Sir Setalvad.	7-9-22	29-9-22	29-9-22	Hon'ble Sir Stalvad, Mr. Purshotamdas, Dr. Dadachanji, Mr. Trivedi, Dr. Bataliwala Messrs. Ferriru, Surve, Bole, Kanji, D. B. Godbole, Messrs. Ker, Haji, Haveliwala, Addyman, Kassim, Ojha, Gandhi, R. S. H. Desai, Kanga, and Shirras.
16	A Bill to consolidate and amend the Law relating to Local Boards (Bill No. XVI of 1922).	G. R. L. D. No. 1653, dated 21st August 1922.	22-9-22	24th August 1922. Hon. Khan Bahadur Hidayatallah.	9-11-22	26-9-22	27-9-22	Hon'ble Hidayatallah, Dr. Paranjpye, Mr. Mountford, R. B. Chitale, Kale, Vichare R. S. H. Dessai, Khan Bahadur Cooper, Mr. Pahalajani, Khan Bahadur Bhutto, K. S. Mansuri, Messrs. Haji, Rothfeld, Jadhav, Ker, Kamblil, Pradhan, R. B. S. D. P. Desai.
17	A Bill to provide for compulsory elementary education and to make better provision for the management and control of primary education in the Bombay Presidency (Bill No. XVII of 1922).	G. L. R. D. No. 1777, dated 6th September 1922.	29-9-22	7th September 1922. Hon. Dr. R. Paranjpye.	28-9-22	4-10-22	4-10-22	Hon'ble Dr. Paranjpye, Khan Bahadur Hidayatallah, Messrs. Ker, Lory, Jadhav, Chikodi R. B. Chitale, Kale, Mr. Gandhi, Khan, Bahadur Cooper, Bhutto, Mr. Pahalajani, R. S. Halkati, Mr. Gholap, K. S. Mansuri, Mr. Salauddin, Mr. Kamblil, R. S. H. Desai.

## Council of the Governor of Bombay since 1921.—contd.

Date of publication of the report.	Date of presentation of report.	Date of second Reading.	Date of consideration of Bill clause by clause.	Date of third Reading and passing.	Date of assent by His Excellency the Governor.	Date of assent by His Excellency the Governor General.	Date of publication and number of Act.	REMARKS.
..	..	22-7-22	22-7-22	22-7-22	24-9-22	17-10-22	1st November 1922. Bombay Act IX, of 1922.	
1-9-22 ..	20-2-23	20-2-23	20-2-23	20-2-23	7-3-23	18-4-23	30th April 1923. Bombay Act VIII of 1923.	
4-9-22	27-9-22	27-9-22	27-9-22	27-9-22	23-10-22	9-12-22	26th December 1922. Bombay Act XIV of 1922.	
..	..	22-9-22	22-9-22	22-9-22	Do. ..	2-12-22	14th December 1922. Bombay Act XI of 1922.	
13-11-22	4-12-22	4-12-22	4-12-22	4-12-22	31-12-22	24-1-23	3rd February 1923. Bombay Act III of 1923.	
20-11-22	7-12-22	7-12-22	7, 8, 9, 11, 12, 13-12-22	16-12-22	23-1-23	5-3-23	17th March 1923. Bombay Act VI of 1923.	
Do. ..	13-12-22	14-12-22	14-15-16-12-22	Do. ..	17-1-23	13-2-23	22nd February 1923. Bombay Act IV of 1923.	

## Statement showing the various stages of Bills in the Legislative

Serial No.	Title of Bill.	From what source received.	Date of Introduction.	Date of publication and name of Member in charge.	Date of Translations.	Date of first Reading.	Date on which referred to Select Committee.	Names of Members of Select Committee.
	1922— <i>concl'd.</i>							
28	A Bill further to amend the Bombay Salt Act, 1860 (Bill No. XVIII of 1922).	G. R. L. D. No. 1792, dated 8th September 1922.	22-9-22	11th September 1922. Hon. Sir Ibrahim Rahimtoola.	21-9-22	22-9-22	..	..
19	A Bill further to amend the Bombay Port Trust Act, 1878 (Bill No. XIX of 1922).	G. R. L. D. No. 1839, dated 13th September 1922.	4-12-22	14th September 1922. Hon. Sir Setalvad.	5-10-22	5-12-22	5-12-22	Hon. Sir Setalvad, Messrs. Laji, Cadell, Sir Hepper, Mr. Kanji, Mr. Haveliwala, Mr. Nelson, Sardar Dalal, Messrs. Dabholkar, Hatch, Jadabav.
20	An Act to impose a duty in respect of admission to entertainments in the Presidency of Bombay (Bill No. XX of 1922).	G. R. L. D. No. 1835, dated 14th September 1922.	4-10-22	18th September 1922. Hon. Mr. Lawrence.	5-10-22	4-10-22	4-10-22	Hon. Mr. Lawrence, Messrs. Bole, Gandhi, Clayton, Nelson, Haveliwala, Slauddin, Dr. Dadachanji, Messrs. Kanji, Mead, Griffith, Thomas, Hon. Mr. Mehta, R. B. Chitale, and Mr. Haji.
21	A Bill further to amend the Bombay Hereditary Offices Amendment Act, 1886 (Bill No. XXI of 1922).	Letter from Mr. Kamblil, dated 27th July 1922.	5-10-22	14th October 1922. Mr. Kamblil.	..	23-2-23	23-2-23	Sir Ibrahim Rahimtoola, Mr. Chugule, R. B. Chitale, Kale, Messrs. Jadhav, Surve, Kamblil, Thomas.
22	A Bill further to amend the Optium Act, 1878 (Bill No. XXII of 1922).	L. D. G. R. No. 2288, dated 8th November 1922.	5-12-22	9th November 1922. Hon. Mr. Mehta.	30-11-22	5-12-22	..	..
23	A Bill further to amend the Bombay Boiler Inspection Act, 1917 (Bill No. XXIII of 1922).	G. R. L. D. No. 2505, dated 2nd December 1922.	19-2-23	4th December 1922. Hon. Sir Ibrahim Rahimtoola.	14-12-22	19-2-23	..	..
	1923.							
1	A Bill further to amend the Prevention of Cruelty to Animals Act, 1890 (Bill No. I of 1923).	G. R. L. D. No. 390, dated 23rd February 1923.	..	24th February 1923. Hon. Mr. Hayward.	1-3-23	..	..	..
2	A Bill to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles (Bill No. II of 1923).	G. R. L. D. No. 399, dated 23rd February 1923.	..	24th February 1923. Hon. Dr. Paranjpye.	29-3-23	..	..	..

## Council of the Governor of Bombay since 1921—contd.

Date of publication of the report.	Date of presentation of report.	Date of second Reading.	Date of consideration of Bill clause by clause.	Date of third Reading and passing.	Date of assent by His Excellency the Governor	Date of assent by His Excellency the Governor General.	Date of publication and number of Act.	REMARKS
..	..	22-9-22	22-9-22	22-9-22	23-10-22	29-11-22	14th December 1922. Bombay Act X of 1922.	
18-1-23	19-2-23	19-2-23	19 & 20-2-23	20-2-23	27-2-23	6-3-23	9th March 1923. Bombay Act V of 1923.	
20-11-22	5-12-22	5-12-22	5, 6 & 7-12-22	16-12-22	27-2-23	10-1-23	13th January 1923. Bombay Act I of 1923.	
22-3-23	..	..	..	..	..	..	..	
..	..	5-12-22	5-12-22	5-12-22	31-12-22	24-1-23	3rd February 1923. Bombay Act II of 1923.	
..	..	19-2-23	19-2-23	19-2-23	7-3-23	23-3-23	12th April 1923. Bombay Act VII of 1923.	
..	..	..	..	..	..	..	..	
..	..	..	..	..	..	..	..	

## APPENDIX B.

## B.—Legislative (iii) Financial Business.

3. Lists of grants which have been refused by the Legislative Council.  
*Budget 1921-22.*

	Ra.
5. <i>Land Revenue.</i> —Grant of house rent allowances to Mamlatdars ..	1,00,000
<i>Irrigation.</i> —Additions and alterations to Executive Engineers office, Nawabshah.	5,000
22. <i>General Administration.</i> —Lump provision for additional establishment in the local Audit Branch of the Accountant General's Office.	13,000
22. <i>General Administration.</i> —Lump provision for officer on special duty in connection with the revised system of office procedure.	44,000
24. <i>Justice.</i> —Reduction from Rs. 40,000 to Rs. 26,000 of the provision for the addition to the cadre of sub-Judges for leave and deputation reserve.	14,000
24. <i>Justice.</i> —Entertainment of temporary Assistant Judges and their establishments.	40,000
26. <i>Police.</i> —Reorganization of th C. I. D. in the Presidency Proper.	50,000
26. <i>Police.</i> —Partition of Ahmedabad into two districts for police purposes.	50,000

*Supplementary grants, 1921-22.*

24. <i>Justice.</i> —Entertainment of Temporary Assistant Judges and their establishments.	40,000
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*Budget, 1922-23.*

5 <i>Land Revenue.</i> —Provision for field establishment .. ..	95,614
8. <i>Forests.</i> —Reduction of Rs 10,000 in the lump provision for certain subordinate establishment.	10,000
8. <i>Forests.</i> —Reduction of Rs. 10,000 in the provision for technical establishment for the Forest Department.	10,000
8. <i>Forests.</i> —Advance increment, Extra Assistant conservators.	61,200
25. <i>Jails.</i> —Entertainment of European Matron, Yeravda Central Prison.	720
25. <i>Jails.</i> —Reward allowance to Sub-Assistant Surgeons attached to Jails.	6,000
26. <i>Police.</i> —House rent allowances for Sub-Inspectors in Sind	9,850
26. <i>Police.</i> —House rent to police, Bombay City .. ..	9,840
26. <i>Police.</i> —Additional Sub-Inspectors for Finger Print Bureau, Poona.	6,100
26. <i>Port and Pilotage.</i> —Increased salaries to Ship Surveyors ..	6,900
31. <i>Education.</i> —Reduction in the provision for grant for apparatus to D. G. Sind College, Karachi.	12,000
35. <i>Industries.</i> —Additional establishment for office of Director.	2,365
35. <i>Industries.</i> —Establishment of a small industrial Museum	3,650
37. <i>Miscellaneous Departments.</i> —Revision of salaries of Amalgamated Factory Department,	26,000
46 <i>Stationery.</i> —Printing of Vernacular Readers (accepted by Government without a division.)	80,000

*Budget, 1923-24.*

	Rs.
5. <i>Land Revenue</i> .—Revision of pay of village establishment in Sind.	25,000
22. <i>General Administration</i> .—Reduction of pay of Ministers (On account of reduction of pay of Ministers from Rs. 5,333½ to Rs. 4,000 per mensem.)	48,000
26. <i>Police</i> .—Revision of pay of Provincial Police officers	70,000
59. <i>Bombay Development Scheme</i> .—Reduction of provision for Ambarnath Electric Supply Power Station.	5,48,620

In no case in 1921-22 or 1922-23 has a grant rejected by the Legislative Council been restored by His Excellency the Governor. As regards the grants rejected in 1923-24, no orders restoring them have yet issued, but the question whether His Excellency should be advised to restore the grants for village establishment in Sind and for the Provincial Police Officers is perhaps still under consideration in the Revenue and Home Departments, respectively.

## APPENDIX C.

*Standing Order X, 8 (1).*—When a resolution is under discussion, a member may, subject to the Rules and Standing Orders relating to resolutions, move an amendment to such resolution.

*Standing Order IV, L.*—(1) When Government business has precedence the Government may arrange such business in such order as it deems fit.

(2) When non-official business has precedence, Bills shall have precedence over motions to amend the Standing Orders and motions to amend the Standing Orders over resolutions: provided that the President may give priority to any item of such business.

(2) (a) The relative precedence of notices of resolutions shall be determined by ballot in accordance with the procedure set out in the schedule.

Provided that the President may, on the request of the mover thereof direct that any resolution upon the agenda be moved on any day allotted to non-official business.

(3) (a) Bills introduced and motions to amend the Standing Orders made by non-official members shall be arranged respectively in such order as to give priority to the Bills and motions most advanced.

(b) Such Bills and motions at the same stage shall have priority according to the date on which notice of the Bill or motion was given.

(4) A resolution of congratulation or condolence may, with the permission of the President and subject to the provision regulating the discussion of resolution, be moved at any time.

*Schedule.*—[See Standing Order IV, 1 (2a).] Ballot procedure for determining relative precedence of non-official Bills and Resolutions.

(1) A member giving notice of more than one resolution shall number his resolutions in the order in which he desires to move them, provided that he may alter such order at any time within the period of notice by intimation given to the Secretary.

(2) The Secretary will keep a numbered list and will enter the name of each member who has given notice of a resolution upon that list.

(3) On the eight day previous to the commencement of the session a ballot will be held in the Committee-room before the Secretary at which any member who wishes to attend may do so.

(4) Papers with numbers corresponding to those against which entries have been made on the numbered list will be placed in a box.

(5) A clerk will take out at hazard from the box one of the papers and the Secretary will call out from the list the corresponding name, which will then be entered on a priority list. This procedure will be carried out till all the numbers have been drawn.

(6) Priority on the list will entitle the member to priority in moving that resolution to which he himself has given priority under Rule 1 of the Schedule.



Provided that if a resolution to which priority is given under Rule 1 is disallowed the next resolution standing in the member's name may be moved in its place.

(7) Priority on the list shall also entitle a member to priority in respect of his subsequent resolutions; provided that after a member has moved a resolution, he shall not move another resolution until every other member has had an opportunity of moving a resolution standing in his name in the list of business.

*Standing Order VI, 10.*—A member to whom a supplementary question is addressed may decline to answer without notice, in which case the supplementary question may be put only in the form of a fresh question at a subsequent meeting of the Council.

*Standing Order VIII, 15.*—The member in charge may at any stage of a Bill withdraw the Bill without discussion.

*Standing Order XII, 7.*—The President shall have power to regulate the conduct of business in the Council in all matters not provided for in the Act, the Rules or the Standing Orders.

*Standing Order V, 1.*—If the President on a count at any time during a meeting ascertains that 25 members are not present, he shall adjourn the Council till the next day on which the Council would ordinarily sit.

Provided that no such adjournment shall be ordered unless a warning bell is rung for three minutes in the library and the refreshment room to enable absent members to resume their places.

*Standing Order VII, 1.*—(1) Leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance must be asked after questions and before the business for the day is entered upon.

\* \* \* \* \*

(3) If the President is of opinion that the proposed motion is in order, he shall read the motion to the Council and ask whether the member has the leave of the Council. If objection is taken, the President shall request those members who support the motion for adjournment to rise in their places; and if more than 30 members rise accordingly, the President shall intimate that the business of the Council will be adjourned at 4 o'clock for the purpose of discussing the motion. If less than 30 members rise the President shall inform the member that he has not the leave of the Council.

*Standing Order VII, 2.*—(1) The debate on the motion if not earlier concluded, shall terminate at 6 o'clock, and thereafter no question in respect of the motion shall be put.

*Standing Order XI, 1-A.*—When the demands made in accordance with Rule 26 or 31 relate to any new scheme or revision of scale of pay or allowances or creation of a new appointment, all material details of such scheme or revision shall be supplied to all members as early as possible.

*Standing Order XI, 1.*—A copy of Budget and the detailed estimates shall be placed upon the table for the use of the members of the Council on the day of the presentation of the Budget and shall also be despatched to each Member of the Council at least fourteen days prior to the first of the days allotted for the voting of demands for grants under Rule 27.

Provided that any delay in the presentation or despatch may be condoned by the President in the case of any circumstances beyond the control of Government.

Provided also that at least seven days shall elapse between the first day of the session when the Budget is to be presented and the first day of the voting of demands.

## APPENDIX D.

## PARTY PROGRAMME.

*The Western India National Liberal Association.*

The following is the Liberal Party's programme as passed at its Conference held at Karad (Satara District) on the 19th and 20th May 1923:—

“ in view of the fact that it has become highly necessary to lay down a programme for the Liberal Party to work with, this Conference—

- (a) Declares that the Liberals have full faith in the Parliamentary system of Government and would, acting on their creed of co-operation wherever possible and opposition wherever necessary endeavour to—
- (1) press for immediate and complete autonomy in the Provinces and substantial responsibility in the Central Government;
  - (2) press upon Government the necessity of retrenchment and economy all around;
  - (3) insist that the taxation should be so adjusted as to be in proportion to the ability to bear the burden;
  - (4) endeavour to secure social and political enfranchisement by work inside and outside Councils;
  - (5) to take all measures necessary for the uplift of the backward and depressed classes.
- (b) Urges all members of the Party—
- (1) to educate the electorate about the soundness of the Liberal principles establishing organisations in towns and villages by collecting funds to carry on propagandist work throughout the year;
  - (2) to induce it to elect as its representatives without regard for caste and creed only those who are fit and pledged to carry out these principles and also to insist upon the Government to follow the same policy in recruiting for the responsible posts in the administration;
  - (3) to encourage the use and production of *Swadeshi* articles;
  - (4) to endeavour to promote all measures calculated to make for the educational and economic advancement of the masses and to secure their moral and social relations at the hands of the Government.
- (c) Appoints a central committee for the presidency consisting of the President (Mr. C. M. Gandhi), the Honourable Mr. C. V. Mehta, the Honourable Dr. R. P. Paranjpye, Mr. N. M. Joshi, and Mr. G. K. Deodhar (with powers to co-opt) to take all

steps necessary to organise the party immediately in consultation with the leaders of the Liberal Party on the lines of the programme laid down above."

To carry out the programme it was announced at the Conference that the Party would need Rs. 50,000 as funds for the purpose. Rupees 1,700 were subscribed at the meeting. The Party has its *propaganda Committee* with head offices in Bombay City. It has issued during the past year and a half a number of leaflets against the non-co-operation movement and on the methods of attaining *Swaraj*, etc. One of the resolutions passed at Karad favoured the adoption by the elected members of the Legislative Assembly of refusing such further supplies of money as they think fit, as a protest against the Viceroy's certification of the Finance Bill doubling the salt tax. The Party is against the appointment of the Royal Commission on the Public Services. One of the principal planks in its forthcoming electioneering campaign is likely to be "The Kenya Problem."

**BENGAL.**

Letter no. 7503-A., dated the 21st July 1923.

From—The Chief Secretary to the Government of Bengal,

To—The Secretary to the Government of India, Home Department.

I am desired to refer to your letter no. D-917, dated the 23rd April 1923, and to submit herewith a report on the working of the reformed constitution and its results, political, financial and administrative, in Bengal covering the period from the commencement of the Government of India Act up to the middle of July 1923. The report is arranged according to the paragraphs of your letter.

2. This report was shown in draft to the Members of the Executive Council and the Ministers, who were invited to criticise the draft. It has been accepted by them, and contains nothing to which they object.

**A.—THE EXECUTIVE GOVERNMENT.**

**3. (i) Allocation of funds to reserved and transferred subjects—**

As regards the allocation of the revenues for the administration of reserved and transferred subjects, there has been no difficulty in arriving at an agreement between the Executive Council and Ministers under rule 31 of the Devolution Rules, and it has not been necessary to have resort to the procedure laid down in Devolution Rule 32 or 35 as a result of failure to agree. The allotment of surplus monies, if any, between the reserved and transferred subjects has always been arrived at by a joint meeting of the Executive Council and Ministers sitting together and the proposals of the Finance Department in this connection have generally been very closely followed.

As the Ministers have become more and more familiar with financial procedure, there has been an increasing demand on their part for funds at the expense of the reserved subjects. Up to now, however, an amicable working arrangement has always been arrived at.

The proportion of funds allocated to reserved and transferred departments in the three budgets presented since the inauguration of the reforms is shown below :—

	Reserved.	Transferred.
1921-22 . . . . .	70 per cent.	30 per cent.
1922-23 . . . . .	66 "	34 "
1923-24 . . . . .	66 "	34 "

The actual amount allotted to the transferred departments has remained nearly stationary and there has been a reduction of about two crores in the amount allotted to reserved departments.

The tendency of the Council to regard expenditure on reserved subjects as something in which they are not interested and by which they are not benefited makes any hope of expansion in these subjects impossible. The Ministers are consequently inclined to oppose any increase of taxation direct or indirect unless they can point to some direct benefit reaped by the transferred departments. For example, in supporting the taxation bills which were necessitated by the deficit on general administration, they put prominently forward the promise of Government that the lion's share of any surplus after balancing the budget would go to the transferred departments, and the Minister in charge of Registration is only willing to accept the recent recommendation of the Retrenchment Committee to raise registration fees if he can announce that a substantial part at least of the proceeds will be devoted to education.

4. (ii) *Reinforcement or readjustment of Secretariat or other headquarters establishment necessitated by the Reforms—*

The additional appointments, and the extra annual cost are shown below :—

Particulars.	Annual cost.
	Es.
1 Executive Councillor . . . . .	64,000
3 Ministers . . . . .	1,92,000
1 President, Bengal Legislative Council . . . . .	42,000
1 Deputy President of the Bengal Legislative Council . . . . .	5,000
* 1 Secretary to the Agriculture and Industries Department . . . . .	33,000
1 Secretary to the Education Department . . . . .	33,000
1 Deputy Secretary, Political Department . . . . .	25,800
1 Deputy Secretary, Finance Department . . . . .	22,800
1 Deputy Secretary, Legislative Department . . . . .	14,400
*3 Assistant Secretaries . . . . .	24,600
Travelling allowances of 1 Executive Councillor and three Ministers . . . . .	14,500
Extra ministerial establishment in the several departments of the Secretariat . . . . .	37,240
	<hr/>
Total . . . . .	5,08,340
	<hr/>

\* Assistant Secretaries who have replaced Under Secretaries are excluded.

Heavy additional expenditure at headquarters is an unavoidable accompaniment of dyarchy and the reformed Councils. This expenditure has led to the outcry against the topheavy nature of the Government and to attempts to compensate by the abolition of other portions of the machinery lower down such as Commissioners and Deputy Inspectors General of Police without the realisation that these are essential parts of the administration which cannot be got rid of without a radical reconstruction of the basis of Government for which the country is not yet ready.

5. (iv) *Co-operation between the Executive Government and the Legislature with special reference to permanent or special committees of the latter and the action taken in pursuance of their recommendations, and the use of Council Secretaries—*

(a) *Standing Committees—*

There are eleven standing committees of the Council attached under the orders of the Governor to the several departments of Government. The Member or Minister in charge of the department is Chairman of the

committee, and four non-official members of the Legislative Council are appointed by the Governor to each committee after consideration of the names of members elected by the Legislative Council.

Their functions are advisory and their proceedings confidential. All major questions of departmental policy and all schemes involving large expenditure are laid before them. The system was intended to provide a convenient means of explaining policy and difficulties to members of the Legislative Council, and an opportunity for enlisting their support, but no great measure of success has been attained. The Legislative Council would like to regard these standing committees as committees to supervise the working of the departments and to consider their approval as an essential preliminary to any executive action taken or to any proposal placed before the Council. Having failed in this respect they take very little interest in them and the second election of members roused no enthusiasm. The members of the standing committees themselves show little zeal; their attendance is perfunctory and in many cases they do not trouble to read the papers provided for them, while the proceedings of the committees have no influence on subsequent discussion in the Council. Members of the committees have sometimes embarrassed the Member-in-charge during a debate by failure to respect the confidential character of papers shown to them at committee meetings.

*(b) Special Committees—*

Fifteen committees of enquiry were appointed as a result of resolutions of the Legislative Council. The most important of these were the committees appointed—

- (1) to consider the Amendment of the Bengal Tenancy Act,
- (2) to prepare a scheme for the separation of judicial and executive functions,
- (3) to consider the causes of recent strikes and measures for remedy,
- (4) to consider the incidence of the cost of the Calcutta Police.

The first resulted in the preparation of an important Bill on which the public are now being consulted. The second and fourth have not yet led to any final solution of the problems involved, but the reports mark distinct stages on the way to conclusions, while the third resulted in the provision of machinery which in one instance led to the satisfactory settlement of a strike.

*(c) Council Secretaries—*

No appointments have been made. The subject was discussed by the Government in 1920-21 and in summarising the views expressed Lord Ronaldshay observed that the Members of the Executive Council were unanimous in their opinion that in the present stage of development of the new constituencies there was no place for Council Secretaries corresponding to Parliamentary Under Secretaries, while the object of the Ministers who desired the appointment of Council Secretaries was to create an office similar to that of Parliamentary Private Secretary. The Government were not prepared to add to the expense of the reforms by creating salaried posts for this purpose, and the subject was dropped. Notices of resolutions on the subject in the Council have been given but on every occasion they have been crowded out and the Council itself has shown no enthusiasm on the subject either way.

## 6. (iv) *The Reforms and Local Self-Government—*

The importance of this subject is due to the inclusion of " the development of representative institutions " among the subjects which will be enquired into by the Commission of 1929.

The subject is dealt with under five heads, *viz.* :—

- (1) Calcutta Municipality.
- (2) District and Local Boards and Municipalities outside Calcutta.
- (3) The Bengal Village Self-Government Act, 1919.
- (4) Non-co-operation activities in Local Self-Government institutions.
- (5) Imposition and collection of taxes.

### (1) *Calcutta Municipality—*

Some account of the Calcutta Municipal Act passed in 1923 is given in paragraph 7 of this report. It marks an advance in independent Local Self-Government. Otherwise its most significant feature is the successful demand of the Muhammadans for communal representation which the Act has secured to them for a period of nine years. In 1922, Babu Surendra Nath Mallik, a non-official member of the Legislative Council, was appointed to be Chairman of the Calcutta Corporation, a post which has always before been held by an officer of the Indian Civil Service. This appointment constituted a decided step in the direction indicated by the Reforms, it has appealed to the imagination of the public, and the non-official Chairman has on the whole done well in a post of great difficulty.

### (2) *District and Local Boards and Municipalities outside Calcutta—*

The election of non-official Chairmen of District Boards was a pre-reform measure. The experiment was completed under the Reformed Government when the few District Boards which had not the privilege were given the right to elect their Chairman. Bills have been prepared but not yet introduced to amend the laws under which these authorities are constituted, but there has been no new advance during the Reform period in releasing these authorities from official control, except that in the case of Local Boards, which administer Sub-divisions of a District, orders have been issued that no official member shall stand for election as Chairman.

The transfer of the Local Self-Government Department to a Minister tends inevitably to the elimination of the local official who is regarded by popular opinion as the representative of the bureaucracy and as therefore positively harmful to the development of popular institutions. This tendency may seriously handicap the growth of these institutions by depriving them of the advice and guidance of experienced administrators at a time when these would be most valuable. The question has recently come to a head over the appointment of nominated members who are under the present law appointed by Commissioners. The question is broadly whether the appointments should be made locally on local considerations or at headquarters where political influence will have much more scope. It is intended to alter the law by making the Minister definitely responsible for the appointments.



(3) *The Bengal Village Self-Government Act, 1919—*

This important measure for the promotion of local self-government by small rural units was passed in April 1919 and up to date Union Boards under the Act have been established in 1351 out of the total number of 6875 local areas in which it is intended that they shall ultimately be established. The majority of these 1351 Boards were established in 1920 before the inauguration of the Reforms. The Minister in charge of Local Self-Government is an ardent supporter of the policy of this Act, but two causes have combined to hinder progress. The first is that its extension depends on the number of Government officers available for fostering these institutions in their early stages, and financial stringency has made it impossible to appoint the full number required. The second is that the non-co-operators made a vigorous attack on this measure in Midnapore District in 1921 and at the end of that year it was found necessary to withdraw the Act from 227 recently constituted Union Boards in that district. The risk of a similar set-back has rendered it necessary to proceed with caution in other Districts in which the Act had not become popular before the non-co-operation agitation was at its height. A substantial extension in the near future may be looked for and in some districts the Act has undoubtedly been very popular and beneficial. The political education of the masses depends in a large measure on its success, and in a recent pronouncement the Minister has recognised its importance with reference to section 84-A. of the Government of India Act.

(4) *Non-co-operation activities in local self-government institutions—*

During the past year a substantial number of men who were avowed supporters of the non-co-operation movement have been elected as members of District Boards and Municipalities and in some cases such men have been elected to be Chairmen. There have not, however, been any instances at present in which non-co-operators have injured the local institutions to which they have been elected, and in some cases they have not only set to work to improve the administration, but have applied to the local officers of Government for assistance in doing so.

(5) *Imposition and collection of taxes—*

District Boards have no responsibility for the collection of the cess on lands which constitutes the greater part of their income. It is realised by the Collector of the District together with the land revenue. Municipalities have full responsibility for the collection of their taxes, and District Boards rely principally on their own efforts for collecting a substantial income from ferries and cattle pounds which are usually settled by auction with lessees. Laxity in the collection of taxes and aversion to the use of coercive measures have at all times been marked defects of the local authorities in Bengal. The importance of this defect cannot be over-rated in view of the prospects of assumption of responsibility for the collection of provincial taxes. In the Calcutta Municipal Act there has been for many years a provision whereby failure to pay the water rate can be penalised by the cutting off of the water-supply. It is significant of the attitude of the Bengali legislator that an amendment was carried to remove from the Calcutta Municipal Act of 1923 this safeguard which is believed to be retained in most civilised countries.

It has for a long time been realised that local rates, which are low, are insufficient for providing the minimum requirements of local self-government, and this deficiency has been emphasised by the recent rise in prices and wages. Yet there has been no perceptible increase in the rates and the valuations on which the rates are levied are notoriously inadequate.

In many rural municipalities rates are not levied at the maximum amount allowed by the law, which rates are very low compared with those of European countries, and municipal commissioners always show the strongest disinclination either to be strict in valuation or to raise their rates even for a purpose, the utility of which is fully recognised.

All District Boards have for many years imposed the maximum cess on lands which is allowed by the law. The incidence of the tax in the case of tenants is so low as to be almost insignificant, and in recent years the value of their agricultural produce has increased much more rapidly than the law allows their rent to be raised. There is every reason to believe that any material improvement in the state of communications and in public conveniences, or even their maintenance in accordance with previous standards, is dependent on an amendment of the law so as to allow District Boards to increase the rate of the cess on lands. The Minister in charge of Local Self-Government has been considering the question of augmenting the resources of District Boards. He has not cared to face the question of altering the maximum of the cess on lands, and has been examining such proposals as those for the taxation of carts and markets. The reluctance of a landlord class to impose adequate local rates, their acquiescence in very indifferent communications and conditions of public health and their preference for a number of taxes on isolated articles, irrespective of their tendency to raise prices, over an all-round increase of rates, give no cause for surprise, and find a parallel in the conditions which prevailed in England not more than a hundred years ago. But these features of local self-government serve as a reminder that the immediate alternative to the existing form of government is something very far from democracy, and that the expenditure of an adequate proportion of the national income on public conveniences cannot be expected until the electorates are educated to learn their power and are constituted on a wider basis.

#### 7. B. Legislature.

##### *Government Legislation—*

*Acts passed in 1921.*—During the year 1921 the Bengal Legislative Council only passed three Acts—

- (i) the Deputy President's Act, 1921,
- (ii) the Bengal Land Registration Amendment Act, 1921, to provide by means of additional fees for the cost of maintenance of separate accounts of estates in Bengal, and
- (iii) the Bengal Primary Education Amendment Act, 1921, to bring the village unions and Union Boards within the purview of the Primary Education Act of 1919.

These were all minor measures and call for no remark.

*Acts passed in 1922.*—In 1922 the Council passed eight Acts—

- (i) the Calcutta Improvement (Amendment) Act, 1922, to provide for compensation instead of costs in cases of acquisition of land by the Improvement Trust,
- (ii) the Bengal Children Act, an important measure generally on the lines of the English Act, though not so comprehensive,

- (iii) the Bengal Stamp Amendment Act, 1923,
  - (iv) the Bengal Court Fees Amendment Act, 1922, and
  - (v) the Bengal ~~Amendments~~ Tax Act, 1922, *Amendment*
- Nos. (iii), (iv) and (v) were important measures of provincial taxation,
- (vi) The Bengal Court Fees Amendment (No. II) Act, 1922, a formal measure to remove drafting defects,
  - (vii) the Bengal Excise Amendment Act, 1922, a small measure to raise the age-limit of persons to whom intoxicating liquors and drugs may be sold, and
  - (viii) the Village Chaukidari (Amendment) Act, 1922, to enable the pay of chaukidars to be raised.

*The Bengal Children Act, 1922.*—The Bengal Children Act produced a very lively debate. A large section of the members considered it to be too advanced and in particular voted against the inclusion of girls within the scope of the Bill. The more progressive party, however, carried their point as to the inclusion of girls, and a curious incident then occurred. A private member moved an amendment for the grant of powers to rescue officers to rescue minor girls who were living in houses of ill-fame and being brought up in bad ways. The Government thought that the country was not ready for such drastic powers to be given so opposed the motion. The mover challenged a division. The Government supporters moved towards the “Noes” lobby, whereupon thirteen members, who had opposed the extension of the Bill to girls at all, went by habit into that taken by the Government members and so gave the mover a majority in favour of a very drastic reform. Great interest was shown in the Bill by many advanced Indian members, who worked in co-operation with the Government and passed a salutary Act.

*The three taxation Acts.*—The three taxation Acts were passed to relieve the financial situation. The Stamp Amendment Bill was not unpopular (except in regard to bonds and mortgages) partly as it was anticipated that it would hit the European merchant more than the ordinary Indian. The real struggle was over the Court Fees Bill which affected the area outside Calcutta more seriously than the others. It was at one time very doubtful whether in face of the strong feeling of rural members it would be possible to place this Bill permanently on the statute book. Many of the rural members wanted it to be a more temporary measure. Government was saved by the occurrence of an important event elsewhere. On the day when the Court Fees Bill was to be taken for consideration the news of Mr. Montagu's resignation reached Calcutta, and when the question of the permanent or temporary nature of the Bill was under discussion, Maulvi Fazlul Huq rose to move “this Council do not reassemble after the adjournment for prayer in order to express our sincere regret and sorrow at the resignation of Mr. Montagu, the Secretary of State for India”. The Deputy President informed the member that notice of the motion had been given too late. He said that the Council was pressed for time and business must proceed. Maulvi Fazlul Huq after disputing the matter said “I am afraid, then, Sir, that we shall not reassemble after this adjournment. It is open to the members to leave and then there will be no quorum”. The Deputy President replied “let us see what happens”, and after the adjournment over 40 members, nearly all supporters of the Bill, were found present (quorum being 25). The motions to make the Court Fees Bill temporary

were lost without a division and the next most important question (the raising of the fee for a criminal information) was also disposed of before the rising of the Council. Considerable concessions had to be made later in respect of low value suits to enable the Bill to be passed, and these concessions robbed the Act of its efficacy as a means of raising revenue.

There was also objection on the part of the Europeans, Anglo-Indians and Calcutta Indians to the first part of the Amusements Tax Bill which dealt with the taxation of theatres, cinemas, etc. The rates in regard to these forms of entertainment were halved during the passage of the Bill. The tax on betting on the other hand was raised during the consideration stage by the acceptance of an amendment by a private member and this was very popular. The three Bills were passed with the help of the newly formed Ministerialist party and were strongly but vainly opposed by a group of some 35 members, mostly of the Extreme party.

*The Bengal Excise (Amendment) Bill, 1922.*—The Excise (Amendment) Bill merely carried into effect a resolution of the Council.

*The Village Chaukidari (Amending) Act, 1922.*—The consideration stage of the Village Chaukidari Amendment Bill, which had till then a smooth passage, unfortunately came on just after the Prime Minister's speech about the "steel frame". This was freely alluded to in the debate and the Council forthwith proceeded by an amendment to take the power of fixing the salaries of the chaukidars out of the hands of the District Magistrate. In doing this they created an administrative deadlock in the working of the Act, which was removed by a further amendment on the part of Government which was accepted by compromise.

*Acts passed in 1923.*—The following Acts introduced by members of the Government have been passed in 1923 (up to July) :—

- (i) The Goondas Act, 1923.
- (ii) The Calcutta Rent (Amendment) Act, 1923.
- (iii) The Calcutta Municipal Act, 1923.
- (iv) The Bengal Aerial Ropeways Act, 1923.
- (v) The Bengal Children (Amendment) Act, 1923.
- (vi) The Calcutta Port (Amendment) Act, 1923.
- (vii) The Bengal Smoke Nuisances (Amendment) Act, 1923.

*The Goondas Act.*—The first of these was for the removal from Bengal of the up-country hooligans who infest Calcutta. It was extended at the request of the Council to Bengali hooligans, who were to be removed from Calcutta and its thickly populated neighbourhood. Generally speaking, the Council allowed the Bill to be strengthened in its passage, and narrow majorities enabled the Government to provide a working procedure for the scrutiny of cases. The Act is remarkable as being welcomed by the Council, although it was framed on the model of the Rowlatt Act. A significant feature of the debate was the suspicion entertained that Government contemplated the use of the Act against "political offenders". When this suspicion was removed the Council readily agreed to the executive restrictions on personal liberty of action which were contained in the Bill.

*The Calcutta Rent (Amendment) Act, 1923.*—The Calcutta Rent (Amendment) Bill was the outcome of a strong agitation on the part of tenants in Calcutta for the extension of the Life of the Calcutta Rent

Act for the restriction of enhancements of rent, and the extension of its provisions to sub-letting. A Bill to provide for this had been brought in by a private European member, and was strongly supported by such bodies as the European Association and received some measure of Indian support. The project, however, did not commend itself to Government, which was only willing to concede an extension of the existing Act for one year. This extension embodied in the Government Bill was carried by way of compromise. The property owners were solid against the private Bill, and were supported by a large block of Indian members who thought that that measure was framed mainly in the interest of Europeans.

*The Calcutta Municipal Act, 1923.*—The Calcutta Municipal Bill took eighteen months in its passage through the Council. Apart from the bitter controversy on the subject of communal electorates and on the question of cow-killing which arose during the passage of this Bill, the attitude of the Council towards the Bill was benevolent. The Bill was modified largely in detail in Select Committee and 183 amendments to it were made in the final stage. It contains 558 clauses and 28 schedules, and has been said to be the most voluminous piece of legislation in the world. In the final stage the Council included the Maniktola, Garden Reach and Cossipore Municipalities within Calcutta. In the case of the last two, the inclusion was made against the wishes of the Government. Garden Reach was included in Calcutta owing to the Deputy President voting against the Government by mistake. Women's suffrage, which had been introduced into the Bill in Select Committee, was retained by the casting vote of the President, but women in Calcutta would still be striving for the vote had it not been that one of the strongest opponents of women's suffrage also voted by mistake in the wrong lobby. The principle of one man one vote was affirmed by a large majority and the constitution of the Corporation was democratised. The Council showed a very reasonable attitude on the whole in regard to the administrative clauses in the Bill but seriously weakened the existing powers of the Corporation by expunging the provision for cutting off water in cases of failure to pay municipal dues. Otherwise, they supported generally the Minister and the non-official Chairman of the Corporation against the weakening of the law.

*The Bengal Aerial Ropeways Act, 1923.*—The Bengal Aerial Ropeways Act is a useful measure for the development of communications and the conservation and service of private undertakings supplying commodities such as coal. The members of the Chamber of Commerce rendered great assistance with this measure, and it was passed unanimously.

*The Bengal Children (Amendment) Act, 1923. The Bengal Smoke Nuisances (Amendment) Act, 1923.*—The Bengal Children Amendment Act, 1923, and the Bengal Smoke Nuisances (Amendment) Act, 1923, are small measures calling for no remark.

*The Calcutta Port (Amendment) Act, 1923.*—The Calcutta Port Amendment Act increases the financial powers of the Port Commissioners and makes provision for a provident fund, combined with a system of bonuses for the employees (including the artizan workers) of the Commissioners. During the passage of this Bill also the assistance of the non-official European members was most valuable.

The only Government bills defeated during this period was a bill introduced in the July Session, 1922, to amend the Indian Salt Act in order to remove those provisions which require the presence of police officers at all searches made by officers of the Salt Department for the

detection of offences under the Act. Special Police officers are employed on account of this provision, and the object of the Bill was to afford the saving of their salaries. In view of the general opposition to expenditure on the police, this measure was not expected to be opposed. The motion to take the Bill into consideration was defeated by 42 votes to 28. Several members spoke against the Bill and the line taken was that as they disliked the Salt Tax and its recent enhancement they would do nothing to facilitate the collection of salt revenue. It was admitted by those members that their main object was to make a protest against the certification of the Salt Tax by the Viceroy. The attitude was presumably adopted for electioneering purposes, and the fact that members should expect to earn popularity by this kind of action illustrates the difficulty of foretelling what the Council will do.

*General attitude of the Council towards Government legislation.*—Apart from this instance the attitude of the Council towards Government legislation was reasonable, except when, as in the case of the Village Chaukidari Bill, the Council was carried away by a sudden gust of passion and vented their feelings on the District Magistrate as the emblem of the old bureaucracy. A marked feature of their attitude towards Government legislation is the great number of amendments put in by private members, mostly at the last minute. The outturn of Government legislation has been large, though the number of bills passed so far is comparatively small.

*Complaints by mufassal members in regard to Government legislation.*—Members of constituencies outside Calcutta have been heard to complain that except for one or two petty bills all the beneficial legislation passed has been for the benefit of Calcutta. The only major bills passed by the Council affecting rural Bengal are for the purpose of taxation, and this may have an effect on the next elections. The Bills passed through the Council by the Minister for local Self-Government, for example, all relate to Calcutta.

*Absence of occasion for exercise of the special powers of the Governor in regard to legislation.*—It has not yet been necessary for His Excellency the Governor to refuse his assent to any Bill that has been passed, or to re-commit any Bill, nor has the occasion arisen for the passing of emergency legislation by certification in the teeth of Council opposition. His Excellency, acting under section 80-C of the Government of India Act, has refused to grant previous sanction to the consideration of a non-official member's Bill, the Bengal Land Revenue Sales Amendment Bill (by Babu Annada Charan Datta), as affecting the revenues of the Province.

#### 8 (ii) Private Bills.

The Council have not shown themselves very favourably disposed to legislation by non-official members. They have passed one such Bill, the Bengal Village Chaukidari (Amendment) Bill, 1923 (by Babu Indu Bhusan Datta). The Government opposed this measure which transfers the power of fixing the number of chaukidars from the District Magistrate to the Panchayat (subject to the approval of the District Magistrate). The Government were defeated on a division on the motion for consideration.

On the other hand the Council have rejected or caused the withdrawal of the following Bills:—

- (i) The Bengal Fish Fry Preservation Bill (by Shah Syed Emdadul Haq). First reading.

- (ii) The Bengal Village Self-Government (Amendment) Bill (by Shah Syed Emdadul Haq). Second reading.
- (iii) The Bengal Suppression of Brothels Bill (by Shah Syed Emdadul Haq). First reading.
- (iv) The Bengal Kasis Bill. (By Shah Syed Emdadul Haq). First reading.
- (v) The Bengal Tenancy (Amendment) Bill by Maulvi Yaquuddin Ahmed. First reading.
- (vi) The Bengal Muhammadan Marriage and Divorces Registration (Amendment) Bill (by Shah Syed Emdadul Haq) withdrawn at second reading.
- (vii) The Calcutta Rent (Amendment) Bill (by Mr. Campbell Forrester), withdrawn at second reading.
- (viii) The Bengal Village Self-Government (Amendment) Bill, 1923, (by Shah Syed Emdadul Haq). Second reading.
- (ix) The Bengal Village Self-Government (Amendment) Bill, 1923, (by Mr. Bejoy Prasad Singh Roy). Second reading.

*Value of non-official Bills.*—Legislative proposals by non-official members play, however, an important part in the work of the Council, if only as a lever to make the Government take action. The Calcutta Rent Bill of Mr. Forrester which has already been referred to is an example, as are the pending non-official members' Bills for the reconstruction of the Senate of the Calcutta University.

*Pending non-official Bills.*—Non-official Bills pending at the present moment are the following :—

- (i) The Calcutta University Bill (by Babu Surendra Nath Mullick).
- (ii) The University of Calcutta Amendment Bill (by Babu Jatindra Nath Basu).
- (iii) The Bengal Cruelty to Animals Bill (by Dr. Hussain Suhrawardy).
- (iv) The Calcutta Suppression of Immoral Traffic Bill (by Professor S. C. Mukerji).

No motion was made on Nos. (i) and (iii) when they were called at the last Sessions, but they are not yet dead. No. (iv) has passed its second reading, and has been referred to a Select Committee. The attitude of the Council to this piece of legislation is benevolent.

*General characteristics of non-official members' Bills.*—There has not been any "private legislation" properly so-called. The Bills sent in by non-official members are on the whole very badly drafted and require much formal editing to make them possible of introduction. Non-official members approach the officers of the Council regularly in regard to the form of these Bills, and every endeavour is made to help them, though not so as to detract from the originality of the measures put forward.

#### 9—(iii). *Financial business*—

*Manner in which non-official members exercise financial control.*—Throughout the life of the Council its endeavours at Financial control have chiefly been directed towards the reduction of particular items of expenditure, and especially of police expenditure. The result is an enormous mass of motions for reduction which could never possibly be got through in the time and which practically preclude any general discussion of policy

Steady pressure has throughout been exercised towards indianisation by means of motions to cut down grants relating to those European officers, whose salaries are votable.

*History of the attempts to wipe off the provincial deficit and to create a surplus.*—The first budget estimate showed a deficit of 198 lakhs. This was met by absorption of part of the closing balance. It was hoped that during the year the Government of India would give relief to the Province. The relief given in 1921-22 by the Government of India was the remission for three years of the provincial contribution of 63 lakhs. This was inadequate to put the provincial finances on a stable footing, although the estimates during the year were pruned departmentally to the extent of 89 lakhs. Even so, apart from estimated proceeds of the three taxation bills, the budget estimates of the second year, 1922-23 showed a deficit of 121 lakhs. It was estimated when the Finance bills were introduced that the new taxation measures would bring in an additional annual revenue of Rs. 140 lakhs, and it was arranged to present a supplementary budget for division of the surplus. The second budget debate and voting of grants were, therefore, uneventful; and in July and August 1922 supplementary grants were duly voted, and the Council was satisfied to some extent. It was, however, found soon afterwards that owing to adverse trade conditions the estimated surplus would not materialise. The whole Government, therefore, had to pursue a policy of retrenchment. New schemes were abandoned and the estimates, original and supplementary, were again cut to the extent of 48 lakhs. In addition to this, by order of His Excellency a Retrenchment Committee was appointed to examine the provincial expenditure. This Committee reported in January 1923, and its recommendations are being considered by the Government. The 1923 budget, in accordance with a recommendation made by His Excellency in a speech to the Council before the voting of demands for grants, was passed with very little reduction (except by consent) on the understanding that the result of local Government's labours towards retrenchment would be communicated to the Council in July. It provides for no new schemes and financially the Province is at present almost at a standstill, though the receipts and expenditure have been made to balance and the recent returns of receipts give some promise of better times.

*Exercise by the Governor of his power of certification in connection with demands for grants.*—Generally speaking, the power of certifying a demand for expenditure on the reserved side which has been refused by the Council has been exercised by His Excellency (i) to wind up the project, or (ii) to enable the department to carry on the project until the Council have had an opportunity of reconsidering the matter on fuller information being given. In the case of the cut of 23 lakhs in the Police Budget in 1921, the opportunity for reconsideration was given not by actual certification but by calling a fresh session of the Council in which the grant was voted. In the case of the demand for mounted police in 1922 the power of certification to a limited extent was exercised, and the remainder of the demand was voted during the next session. In the case of the expenditure on the paper book department of the High Court, His Excellency, under instructions from the Government of India, definitely rejected the attempt of the Council to throw out the demand in 1921. In 1922 when the demand was again rejected, he only certified a sufficient sum to carry on the department to July. In July the Council restored the grant, and it has again been voted in 1923.

His Excellency certified in full the demand for the erection of quarters for police in Calcutta, in spite of the adverse votes.



*Effect of the efforts of the Council to reduce expenditure on the reserved side.*—Otherwise, the rejections by the Council of items of expenditure on the reserved side have been generally accepted by His Excellency (except for providing the money for winding up the projects). The most important of the projects which have been abandoned are the partition of Midnapur, the partition of Mymensingh and the construction of a residence for the Chief Justice.

The services of the following officers have also been dispensed with (i) the Additional Legal Remembrancer, (ii) the Publicity Officer, and (iii) two Assistant Forest Officers. The staff of the Intelligence Department has also been greatly reduced.

By consent the expenditure on the Madaripur steamer route has been curtailed, while the Grand Trunk Canal project has been reserved for the future consideration of the Council.

There has of course been great retrenchment by agreement, e.g., the reduction of the settlement programme to a two-party basis, and large reduction in the provision of sub-deputy collectors to be employed as circle officers and generally the abandonment of all new building operations.

But for the fact that salaries of Imperial officers are non-voted, the record would have been a very different one. The speeches of the Indian non-official members leave no doubt at all on this point.

*Endeavour of the Council to obtain money for schemes of sanitation, etc.*—In fourteen instances the Council have by recommendation attempted to commit the Government to expensive schemes of improvement in the transferred departments. So far as the local Government has been able to find the funds, endeavour has been made to give effect to the wishes of the members but on account of financial stringency the result has been meagre. The non-official members of the Council, like the general public, seem to have difficulty in realising the fact that money for provincial expenditure like that for local expenditure must ultimately come from the pockets of the people.

*Difficulties of non-official members largely due to the form of the budget estimates as prescribed by the Auditor General.*—The form of the budget estimates is one of the chief reasons of the difficulties of private members in matters of finance. Frequently they cannot find an item, which they wish to attack in the estimates as presented. Sometimes the Department concerned can not do so either. A revision of the form of Budget Estimates so as to enable departmental officers to explain on the Budget Estimates themselves what a particular item of expenditure means, would remove a great deal of existing distrust.

#### 10 (iv) Resolutions and Questions—

*Action taken by Government on resolutions carried by the Council.*—Of the 314 resolutions discussed in the Council up to July 1923, 109 have been carried. Of these the local Government have taken full action in accordance with the recommendations in 51 cases and part action in 29 cases. In 15 cases Government have refused to accept the recommendations. In the remaining 14 cases final action has not been decided on, or the recommendations can only be given effect to in the future.

*Legislation, action taken by Government as a result of resolutions carried.*—The active pressure exercised by the Council towards the amendment of the law has been most marked. In 11 cases Government has undertaken legislation in pursuance of resolutions passed by the Council :—

- (i) Subsidiary legislation to exclude fermented date juice from the provisions of the Excise Act.

- (ii) Early amendment of the Calcutta Municipal Act, 1899.
- (iii) Amendment of the Calcutta Municipal Bill in the direction of an improved milk supply ;
- (iv) Amendment of the Bengal Tenancy Act ;
- (v) Legislation to create a Board of Secondary Education ;
- (vi) Legislation to alter the constitution of the Senate of the Calcutta University ;
- (vii) Legislation to control fairs and *melas* ;
- (viii) Legislation to empower District Boards to tax motor vehicles .
- (ix) Legislation for the prohibition of sale of intoxicating liquors and drugs to children under 16 ;
- (x) Amendment of the Local Self-Government Act, and
- (xi) Legislation for the eradication of water hyacinth.

Fifteen committees have been appointed in pursuance of resolutions of the Council ; the more important have been referred to elsewhere in this report.

Four resolutions urged on the Government the necessity of getting the Meston Award altered.

Among other important matters on which the local Government have carried out the recommendations of the Council, the following may be mentioned :—

- (i) making the Ministers' salaries voted items in the Budget (legal advice was taken and action taken according to that advice) ;
- (ii) the introduction of the system of competitive examination for recruitment to the Provincial and Subordinate Executive Services ;
- (iii) part indianisation of the Pilot Service, and
- (iv) prohibition of officials standing for election as Chairman of Local Boards ;

and part effect has been given to the recommendations in the following important matters—

- (i) limitation of the consumption of intoxicating liquors and drugs ; and
- (ii) treatment of political prisoners as first class misdemeanants.

Resolutions to establish all over the province medical, technical, agricultural and educational institutions and to provide money for sanitation, etc., have generally been accepted in principle by Government, but little progress has been made in giving effect to them owing to lack of funds.

*Resolutions carried in respect of which the Government have refused to take action.*—The cases where the local Government have expressed themselves as not prepared or not able to give effect to the recommendations of the Council are as follows :—

- (i) reduction of the number of Executive Councillors ;
- (ii) establishment of an Agricultural College in Calcutta ;
- (iii) inclusion of Darjeeling within the Reforms scheme ;
- (iv) organisation of typists and copyists in Criminal, Civil and Revenue Courts into a regular service ;
- (v) and (vi) adoption of proposals to increase the salaries of ministerial officers going beyond the majority report of the McAlpin Committee.

- (vii) allocation of 40 per cent. of the revenues of the province to the transferred subjects ;
- (viii) establishment of a nautical institution at Chittagong ;
- (ix) immediate withdrawal of notification under the Criminal Law Amendment Act, etc.;
- (x) providing funds for a large leper asylum ;
- (xi) appointment of a committee of enquiry into the alleged excesses by the civil guards during the disturbances in Calcutta ;
- (xii) appointment of members of the Legislative Council as *ex-officio* members of the District Boards ;
- (xiii) appointment of a committee to examine the principles of the recruitment for the Provincial and Subordinate Judicial Services ; and
- (xiv) raising of the status of the Commercial Institute at Calcutta (The Retrenchment Committee recommend that this should cease to be a provincial institution).

*Copies of the debate forwarded to the authorities or persons concerned in certain cases.*—In certain other cases the Government merely forwarded a copy of the debate to the authority or the person or body concerned. Important cases of this nature were :—

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| (i) Request to stop export of rice   | Forwarded to the Government of India.                  |
| (ii) Request to steamer companies to provide waiting rooms and reduce fares.       | Forwarded to the Steamer Companies.                    |
| (iii) Alteration in the procedure in regard to the hearing of Civil Court Appeals. | Forwarded to the High Court.                           |
| (iv) Request that the Calcutta Electric Supply do remove their surcharge ;         | Forwarded to the Calcutta Electric Supply Corporation. |
| (v) Stoppage of recruitment of Assistant Superintendents of Police.                | Forwarded to the Secretary of State.                   |
| (vi) Request for construction of the Ishurdi-Sadhuganj Railway.                    | Forwarded to the Railway Board.                        |

*General remarks on resolutions. Growing apathy of the Council towards this form of business.*—The discussion of resolutions took up a great deal of the time of the Council in the earlier stages, *i.e.*, before legislation was ready, but now there is not much interest taken in those as the Council have already discussed almost all the leading local questions. Adjournments for want of quorum has become quite common on days devoted to the discussion of resolutions, having occurred on ten days out of 60 devoted to such business. The parochial element of so many resolutions has largely conducted to this result.

*General remarks as to questions.*—The number of questions asked up to July 1923 is 3,949. Members till recently had no consideration for the various departments in this matter and called for complicated statistics on every conceivable subject. One question took ten months' work to answer. The new President is more severe than his predecessors in regard

to the disallowance of unreasonable questions, and supports the Government, where necessary, when they refuse to answer requests for information on the ground of excessive labour. With a view to stopping the asking of an unreasonable number of questions, the Council have made salutary amendments in the Standing Orders. These amendments have resulted in substantial savings in printing charges and in some relief to the Departments of the Government.

*Reasons for the disallowance of questions.*—Questions are disallowed by the President when they contravene the rules or Standing Orders which are based on the Standing Orders of the House of Commons. The chief ways in which members offend in the matter of questions are as follows:—

(i) They ask questions based on unverified newspaper reports.

In framing the local Standing Orders it was determined to crystallise the practice (based on the House of Commons procedure and insisted on by Their Excellencies Lords Carmichael and Ronaldshay as presidents of the old Council) that members shall make themselves to some extent responsible for the accuracy of statements made in their questions, and a provision to this effect has been included in the Standing Orders. On receipt of a “newspaper” question the Secretary, under orders of the President, writes to the member asking him whether he assumes responsibility for the truth of the allegation. He seldom does so, and the question is then disallowed by the President.

(ii) Endeavours are made to influence law suits by questions on matters which are *sub-judice*.

(iii) Attempts are made to interfere mainly on behalf of ministerial officers, with ordinary departmental punishments.

These are disallowed as not being matters of general public interest unless a question of principle is involved.

(iv) Questions are asked on a large number of all-India matters which are not the primary concern of the local Government.

The member is advised in such cases to get the local representative to put a question in the Assembly.

(v) Questions are asked interfering with the statutory discretion of local authorities, *e.g.*, about a local board road.

Members are told that these are not primarily within the cognisance of the Member in charge and are referred to the proper authorities. When, however, there is any matter of principle or importance the question is admitted.

(vi) Questions are asked trenching on the Charter jurisdiction and powers of the High Court.

These are disallowed as being primarily the concern of the High Court and not of the local Government.

These statistics being available to the public generally are no longer within the special cognisance of the Member in charge.

*Reasons for disallowance of resolutions.*—In regard to resolutions, the usual reasons for disallowance are that the resolution refers to a matter which is *sub-judice* or to a matter which is the primary concern not of the local Government but of the Government of India. The decision in the first case is given by the President and rarely goes beyond him. In the latter case, it is given by His Excellency who allows considerable latitude in this matter, on the ground that matters technically within the

primary concern of the Government of India are also frequently matters of local concern, and it is desirable that the Government of India should know the views of the local Council in the matter.

*Endeavours of the Council to interfere with the prerogative of the Governor and to take to itself executive authority.*—Other frequent causes for disallowance are the endeavour of private members to interfere with the prerogative of the Governor, and a substantial attempt to set up a system of executive Government by committees of private members of the Council. Some typical cases where the Council have tried to set themselves up as a Court of Appeal over His Excellency or the Government and where His Excellency or the President has disallowed discussions are given below :—

- (i) " That this Council desire to place on record the fact that the procedure adopted by His Excellency the Governor in appointing the Minister without consulting the elected members of the Council is not in accordance with the spirit of the Joint Select Committee report ; "
- (ii) " This Council recommends to the Government that the various standing committees elected by the Council be empowered to enquire into and report annually on the administration of Bengal in those departments to which they are attached and that their reports be annually published ; "
- (iii) " This Council recommends to the Government (a) that standing committees be appointed on the model of the standing committees of the Corporation of Calcutta (Note, *i.e.*, with executive powers) with a view to lighten the labour of this Council and that the standing orders relating to the appointment of existing committees (*i.e.*, His Excellency's personal orders as Governor) be amended accordingly, and (b) that the said standing committees do consist of eight non-official members to be elected by this Council and four official members to be nominated by the Government and that the members of the Executive Council and the Ministers, as the case may be, be nominated Presidents of the said Council ; "
- (iv) " This Council recommends to the Government that the committee of Public Accounts, in addition to its existing duties (Note—which are limited by Parliament itself) be also attached to the Finance Department as a special advisory committee to advise the Department on the following—
  - (1) proposals for the increase or reduction of taxation ;
  - (2) proposals for borrowing by the local Government and of loans granted by the same ;
  - (3) preparation of the annual estimates of revenue and expenditure of the Province and of any supplementary estimates or demands for excess grants which may be submitted to the vote of the Council, and
  - (4) such other matters as the Finance Department may desire to refer to the Committee ;
- (v) " This Council recommends to the Government that the proceedings of the several standing committees elected by the Council (which under His Excellency's orders constituting the committee are confidential) be circulated among the members of the Council ; "

- (vi) " This Council recommends to the Government that His Excellency the Governor be approached with the request that as the Honourable Sir Henry Wheeler is going on leave the occasion may be utilised by placing the portfolio of police in charge of an Indian Member of the Executive Council,"

and other like requests.

*Requests for appointment of committees.*—Committees are frequently asked for in connection with incidents arising out of the maintenance of law and order. It may be said that discussion is only refused in such cases when the subject-matter is before the Courts and the trial would be prejudiced.

#### 11. (v) *Miscellaneous*—

*Notices for adjournments.*—There have been five discussions on motions to adjourn the House on a matter of urgent public importance. Two of these, *viz.*, a discussion of the situation arising out of the cutting of the police grant by 23 lakhs in 1921, and a discussion on the situation caused by the general *hartal* on the 17th November 1921, *i.e.*, before the Prince's visit, were moved by members who were supporters of the Government. The other three, *viz.*, a discussion of the measures taken by the Government to restore order in December 1921, a discussion on the reported flogging of some political prisoners in the Barisal jail, and a discussion on the alleged excesses of the Police when investigating a dacoity case in the Faridpur District, were moved by opponents of the Government. All these motions were talked out except the one relating to the *hartal*, which was deliberately withdrawn by the mover so that it should not constitute a vote of censure against the Government.

*Expert members.*—The assistance of temporary expert members was enlisted in the following cases in connection with Government bills :—

- (i) the late Sir Charles Kesteven assisted with valuable advice in the framing and passing of the Chapter on betting in the Amusement Tax Bill ;
- (ii) the facts put forward by Sir Reginald Clarke as Commissioner of Police had a good effect in the Select Committee stage of the Goondas Bill, though he did not speak on the Bill in the Council ;
- (iii) Dr. Bentley (Sanitary Commissioner) and Babu Mani Lal Sen (Solicitor to the Calcutta Corporation) sat as expert members during the final stage of the Calcutta Municipal Bill. The legal knowledge of the latter was of the greatest value and he rendered willing help to the officers directing the passage of the Bill :—
- (iv) Rai Sahib Mahendra Lal Gupta, an experienced settlement officer, has been called in to assist in the discussions of a pending Bill providing for the conversion of lands under the anomalous utbandi system of tenure into ordinary raiyati lands.

This provision of the law had been found most useful and it is not, so far as is known, in any way resented.

✓ 12. This section deals with parties in the Council and some other subjects mentioned in paragraph 11 of your letter.

✓ *The Council not fully represented owing to absence of non-co-operators.*  
 —In dealing with the question of parties in the Council the salient fact is that the Extremists (Hindu and Muhammadan non-co-operators) are not officially represented in the Council at all, except by a few hon'ble members from the Chittagong Division who were put up by the non-co-operators in order to bring the Council into disrepute. These members have behaved with decorum and, except for consistent voting against the Government at the beginning, have shown no extreme tendencies. The other members stood for election on the plank that the Reforms as a vehicle of progress were worth a trial, so that the present Council only represents the less extreme opinions held by Bengalis.

*Strong party in 1921 against the Political, Police and Appointment Department.*—When the Council first met a strong party, comprising both Moderate and Extremists, was formed against the Government in the Political, Police and Appointment Departments and against the High Court. The first session of the Council was remarkable for the following defeats inflicted on the Government by this party :—

- (i) A resolution for the reduction of the number of Executive Councillors was carried by 74 votes to 31. Of the Indian non-officials, only two Hindu members supported the Government.
- (ii) A resolution against the Darjeeling exodus was carried by 53 votes to 41, 8 non-official Indians (2 Hindus and 6 Muhammadans) voted with the Government.
- (iii) The demand for the paper book department of the High Court was rejected by 71 votes to 35. Only 4 non-official Indian members (2 Hindu and 2 Muhammadans) voted with the Government.
- (iv) The demand for the Publicity Officer was rejected by 71 votes to 36. Only 2 non-official Indian members (both Hindus) voted with the Government.
- (v) The demand for the salary of the Additional Legal Remembrancer (who had conducted various political prosecutions) was rejected by 62 votes to 33. Only 4 non-official Indian members (1 Hindu, 1 Jew and 2 Muhammadans) voted with the Government.
- (vi) A cut of 23 lakhs was made in the Police grant by 51 votes to 43. Eleven Indian non-official members, viz., 8 Hindus, 1 Jew and 2 Muhammadans, voted with the Government.
- (vii) The demand for works in connection with the partition of Mymensingh was rejected by 61 votes to 31. Only 3 non-official Indian Members (all Muhammadans) voted with the Government.
- (viii) The demand for works in connection with the partition of Midnapore was rejected by 58 votes to 32. Only 4 non-official Indian members (3 Hindus and 1 Muhammadan) voted with the Government.
- (ix) The demand for the Chief Justice's residence was rejected by 63 votes to 34. Eight Indian non-official members (5 Hindus and 3 Muhammadans) voted with the Government.

- (x) The demand for the Police Hospital extension in Calcutta was rejected by 51 votes to 33. Only 3 Indian non-official members (2 Hindus and 1 Muhammadan) voted with the Government.
- (xi) The demand for police quarters in Calcutta was rejected by 57 votes to 29. No Indian non-official member voted with the Government.

The only victories on a division that the Appointment, Political and Police Departments could secure during this period (other than that on the subject of the Ministers' salary) were the carrying of the grant for the Alms House at Calcutta, and the rejection of an amendment to a resolution relating to the separation of the judicial and executive. In two instances the Department won without a division, *i.e.*, by defeating resolutions for the abolition of the Board of Revenue and for the abolition of the official vote. They also succeeded in regard to some demands for grants where the opposition was not pressed. But on practically all their main projects (excepting on the question of the Ministers' salaries) the Appointments, Political and Police Departments were defeated and hardly had any non-official Indian support.

*Weakening of party against the Political, Appointment Departments and against the High Court.*—The victory in regard to the cut of 23 lakhs in the Police budget broke the strength of this party. The leaders got frightened at what they had done, gave way, and by their votes restored the grant in a special session. They were largely influenced by a fear that their precipitate action in curtailing the demand might be quoted against them at the time of the 1930 commission. This solid non-official Indian block against the Political and Police Departments now forms about once in two sessions. It then proceeds to defeat the Government (generally on a resolution relating to measures taken to keep law and order). These performances are more spectacular than solid, as the party is remarkable, for its vacillation, *e.g.*, they passed the emergency grant for mounted police, then rejected it by one vote at the time of the budget and then restored it as a supplementary grant. The paper book department grant also, after having once again been defeated, has now been passed. Moreover, a substantial number of Indian non-official members have also supported the Government in passing the Goondas Act, a more drastic measure in some of its features than the Rowlatt Act. The party also devotes itself to proposals for the release of political prisoners, but this activity is less pronounced than formerly, and recently they allowed a resolution on this subject to be lost without claiming a division in time, though there was ample time for this. The party is definitely hostile to the maintenance of a special establishment to look after the violent political extremists. The prospect of elections has somewhat increased its activities during the July session of this year.

*Attitude of the party towards retrenchment and Indianisation.*—The Indian non-official members, as a whole, may also be said to form a party for retrenchment on the reserved side and expenditure on the nation-building departments. Here too, however, dissension has arisen owing to the proposals of the Retrenchment Committee appointed at their instance. These proposals will hit most severely the Muhammadan employés of the Government, and retrenchment has largely lost its popularity with the members of that community. The Hindu members also take strong objection to the proposals of the Retrenchment Committee to retrench sub-Judges and Munsiffs. The Indian non-official members, as a whole, were also



till recently extremely keen on Indianisation of the Services, but even this plank is not so firm as formerly owing to the growth of communal strife in the Council.

*This party not really a political party in the strict sense. Represents educated bhadralok opinion of the Moderate type.*—Apart from the above, there does not appear to be any salient point of general policy (beyond general progress under the Reforms) on which there has been anything approaching unanimity among Indian non-official members. They cannot, therefore, be said definitely to form a political party. They merely represent as a whole the various grades (except the most extreme) of educated opinion in Bengal, as opposed to the opinion of the ordinary country people. Individually, with the possible exception of one or two members of the most advanced party, they are not working to cause a deadlock, though their actions might well have produced that result. They voice in the main a sentimental opinion and are greatly influenced by fear of obloquy in the Extremist press, and perhaps in some cases by fear of reprisals at the hands of the Extremists if they declare themselves definitely for the suppression of disorder. Each individual member except for a few experienced hands is out to run Bengal in his own way and to interfere in every detail of the executive or judicial administration and in particular in the "nation-building departments." This trait comes out most strongly in the number of amendments to Bills and to motions for reduction of demands for grants which are tabled by private members. The movers of motions for the reduction of grants have, however, as a rule little backing by their fellow members. On the other hand, there is a good side to this individual keenness and close scrutiny. Contact with the officers conducting the administration frequently results in some realisation of their difficulties, and as a result of this contact the wild assertions which were made as to the administration during the first years of the life of the Council by Extreme and even by Moderate members are seldom now heard except when a new member makes his debut by playing to the gallery.

*Attitude of non-official Indian members to labour.*—Except for passing a resolution for the formation of a Conciliation Board and a resolution for the grant of extra facilities for educating the backward classes, non-official Indian members generally have not been very sympathetic towards labour as such. They turned down severely a suggestion for a bill to legalise picketting and only appear to support strikes when these are connected with political disturbances (as in the case of the coolies at Chandpur) or when they are a subject of embarrassment to European companies (in the case of the Tramway strike). A similar trait was shown by M. L. Cs. who posed as "tenants representatives" on the committee to amend the Bengal Tenancy Act. These members were far more actively opposed to the raising of the status of all *bonâ fide* cultivators than were some of the zamindar representatives. The "tenants representatives" were in fact the representatives of the middle class tenants.

*Rise of the Moderate party in the Council.*—In the summer and autumn of 1921 there were, practically speaking, no definite parties at all. Business was dull and members acted without cohesion. The question of raising funds to carry on the Government resulted, however, in the Ministers exerting themselves to form a definite political party not only to support them in matters relating to the transferred subjects, but also to secure the money to finance these subjects. This could only be done by supporting the proposals of the Government as a whole for raising tax-

ation, and the readiness of the reserved departments to come to an understanding favourable to the transferred departments in the matter of the distribution of the proceeds of the new taxation brought a large number of non-official Indian members into much greater harmony with the Executive Government as a whole than had formerly been the case. The violence of the non-co-operators and the agrarian unrest caused by that movement also caused property owners to lean more closely towards the side of the Government, and a fairly compact Moderate party with whips and a club of its own came into being and has since maintained itself. The greatest achievement of this party has been the passing of the Finance Bills against the wishes of the most advanced group, with whom the Members of the Moderate party had formerly allied. The policy of the party is generally to support the Ministers, to maintain an independent attitude in matters of law and order, but not to create a deadlock. Its strength is shown by the fact that since its formation there has been no dangerous attempt to drive out a Minister. Its adherents include very few Muhammadans. Since the controversy on communal representation has arisen, the Muhammadans have formed an independent group.

*The Extreme party in the Council.*—Opposed to this party is the most advanced (it may be called the Extremist) group in the Council. This group numbers some 25—30 members with others on the border line. It is almost entirely composed of Hindus, and it represents the advanced Congress party. It is unequivocal on questions of Indianisation and opposition to the police, and generally on a desire to emphasise racial questions. At the same time, it is also subject to dissensions in itself. If they would do so, some of the members would act by causing a deadlock, but not all are ready to go so far. As stated above, the Moderate party join the Extremists periodically in order to defeat the Government, when they think that the Government are not being sufficiently gentle towards the violent faction outside the Council. The split on the communal question has now created a situation in which the advanced Hindu members alone are trying to force the pace, while the Moderate Hindus and the Muhammadans are not quite happy as to future developments. The members of this Extreme group have, therefore, gradually diminished of late.

*The non-official European group.*—The European and Anglo-Indian non-official members form a solid group. While maintaining their independence they form a solid party in support of law and order. On the communal question this party would have a decisive influence, and this fact might enable them to exercise a much greater degree of power than they have hitherto done. There are proposals to organise the party with a paid whip and if these proposals are carried out in the next Council this Independent party will carry considerable weight and exercise an influence in excess of its numerical strength.

*The official group.*—Finally there are the officials who form a solid group and generally vote according to ticket. They exercise a far greater influence over the results of divisions than their numbers would suggest, owing to their regular attendance.

The results of divisions show that the number of this group just about balances the number of members who vote almost automatically against the Government, but the official group being the more regular in attendance, more than balances in practice this unreasoning opposition.

*Growth of Parliamentary conventions. Influence of the Council on the Executive Government, etc.*

↳ *Parliamentary conventions in the broader sense cannot flourish under*

*dyarchy and in a subordinate legislature circumscribed by statute.*—The growth of parliamentary conventions is impossible in its broader sense, in a subordinate legislature whose powers are circumscribed by the Government of India Act and the rules made thereunder, and by the system of dyarchy.

The main parliamentary convention which could be established and which members of the Legislative Council might have been expected to aim at establishing is the responsibility of Ministers to the Legislature. No attempt has, however, been made as yet to use the machinery of the new constitution in this way. A homogeneous party organisation under recognised leaders within the Council itself would be a necessary precedent condition to the establishment of such a convention. Hitherto, members of the Legislative Council have not regarded themselves as belonging to any party; they acknowledge no leadership; they consider their only function is to exercise independent criticism of Government. In the first session of the Council, the Nawab Saiyid Nawab Ali Chaudhuri, the Minister for Agriculture and Industries, suffered a series of defeats on matters connected with the policy of his Department. He did not regard these as votes of censure either upon himself or upon the Government as a whole. He accepted the decisions of the Council and modified his policy accordingly. Since then, a greater cohesion has been established between the Ministers themselves, between the Ministers and Members of Council in charge of reserved subjects, and also between the Government as a whole and the party which usually supports them in the legislature. But it cannot be said that the position has yet been reached in which an adverse vote in the Legislative Council on a transferred subject would be regarded either by the members of the legislature or by the Ministers as a vote of censure on the transferred half of Government as a whole, necessitating the resignation of all the Ministers.

It is difficult at present to forecast in what form the responsibility of Ministers to the Legislative Council will develop. In England, and in other countries which have followed the model of the English constitution, the doctrine of the joint responsibility of the Cabinet is recognised, and it was probably intended by the authors of the Reforms that this doctrine should gradually become established by a parliamentary convention in India. At present, however, there are four factors which militate against the growth of such a convention in this Province.

(1) The ministers are selected by the Governor and not by a Prime Minister who is himself responsible to the Legislature.

(2) The instructions to the Governor and the rules of business of the Province seem to indicate that responsibility for a transferred subject rests with the Governor acting with the minister—*i.e.*, with the single Minister in charge of the department, not with the ministers. Ministers themselves, therefore, do not as yet feel that they have any responsibility for the policy of any departments but their own.

(3) The necessity for reserving at least one of the three ministerial posts for a Muhammadan, and the practice of selecting for that post a Muhammadan who is representative of the opinion of the Muhammadan community rather than of the party which commands a majority in the Council, prevents the growth either of a collective responsibility among Ministers, or of a united ministerial party in the Council.

(4) The present tendency of members of the Legislative Council is to direct their criticisms against particular ministers rather than against the transferred side of Government as a whole. They are also inclined to

regard ministerial posts as opportunities for acquiring administrative experience which should not be enjoyed for too long by the same individual.

The combined effect of these four factors has been unfavourable to the growth of the idea of collective responsibility and is leading rather to a convention that an individual minister, if defeated on an issue which he cannot accept, should resign and be replaced by another member of the Legislative Council.

*Ordinary parliamentary conventions are followed in regard to details of procedure.*—In ordinary matters of procedure the Rules and Standing Orders are, of course, supplemented and interpreted by rulings from the Chair, based on English parliamentary practice, to which the Council desired to conform.

*Real influence of Council over matters relating to the reserved side in spite of the absence of the convention of responsibility.*—In spite of their inability to remove a member, the Council exercises a very real influence over the actions of Government on the reserved side. Important major projects, such as the partition of Midnapore and the partition of Mymensingh, have had to be abandoned for the present. Many improvements in the police have had to be deferred, and a thorough examination of all departments is in progress with a view to retrenchment. The Grand Trunk Canal project cannot be taken in hand until the Council are convinced of its necessity, and the non-official Indian members are possessed with the idea that any improvement of their main water communications is intended primarily for the benefit of European merchants, and so they approach such questions from a racial instead of a business standpoint.

*Preference of Indian non-official members for business relating to the transferred departments.*—The Indian non-official members, generally speaking, regard the reserved side as dull. What they really like is a full dress debate on a matter of education, agriculture or sanitation. Every time the voting of grants in the main budget comes on there is a short sharp fight by way of detailed audit of items relating to the reserved side as far as the heads 'General Administration' and 'Police.' It then appears from the progress made that the voting of grants will quickly be over. But when once the nation-building departments come under review, several days are spent in discourse, and less attention is paid to details, but the discussion of policy proceeds far more on theoretical and sentimental than on practical lines.

*Lobbying.*—There is a great deal of consultation between members of the Government and the non-official members of the Council. In particular at the time of the budget, movers for reduction are invited to conferences, and the reasons for the items of expenditure to which objection has been taken are explained. Private members are on the whole reasonable in discussing such matters, and the majority of motions for reduction are in consequence either not moved or are withdrawn after the reply has been given. The complaint made in the old Council that officials kept aloof and were not prepared to take the trouble to explain matters fully to non-officials, is a thing of the past. The officials realise that the more they lobby and call directly on the moderate party for support, the more likely they are to win.

*Committees and order of business as between departments.*—Government has readily accepted the aid of committees appointed at the instance of the Council. There are also the Standing Committees attached to the Executive Departments. The members of these committees and the members of the Committee on Public Accounts are elected by the system of

single transferable vote. There has been no instance of the business of one department in the Council being shelved for that of another for want of time.

*Communal cleavage in the Council—*

*First appearance of communal cleavage in the Council. Resolution regarding recruitment by competitive examination.*—Communal cleavage began to show itself in the Council from the earliest times. On the 22nd February 1921, i.e., during the first month of the Council sitting, Babu Indu Bhusan Dutta moved a resolution that recruitment to various of the Provincial Services “be made by means of suitable open competitive examination, due provision being made to safeguard the interests of the communities as well as the claims of individual districts and divisions”. To this resolution Maulvi Yaquinuddin Ahmed had tabled an amendment directly safeguarding Muhammadan interests.

In moving the resolution Babu Indu Bhusan Dutta made a violent speech against recruitment by nomination, as leading to official favouritism and the selection of subservient candidates. Towards the end of his speech he was handed a letter from the Muhammadan members, which resulted in his withdrawing the resolution at once.

*Resolution to abolish official vote opposed by the Muhammadans.*—The next instance of dissension occurred on the 4th April 1921. The Deputy President, Babu Surendra Nath Roy, moved a resolution “that in any matter relating to purely transferred subjects the official members other than the ministers be requested not to vote though they may take part in the discussion”. This resolution, which was based on the Montagu-Chelmsford report, was supported by members of the more advanced party, but it was opposed by two of the moderate Hindu members, two Muhammadans and an Anglo-Indian on the ground that the official vote was a protection to minorities. The effect of the proposal was explained by Sir Henry Wheeler, and the Muhammadan opposition showed itself so clearly during the speech of Maulvi Ekramul Haq, who put the matter definitely on a Hindu *versus* Muhammadan basis, that the mover did not dare to press for a division, and the question being put the motion was lost on the volume of the voices against it.

*Introduction of Calcutta Municipal Bill. Split regarding communal electorates for Muhammadans.*—The next occasion when communal feeling manifested itself was on the 22nd November 1921 when the introduction of the Calcutta Municipal Bill was opposed by a Muhammadan member. Twenty Muhammadans and the Charmakar (cobbler) member went into the “No” lobby, being dissatisfied with the Minister’s policy of not adopting communal electorates for the Corporation. On the succeeding motion for circulation of the Bill, which was moved a week later, there was no division as the Minister had indicated that further opportunity would be afforded for considering the subject of communal representation, but the Muhammadans made it quite clear in the debate that they considered that the Hindu members of the Corporation had not treated Muhammadan interests with proper consideration and voiced the opinion “that it was a pity that in the first year of Reforms the Muhammadans had been compelled to feel what Swaraj would be.” Again when on the 3rd July 1922 the Bill was referred to Select Committee, the Muhammadans did not press matters to a division but accused the Ministers of packing the committee with members opposed to communal electorates. The Minister added one more Muhammadan member.

*The system of competitive examinations again causes communal dissension.*—During the next month the tension became more acute. On the 25th August 1923 Maulvi Fazlul Haq moved a resolution for the creation of a staff selection board, raising in his speech the question of the treatment of Muhammadans in recruitments made to Government service. The Hindus protested saying that the proposal would do away with the competitive system and that communal interests should not be pressed in season and out of season. The Muhammadan members, however (except Dr. Hassan Suhrawardy), supported Maulvi Fazlul Haq in their speeches. Government opposed the resolution. The Muhammadans took the matter to a division. Twenty-six Muhammadans, the cobbler, and a representative of the depressed classes voted "Aye". The Government members, all the other Hindus and two non-official Muhammadans (Khan Bahadur Abdus Salam and Dr. Hassan Surhawardy) voted "No", and the resolution was negatived by a majority of 60 to 28. A good deal of feeling was shown during the debate.

*The first split in the Council over the cow-killing question.*—Four days later cleavage again occurred. On the 29th August Babu Amulyadhone Addy moved a resolution for the appointment of a committee to increase the supply of pure cow's milk in Bengal. The resolution was innocent in form, but Babu Amulyadhone Addy, who is also a Commissioner of the Calcutta Corporation, had already succeeded in getting the Hindu majority in that body to pass a resolution restricting the slaughter of prime cows in Calcutta. This was at once adverted to by Maulvi Madassur Hussain, who said that Mr. Addy's anti-cow-killing activities had created a good deal of mischief, consternation and agitation. In vain Mr. Addy denied any wish to bring in this side of the subject, Government opposed the resolution on the ground that a committee of this kind would give no material assistance. The mover claimed a division and every non-official Hindu present with two non-official Muhammadans voted for the resolution, while the remaining Muhammadan members and the non-official Europeans joined the Government and defeated it.

*Calcutta Municipal Bill. The gulf made wider by the Hindu members in Select Committee.*—This solid non-official Hindu vote on the cow question repeated itself later.

The sittings of the Select Committee on the Calcutta Municipal Bill had meanwhile commenced. As stated by the Muhammadans the committee contained a large Hindu majority. The committee made some slight concessions in regard to the number of seats on the Corporation to be reserved for Muhammadans, but insisted that the Muhammadan Commissioners should be elected by the general electorate. They went further, and, on Mr. Addy's motion, inserted a clause giving the new Corporation (which will have a strong Hindu majority) the right to restrict the slaughter of prime cattle in Calcutta.

*Result of the Select Committee's attitude. Defeat of the Minister on the question of communal electorates for Muhammadans partly averted by a compromise.*—This last move brought Muhammadan apprehensions to a head and when the Calcutta Municipal Bill reached its final stage the feeling was intense. The Muhammadans enlisted the sympathies of the non-official Europeans and the Hindus of the depressed classes on the question of the communal electorates. Their case was that the Hindus were going to put up dummy Muhammadans for election and get them elected by the Hindu vote against the true Muhammadan candidates (the Muhammadans being in the minority in all the wards). They had

a very good lever to work with (as to the intentions of the Hindus) in the new clause relating to cow killing inserted by the Select Committee and in further amendments later tabled by Hindus of the advanced political party which would be used practically to prohibit all forms of cattle killing. The strong attack made by the Hindu party has also frightened some of their own men, who considered that the definite cleavage, which would be created by their forcing their will on the Muhammadans in this way, would turn the latter definitely against any idea of self-government. Some of these Hindus, therefore, openly announced their intention of voting with the Muhammadans on the question of communal electorates for the Corporation. Government also was not united as the Muhammadan members insisted on a free vote being allowed on the question or on Government as a body standing neutral. An estimate of the combined Muhammadan, non-official European, depressed class Hindu, and cautious Hindu vote worked out at a majority over the advanced Hindu vote, especially if the Government vote was not solid, *and there was a certainty of a defeat of the Minister*. He, therefore, accepted a compromise proposed by a non-official European member to the effect that for nine years there should be a communal electorate and thereafter a general electorate. The Muhammadans accepted this, but made it clear that they were going to raise the question again before nine years were over and apply to change the law. The advanced party among the Hindus were dismayed at the acceptance by the Minister of this arrangement, and in the division in regard to the acceptance of the compromise the dissentients with the exception of one non-official European and two Muhammadans were all Hindus. The result in favour of the compromise was regarded by the Indian members as a signal Muhammadan victory.

*Proposal to insert provisions against cow killing in the Calcutta Municipal Bill defeated.*—A few days later the cow killing question again came up with reference to the sub-clause inserted by the Select Committee in the Calcutta Municipal Bill. Some of the Muhammadans had been petitioning the Government of India to move the Viceroy to disallow the proposed sub-clause. The Local Government, however, on being consulted, said that the matter was not a proper one for interference of this kind and should be fought out locally. The Government of India agreed, and when the amendment to omit the clause came up for discussion in the Council there was a long and bitter debate. The advanced Hindus tried to retreat gracefully and make out that they had no intention of forcing one of the principle tenets of their religion on the Muhammadans. The latter quoted with bitterness the further amendments tabled and rejected the proposal. The division list showed 55 members, *i.e.*, the officials, the European non-officials and the Muhammadans voting for the deletion of the sub-clause (without a single non-official Hindu) and 31 members (all Hindus—non-official) voting for its retention.

*Present position in regard to the cleavage.*—The present state of feeling between the communities is far from cordial, as is shown by the following incident.

On March 20th, 1923, Babu Indu Bhusan Dutta moved a motion for reduction of the demand under '25—General Administration' in order to put forward the position that retrenchment should be made by stopping recruitment for the Indian Civil Service, the places of Indian Civil Service officers being filled by Deputy Magistrates. He was opposed by Babu Nirode Behari Mullick, an elected Hindu member coming from the depressed classes, who said that the backward classes objected to their

interests being left in the hands of the Deputy Collectors who were recruited from "a certain class." Two leading Muhammadan members took up the point. Maulvi Yaquinuddin Ahmed said that for a long time to come European officers would be required to safeguard the interests of the backward classes and of the Muhammadans, and that those communities always wanted a European officer rather than an Indian one. The Hindus raised a cry of 'question,' but the member adhered to his argument and declared that "whenever there is an Indian officer in any place of authority he puts all his relatives in the department and that is resented extremely by the people of the minorities who are not related to the officer." Khan Bahadur Wasimuddin Ahmed (who had moved against the Government in 1921 the motion for the cut of Rs. 23 lakhs) then rose and referred to the attitude of Hindu district officials on the cow-killing question, and he went so far as to say openly that "the people are in a position to say that they would rather be under foreign yoke for centuries than under the thralldom of Deputy Collectors who are quite unfit." He declared that it was the Indian Civil Service officers who held the balance between Hindus and Muhammadans. Both these members spoke with vehemence and had the clear support of the main body of Muhammadan non-official members.

Three Hindu members of the advanced party took up the challenge saying that Indianisation was the accepted policy now, and one (Dr. Pramathanath Banerjee) said bitterly that "now that some of the Muhammadan members wanted to do away with Indianisation, would it not be better to do away with the Reforms altogether?" In spite of this, Babu Indu Bhusan Dutta's motion was lost, without a division being claimed.

For the moment the Muhammadans generally appear to have come to the conclusion that the Hindu members are working really for the establishment of a Hindu raj, and that they are merely exploiting the Muhammadans in the talk of unity so as to get them into their power when the British are practically eliminated. The Hindus of course deny this and resent this attitude of distrust, but they have chiefly got to blame their enthusiasts for the situation which has been created, and their own solid votes on the subject of cow-killing are at least significant of inability at present to sink their religious sentiments in a combined national movement.

*The Council except for a few members not definitely hostile to Europeans.—The racial question. Attitude of the Council towards Europeans.*—The general feeling in the Council is not definitely hostile to Europeans, though this hostility undoubtedly exists in the case of a small extreme nationalist group, who take a delight (though they have learnt caution to some extent) in making offensive remarks against the Europeans.

*Bitterness on account of differential treatment in hospitals and jails. Question of European education.*—A large number of Indian non-official members (moderates and extremists alike) are bitter against differential treatment between Europeans and Indians in hospitals and jails. In the matter of hospitals the moderate members confine themselves to a desire to refuse State aid to any hospital which does not admit Indians. The more extreme party would reduce the European who enters a hospital or jail to the Indian scale of living. Institutions like the Kalimpong Homes and the Dow Hill School are regarded by them also as receiving an undue measure of support. There is, however, at present a sufficiently friendly feeling among the members to prevent an intensive campaign against these institutions.



*Good feeling towards Europeans shown by the Indian non-official members in the Council.*—On the other hand the Council threw out a proposal by an extremist member to reduce further the European representation on the Corporation of Calcutta, the mover not daring to challenge a division. Indian non-official members also frequently acknowledged in the most friendly terms the work of European officers.

*Objection in the Council to the scale of the salaries of European officers.*—The non-official Indian members, however, resent the payment of the present scale of salaries to European officers, partly because the number and pay of these officers is fixed by outside authority, partly because they say that the country cannot afford to pay such large salaries, and partly because Indian officers on much the same pay are extremely well-off in their own country, and Indians who have never left that country cannot appreciate the difficulties of European officers serving in the tropics and far from their homes.

*Courtesy of Indian members outside the Council Chamber and the private apprehension of some of them as to the future.*—Outside the Council Chamber all (except perhaps three or four of the extreme members) talk with great courtesy and good feeling to their European non-official colleagues and to the European officials. The general idea, running through the speeches of Indian non-official members during the first year of the life of the Council, that the European officer was making a fortune out of the Indian and would rather do anything than forego his alleged profits has been largely dissipated by the number of premature retirements.

*The non-official Europeans hold their own in debate.*—As to the non-official Europeans, when they are attacked they hold their own in debate, in particular Sir Robert Watson Smyth (in 1921-22), Mr. Langford James and Mr. Travers. These gentlemen have indulged on occasions in some plain speaking and are held in respect.

*The real test is still to come.*—In judging the work of the Council as a whole the greatest credit must undoubtedly be given to it and to the Ministers for steadfastness in the matter of the taxation Bills. Bengal led the way in taxing herself at the time when non-co-operation was at the height of its power. Every allowance must also be made for the bitter disappointment caused by the financial stringency and the failure of the first efforts to remove it, and so far as "law and order" is concerned there might have been a stronger leaning towards the Government had the extreme non-co-operation party been present in force in the Council to make matters unpleasant. The real test will come after the next elections when there is in the Council a party avowedly opposed to the maintenance of the British connection. It is not the fault of the Council that they have not a better record to show of medical, educational and sanitary improvements effected. They did all they could in this direction, but the Meston award gave them no chance. On the whole their record has been one of steady progress and in the case of an increasing number of members of an honest endeavour to understand the difficulties of Government and to co-operate with them.

✓ *C.—The Constituencies and the Public.*—

- (i) The ascertained percentage of enfranchised persons to the total population, and the percentage of votes recorded in general or bye-elections to the total number of votes on the register.

98 per cent. of the persons enfranchised are electors in the Muhammadan and non-Muhammadan general constituencies which return 85 members. The information which is here given relates to those constituencies and does not relate to the special constituencies which return 28 members.

The number of enfranchised persons at the general election was 1,006,216 out of a population of 44,618,000 or 2.2 per cent.

In the contested elections the percentage of voters exercising the franchise was 29.3.

The following table shows in respect of the non-Muhammadan and Muhammadan general constituencies, urban and rural, the percentage of enfranchised persons to the total population and the percentage of votes recorded to the number of electors on the register in contested elections at the general election :—

Constituencies.	Percentage enfranchised.	Percentage of votes recorded to electors.
Non-Muhammadan Urban .. .. .	5.0	41.8
Non-Muhammadan Rural .. . . .	2.4	33.8
Total non-Muhammadan .. .. .	2.6	34.5
Muhammadan Urban .. .. .	3.0	16.3
Muhammadan Rural .. .. .	1.9	22.4
Total Muhammadan .. .. .	1.9	22.2

In three <sup>five</sup> contested bye-elections for which figures are available the percentages of electors who voted were 13, 8, 17, 3 and 6.6.

The facts of the non-co-operation movement on the electors are thus summarised in a report prepared at the time :

“it would be incorrect to ascribe the relatively low percentage of Muhammadan electorates that exercised the franchise entirely to non-co-operation, for as a whole the Muhammadan community is less educated and less politically active than the non-Muhammadan. It is probably correct to say, however, that the non-co-operation movement exercised an appreciable influence in restricting the size of the polls in the general constituencies and that this was more marked in the Muhammadan than in the non-Muhammadan electorates.”

(ii) The interest evinced by the constituencies and the public in the work of the Councils.

The constituencies and the public outside Calcutta have not evinced much general interest in the work of the Councils. The result of enquiries made from District officers at the end of 1921 was to the effect that the constituencies, had not then begun to realise that they had any voice in controlling policy. More recently the public have had occasion to consider a measure which will have almost universal effect in rural Bengal, viz., the Bill to amend the Bengal Tenancy Act drafted by a Committee appointed in response to a resolution of the Council.

The discussion of this Bill outside the Council has stimulated public interest in the Legislative Council, but it is Government rather than the Council that is credited with the power of final decision. In marked contrast to this interest is the general public apathy to the proceedings of the Legislative Assembly relative to the enhanced salt tax. This measure though attracting a great deal of notice in the press appears to have had very little effect on the constituencies.

- (iii) The extent to which the formation of political groups or parties in the Council is reproduced in or decided from the constituencies.

At the present moment the most definite political party in the Council is the Muhammadan group whose policy is communal representation on local authorities, reservation of appointments for Muhammadans, and resistance to Hindu interference with cow-killing. The views of this party are derived from and truly represent the feelings of the constituencies, and no Muhammadan who does not share these views could get any following. Apart from this instance, it can hardly be said that political groups derive their ideas from the constituencies. The desires for Indianisation of services and the expansion of the work of the transferred departments at the expense of that of the reserved, and the reluctance to take vigorous action against political offenders though existing in the constituencies, cannot by any means be said to be the policy of the rural constituencies, where the British official and an efficient police force are appreciated, and agrarian unrest fomented by agitators is recognised as an evil. At the beginning of 1922 when there was occasion for supporting Government in maintaining law and order, the landlord members in the Council were much less outspoken in their demand for the maintenance of order than their fellow landlords in the District.

- (iv) Electoral organisation in the constituencies, political programmes, parties and party funds and machinery, and  
 (v) the influence of the press on politics and political opinion and the promotion of organs of the press supporting the views of particular groups or parties in the Councils.

At the time of the general election there was no political organisation in rural Bengal except the District Congress and Khilafat Committees, and their influence was in the nature of the case purely negative. The only other electoral machinery at hand was the rent-controlling establishment of the landlords which exercise great influence on purely personal lines. Political programmes were non-existent, and there were no party funds outside the Congress and Khilafat Committees. The activities of the press were chiefly concentrated on opposition to Government and the reforms.

Subsequently in 1922 the Citizens Protection League was formed in Calcutta as a result of the apprehensions of the well-to-do classes. This League commands considerable funds, but has not yet succeeded in exercising much influence in the constituencies and has not always been fortunate in the choice of its Agents.

In Bengal the press exercises a commanding political influence among the literate classes, and through the practice of reading newspapers aloud in villages, a substantial influence among the illiterate. No paper, however, can be made to pay without a steady outturn of

racial biteerness and of abuse of Government. Consequently those papers which support the Reforms have a very limited effect. In recent months with the decline of interest in the Khilafat question the Muhammadan press had for its principal motive the promotion of communal representation and of a communal policy in the filling of Government posts, which is the policy of the Muhammadan group in the Council. The Ministers have been mercilessly attacked for their failure to remove all the ills of rural Bengal, and the only policy which receives any considerable measure of support is that of opposition to Government.

*D.—Political agitation and parties outside the Reform Scheme.*

The attitude and activities of the Congress and Khilafat parties outside the Council in 1921 and 1922 are well known and need not be described. The views of these parties were represented in the Council by a group of 25 to 30 members almost entirely composed of Hindus. This group omitted no opportunity to attack the measures of Government for the maintenance of law and order, the imprisonment of political offenders and the use of the Criminal Law Amendment Act. Such opposition was expected from these members and gave no cause for surprise, but a more serious feature was the lack of political courage on the part of the landlord members who were known to be in favour of the measures of Government. It, was the timidity of those members which brought about the contradictory result in the cold weather of 1921-22 that the Council after voting the funds required for the maintenance of order proceeded to censure the Government for the measures taken for that purpose. Their attitude may be ascribed to a fear of vocal public opinion which was entirely controlled by the Congress and Khilafat organisations and to that extent these organisations exercised an influence over the Council. At the end of the year 1922 it had become clear that non-co-operation as a militant political attitude was dead, and the majority vote at Gaya in December did not alter this fact. The manouvres by which the Council-entry party have secured the approval of their policy by the All-India Congress Committee at Bombay are recent history, and the important questions of the near future are what proportion of the seats will be secured by C. R. Das' followers in the next Council, and what will be their attitude when they get there. Though the extreme non-co-operators, whose views are expounded in Bengal by the 'Servant' are still making a great show of opposition, the fact that the 'Amrita Bazar Patrika' and the 'Bengalee' are now giving substantial support to C. R. Das indicates a wide-spread belief in his prospects of success at the polls. The reluctance of C. R. Das' party to abjure the word "non-co-operation" is due no doubt to the importance which they attribute to the local Congress organisation. It is probable that the politicians have underestimated the strength of the landlords' influence which is less noisy than their own, but it is to be expected that there will be a substantial representation of the Congress party in the next Council. This position has to some extent altered the attitude of individual members of the present Council. Their fort is now attacked and it is no longer a fight between the bureaucracy and organisations outside the Council which they can afford to watch without much interest; they must either acknowledge the leadership of C. R. Das or fight for their seats and their influence in Council. The Das' party have abjured Government

appointments and it might be thought that the ministerial party could come to terms with them ; but not much faith is placed in this abjuration and the ministerial party are prepared to fight. This will mark the first real advance to party government and although this new party will at the beginning make administration difficult, yet, judging by experience with the present Council it is not unreasonable to hope that its attitude will improve after its first outburst.

During the past year non-co-operators have been elected to seats on Municipalities and District Boards in considerable numbers. They have not at present shown any signs of a desire to wreck these institutions, and the situation in this respect has not given cause for alarm.

### United Provinces.

Letter no. 1002-C.N., dated 22nd August 1923.

From—The Chief Secretary to the Government of the United Provinces,

To—The Secretary to the Government of India, Home Department.

I am desired to enclose a report on the working of the reformed constitution in reply to letter no. D-917 of the 23rd April. I am to say that the views expressed are those of the Governor in Council and the Ministers. As however the Minister for Education has not yet furnished his comments on the report, his remarks will, if necessary, be forwarded later.

### REPORT.

#### A.—The Executive Government.

*Paragraph 3. A (i).*—There has never been any "allocation" of funds as between reserved and transferred subjects, in the technical sense in which the term is used in Devolution Rule 31 ; nor has there been any request on the part of Ministers that such allocation should be made. The first reformed budget preceded the financial stringency, which has since been increasingly acute. But alike in the opening days of comparative prosperity and in the lean period which rapidly succeeded them, the budgets laid before the Legislative Council have been settled by agreement at meetings of the whole Government. From the birth of the new constitution, so far as financial considerations permitted, transferred subjects have never been stinted for money. If anything, the demands of the transferred subjects have been met with too great liberality. In 1921-22, for instance, the net grants for transferred subjects exceeded the actual expenditure by 3.2 per cent. ; or reserved subjects the similar figure was 2.4 per cent. The results of the budget of 1923-24 are also striking. Economies to a total sum of 108 lakhs were effected. Out of this total a sum of 37.5 lakhs was contributed by the transferred subjects, whilst a sum of 70.7 lakhs was reduced in the reserved subjects. On the other hand there were additional charges of 98 lakhs. Of this a total of some 58 lakhs was in the transferred budgets and some 40 lakhs in the reserved budgets. It is incontestable that transferred subjects—

- (a) have received as much money as they required—subject of course to the restriction imposed on expenditure by financial stringency, and
- (b) have been subjected to the process of retrenchment in a much smaller degree than the reserved subjects.

It is also the case that in 1921-22, when there were (or seemed to be) ample resources at Government's disposal, the transferred subjects received more money than they could really spend.

*Paragraph 3. A (ii).*—Three lists are enclosed (Appendix I) showing the organisation of the Secretariat prior to the Reforms, the reorganisation which was temporarily sanctioned in 1921, and the rearrangement brought into force after two years of experience from the 1st April, 1923. Financial pressure is largely responsible for the last stage, and until the Governor in Council has more experience of it, he cannot say if the retrenchments and reductions effected will stand the test of actual working.

The proposal to make Heads of departments *ex-officio* Deputy Secretaries has been tried only in the Education Department, where the Director of Public Instruction has recently been gazetted as *ex-officio* Deputy Secretary.

It must be remembered that the executive functions of the Board of Revenue have been transferred to the Government. This change coincides with the latest reorganisation of the Secretariat and to a large extent accounts for the fifth Secretary.

Under Devolution Rule 36 a Joint Secretary in the Finance Department may be appointed if the Ministers so desire. In January, 1921, the Ministers were duly asked if they wished such an appointment to be made and they replied in the negative. In January, 1922, in connection with the proposed reorganisation of the Secretariat, a proposal was made to increase the staff of the Finance Department. On this occasion one of the Ministers suggested that the proposed increase of staff might be effected by appointing a Joint Secretary under this Devolution Rule. When it was pointed out to him that such an appointment might lead to difficulty and friction, he withdrew his suggestion. Otherwise no desire has been expressed to create this particular post in any shape or form; which (so far as it goes) may indicate that Ministers were satisfied with the Finance department's

*Paragraph 3. A (iii).*—Experience in the United Provinces has not shown that Council Secretaries are of any value and has substantiated the criticisms of those who urged that they were an excrescence on the scheme: a survival in fact from an earlier stage of the discussions when the appointment of Ministers was not contemplated.

The arguments of those who urged that the plan of creating permanent committees of the Legislature to advise on the working of special departments was not in accordance with English parliamentary practice, and was likely to interfere with the right relations of the executive and Legislative have found some support in subsequent experience in this province. Ministers themselves preferred the system of advisory boards composed partly of experts, official and non-official, and partly of members of the Legislative Council. Their advantages are that they represent practical knowledge rather than political feeling. There exist several such boards, dealing with public health, education, industries, agriculture, communications, industrial loans and cattle breeding. The Governor in Council views with some concern the tendency to multiply committees; but he recognises that their existence does something to satisfy a demand and to spread information.

There are, however four standing committees of the Legislative Council. Two, the Finance Committee and the Public Accounts Committee, are essential. The Publicity Committee was created in place of a previous informal board as a means of reconciling the Legislature to the continuance of some organisation for publicity purposes. The fourth committee has recently been created in response to a resolution in Council to advise the Minister on matters of local self-government and public health and medical questions.

It is noteworthy that the constitution of the Finance Committee is almost our only departure from English financial practice. The English Estimates Committee can only consider proposals for expenditure after they have been passed by Parliament, with the result that their views can only be taken as a guide for the framing of future estimates. The Governor in Council believes that attempts have been made in England to constitute committees with functions similar to those of our Finance Committee, but these attempts have always failed because it was felt to be impossible to prevent such a Committee from interfering in matters of policy. Our experience justifies those fears; and unless action is taken to curb its powers and restrain its eccentricities, it may be expected that both sides of the Government will regret its existence.

*Public Accounts Committee.*—The functions of this Committee are laid down in the United Provinces Legislative Council Rules 33 and 34. The first meeting was held in July 1921, when certain audit irregularities relating to a period antecedent to the Reforms were laid before them for consideration. Subsequently the Auditor General ruled that the Committee were only concerned with matters that had occurred since the Reforms came into existence. The principal function of the Committee is to deal with audit and appropriation reports, which are invariably presented a full year after the period to which they relate. The reports for the year 1921-22 have only recently reached Government: and as a consequence partly of this fact and partly of the Auditor General's ruling the second meeting of the Public Accounts Committee was not held till February 1923. The Council therefore have not yet fully realised the importance of the duties of this Committee. The Auditor General and Accountant General were present at both their meetings and their guidance kept the Committee from going astray. Care is also taken to present all cases of irregularity to the Committee in a quite impersonal way. No names of officers at fault, or in any way concerned with the case under discussion, are ever given. The result of this is to reduce the chance of inconvenient side issues being raised. It is however too soon yet to say how the Committee will ultimately develop, though the beginning so far made is promising. Here again Government have under consideration the framing of the rules of procedure for this Committee.

Of the Committee on Public Health, etc., little need be said. It enables the Minister to explain to the Committee what he would otherwise have to explain in Council; and it helps to relieve the Minister of responsibility for decisions. These consequences are not wholly good.

The conclusions of the Governor in Council on the standing committee system generally are that it ought to be absolutely confined to the subjects of finance and public accounts. There are clear indications that its extension into the administrative departments will mean collision with members and Ministers and result in the duality and confusion which attends the working of a similar system in France.

Special committees are a different matter. These have been appointed from time to time either in response to a resolution in Council or in deference to public demand otherwise expressed to investigate particular subjects ; but though members of the Legislature have been well represented on them, they have usually contained a due proportion of members chosen for their knowledge of the subjects. Their reports are made not to the Council but to Government. They have investigated many questions of importance and often though not always with results of great value. The Government takes such action on their reports that it sees fit, realising that any action not in accord with the views of the legislative members of the committee may be challenged in Council. It may be added that some of the most important committees (settlement, executive and judicial functions, Commissioners of divisions, and economy generally) are concerned with questions which this Government cannot entirely decide without reference to higher authority. But, generally speaking, the Governor in Council looks on such inquiries by special committees as a natural and legitimate development of Reforms and has no doubt that the results of such inquiries will afford much valuable information and advice to Government and in no small measure affect its policy.

*Paragraph 3. A (iv). A.—Local self-government.*—The late Minister's policy amounted to avoiding official interference with local bodies as far as possible. He rejected proposals made by Commissioners for the supersession of two large municipalities which it is probable, though not certain, that a pre-Reform Government might have accepted. He inclined to sympathise with local bodies when they came in conflict with officialdom over questions of audit or public health. He wavered between a desire to see local bodies competently run and a reluctance to apply pressure to them. It is likely that a stronger attitude on his part would have stimulated the growth of extremism in the towns.

As regards municipal taxation the Minister was on principle in favour of direct rather than indirect methods as pressing less heavily on the poor. But he doubted the practical value of terminal taxation as a substitute for octroi ; and his preference for direct taxation was towards the end weakening under the pressure of the popular demand for octroi. In fact though not actually in name his administration witnessed the reversal of the official condemnation of octroi as a system of municipal taxation. But things were already tending that way before the Reforms : and the Governor in Council does not doubt that the matter is one in which Indian preferences must prevail.

The late Minister also accepted a Bill put forward by one of his supporters for reducing the municipal franchise. Of its effects it is too soon to speak.

The recent municipal elections have resulted in nine boards being composed almost entirely of extremists ; while in eight boards extremists share half the seats and elsewhere they are in a minority. They succeeded better in large than in small towns in some districts and their success made a temporary impression which led some district officers to expect startling developments. So far these have not occurred. The extremist boards seem generally endeavouring to show that they can do better than their predecessors.

District boards were mainly in a state of suspended animation awaiting the new dispensation and the financial relief vainly anticipated from it. The District Boards Bill was introduced in the autumn session



of 1921, the Select Committee met in spring of 1922 and the Act was passed in the following November. The measure completely de-officialised the boards. Official control was minimised, except that Government was empowered to prescribe the minimum staff to be maintained by the boards. The franchise was reduced generally to the level of that for the Legislative Council. Muslim ratepayers were given a separate electorate with a fair amount of weighting where their percentage is low. Restricted powers of taxation were conferred in the form of a tax on circumstances and property and of an increase in the local rate. The original Bill gave boards sources of income sufficient for all reasonable needs for ten years, but the majority in Council cut down the taxation proposals so drastically as to render their benefits of small effect.

The future outlook of district boards is not promising. The members are scattered, the area enormous, supervision will be difficult, and the force of public opinion which has hitherto not been effective even in municipalities is likely to be negligible. It is difficult to see where the driving force is to come from.

Recent board elections were held on the existing provincial electoral roll ; and political considerations affected them but little. The district board remains the landlords' natural field, but he shows small disposition to cultivate it in the same way as the professional man has made the municipalities his own.

*Paragraph 4. B (i).*—A summary of Government legislation passed by the Council is given in Appendix II. Acts II, III and IV of 1921, and Act X of 1922 were of great importance ; none of these passed easily. In the Select Committee on the Intermediate Education Bill many dissents were recorded ; and the measure passed only when the Government exerted itself to rally the landlords. The Oudh Rent (Amendment) Bill was a most contentious measure. It had long been known to Government that Oudh tenants needed protection ; and agrarian discontent had reached a pitch which made it necessary to take up their case. The Bill sought to give all tenants with certain exceptions a life interest in their holdings with five years reversion to the heir, and to determine rents with reference to rates revised every ten years. Progressive members, mainly representing urban interests, pressed unsuccessfully for the grant of hereditary rights. The landlords were opposed to the Bill ; but eventually were induced to agree to grant the tenants a life interest, partly by the prospect of continued agrarian agitation, and partly by certain concessions made to them in the Bill itself, particularly in respect of *śr*, a point which they carried in Council in spite of the opposition of Government. As a result of constant negotiation between Government and the landlords, many landlord amendments, which would have defeated the purpose of the Bill, were withdrawn ; but there is no doubt that the Bill would have been lost but for the late Governor's great influence with the Oudh taluqdars which was ably and resolutely exercised. Whether the measure has settled the agrarian difficulties in Oudh, only the future will show ; but there is reason for hoping that it will bring great and lasting benefit to many long-suffering tenants.

Act X of 1922 also had a troubled passage. The landlords took strong objection to the taxation clauses, and the apportionment of Muhammmadan representation on the boards also gave difficulties. The Governor himself held a conference with leading members of the Legis-

lature and secured assurances which eventually led to the passage of the Bill ; but the taxation provisions had to be severely restricted.

With these exceptions and the further criticism of the taxation measures noticed below, the attitude of Council to Government Bills may be described as favourable. Criticism has mainly been concerned with detail. The Council has shown disinclination to accept as final recommendations of its own Select Committees, and many amendments have been moved after presentation of a Select Committee's report.

In marked contrast to its readiness to pass resolutions, the acceptance of which would entail heavy expenditure without any suggestion how the money is to be provided, the Council have been disinclined to pass measures of taxation. In 1921-22 the Government's attempt to derive more money from court-fees was defeated at the first reading. The Bill had been introduced for the purpose of increasing revenue, but was probably justified on the ground that the existing rates were of old standing and no longer bore any relation to the wealth of the people or the purchasing power of money. But the financial situation was not at the time sufficiently serious to overcome the fear that any measure of additional taxation would be unpopular and might cost its supporters their seats. The Governor in Council does not think it surprising that on the first occasion on which the new Council was asked to face such responsibility it declined to do so. In 1922-23 the financial situation was so serious as to leave the Government no option but to reintroduce the Court Fees (Amendment) Act, and also the Stamp (Amendment) Act, and the Motor Vehicles Taxation Act. The attitude of the Council towards these measures was hostile but not unreasoned. It allowed all three Bills to go to Select Committee, though with much opposition in the case of the Court Fees Bill. In committee the Bills were freely altered so as to reduce the yield of the additional taxation, and on the second reading they were vigorously attacked. But chiefly as a result of certain concessions offered by the Government they were finally accepted, and passed for one year.

On the whole the Governor in Council does not think that the Legislative Council responded badly to the call to them to shoulder responsibility. It is true that the new burdens were moderate, that large concessions had to be made, and that the additional revenue was granted in the first instance for one year only. But the fact remains that a Legislature unaccustomed to such a decision and within nine months of dissolution agreed to place moderate additional burdens upon the taxpayer in order to maintain the provincial finances on a sound basis.

In no case did the Governor find it necessary to certify a Bill under section 72E. Sir Harcourt Butler returned one Bill, the Oudh Rent (Amendment) Bill, for consideration of two amendments under section 81A before he gave his assent. The Agra Pre-emption Bill was reserved for consideration by the Governor General under section 81A, because the measure affected the religion of a class of British subjects. There has been no instance of resort to extraordinary legislative powers.

*Paragraph 4..B (iv).*—Private legislation has been rare and unimportant. The Agra Pre-emption Bill though introduced by a private member was to all intents a Government measure, being identical with the Bill which had been introduced by Government in the old Council and then failed to pass for want of time. Another private Bill, the United Provinces Municipal (Amendment) Bill, which aimed at altering

the electoral qualifications was also supported by Government. A third private Bill aimed at postponing the municipal elections. Government opposed it because the elections were already proceeding and the Council rejected the Bill. One other private measure of some importance has been introduced, the Agra Tenancy (Amendment) Bill, intended to set aside a ruling of the Board of Revenue in respect of certain seven years' leases. The Select Committee has not yet reported on the Bill. Its promoter is now a Minister and Government's attitude to the Measure has not yet been decided.

*Paragraph 4 B (iii).—Financial business.*—The attitude of the Council towards expenditure differs largely from that which obtains in the House of Commons. The tradition of permanent opposition inherited from pre-Reform Councils results in substantive attacks on expenditure, and not merely in the moving of insignificant reductions which could not of themselves cripple the activities of the spending department concerned. For a variety of reasons, these substantive attacks have rarely proved effective.

The Council has exerted itself to enforce and extend its financial powers. Non-voted expenditure is deeply disliked and non-voted salaries are attacked through the connected voted items. For example, the non-voted officer's clerks, travelling allowance or contingencies are challenged.

The Council's financial interest in land revenue and irrigation rates has led to an undertaking to embody the more important processes of revenue settlement in statute law and to the appointment of a committee to consider the best means of bringing changes in irrigation rates within the purview of the Council.

The form of the budget has been to some extent rearranged to make it easier to understand.

Proposals for reductions have often been met by compromise ; sometimes from expediency and sometimes because Government have themselves been convinced by the arguments advanced. Reductions moved by the Council and accepted in whole or part by Government have reached a substantial sum. The figures are as follows :—

Year.	Total amount.		Reductions. voted.
	Rs.	Rs.	
1921-22 .. ..	10,26,32,579	2,77,792	
1922-23 .. ..	15,82,91,400	1,42,000	
1923-24 .. ..	10,61,37,466	4,73,644	

These figures do not include reductions proposed by Government themselves—which occasionally occur as a result of facts ascertained between the time that the budget was first passed and the time it was first presented—and reduction by Councils in spite of Government's opposition.

*Restoration of rejected demands.*—Items have been restored twice only. The first was in 1921-22 in respect of a sum of Rs. 33,200 under Forest salaries. The facts were insufficiently explained to the Council, and it was imperative to restore the item to avoid a breach of contract with certain officers temporarily employed. When fully informed of the facts the Council raised no opposition. The second occasion was in 1923-24, when the Council threw out a scheme for reorganising the Criminal Investigation department. This scheme had originally been placed before Council and rejected by them on the ground that it had not been

considered by the Finance Committee. It was then laid before the Finance Committee, and a second time placed before the Council on a supplementary vote. The scheme in the meantime had been modified and it was found possible to carry it out without any substantive addition to the Police budget. In spite of that fact it was again rejected. The sum involved a token figure of Rs. 10, which latter the Governor restored.

*Measures of retrenchment.*—As early as August 1921 officers were placed on special duty to examine methods of retrenchment. They worked steadily from that time up to the end of the year 1922. During the budget debate in 1922 the Council drew attention to the question of retrenchment and asked that a committee be appointed to examine it. It was however satisfied with the promise that all measures of retrenchment should be laid before the Finance Committee, as they were ready for discussion. A certain number of the retrenchment officers' proposals were so laid, but for the most part little or nothing was done by the Finance Committee in this matter—except to postpone consideration of successive proposals to a future meeting. Delay had been caused by the examination of the retrenchment officers' proposals in the departments; but it was found possible to give effect to many of them in the estimates of 1923-24. In those estimates, as originally put forward, the total sum of economies thus effected was Rs. 38,95,000. In addition a sum of Rs. 11,25,000 had been incorporated in the estimates of 1922-23. During the course of the budget itself, however, further economies were effected to the extent of some 9 lakhs. A second resolution asking for the appointment of a retrenchment committee was moved in the cold weather of 1922-23, and on this occasion the resolution was accepted by Government. An Economy Committee was accordingly appointed and has recently begun its sessions. Government however are still going on with their own investigation of possible economies and there are several schemes at present under consideration; though some of these, notably the report of the committees on the reorganisation of the Public Works department, and the abolition or reduction of Commissioners will, if accepted, require the sanction of the Secretary of State.

*Proposals emanating from the Council involving increased expenditure.*—Appendix III contains a list of resolutions involving increased expenditure which were moved during the first two years of the Council, together with the cost involved where this is known.

*Paragraph 4. B (iv) (a).—Resolutions.*—A statement is attached (Appendix IV) showing the extent to which resolutions adopted by Council or withdrawn in consequence of assurances from Government have been acted upon by Government. This relates to Sir Harcourt Butler's period of office. It will be seen that in a multitude of smaller matters and in a number of larger matters as well the Government has given effect to the Council's wishes. Among the latter may be mentioned the method of recruitment of deputy collectors, the hearing of income-tax appeals, forest administration in Kumaun, religious instruction in schools, the abolition of the Board of Revenue, the annual move to the hills, the civil courts vacation, the settlement policy, the treatment of political offenders, and the establishment of advisory committees on excise.

Instances of resolutions adopted during the present year on which Government has taken action are those (1) proposing to accept an offer from the contractors which will expedite the construction of the new council chamber, (2) proposing a committee to revise the electoral regulations, (3) proposing the enfranchisement of women, (4) proposing to bring the control of irrigation rates within the purview of the Council. A resolution proposing the constitution of a university at Agra was carried in

spite of the Minister's opposition, and his announcement that he did not propose to act upon it was acquiesced in by the Council.

The Government will probably decline to give effect to a resolution demanding the immediate listing of two more posts as Collector; and they adhere to their refusal to lay reasons before the Council in any case in which they do not within three months give effect to a Council resolution.

The resolutions withdrawn in consequence of Government's assurances do not call for particular notice.

The Council showed its sense by rejecting some resolutions of an impractical nature, as for example, those recommending a committee to check non-cooperation, smoking in jails, competitive examinations for the subordinate police, and the entry of groves and trees in village records.

The Governor's power of disallowing resolutions has not been kept in abeyance. Sir Harcourt Butler disallowed one resolution (which escaped the President) on the ground that the issue was *sub. judice*. On the ground that they could not be moved without detriment to the public interest, he disallowed two resolutions dealing with political agitation, and one which amounted to a complaint against an individual officer. On the ground that they related to matters not primarily the concern of the Local Government, various resolutions have been disallowed, relating among other things to the constitution, the all-India services, and the Premier's speech.

*Paragraph 4. B (iv) (b) Questions.*—Questions have been too numerous to admit of complete analysis. Very many seem legitimate requests for information on the greatest possible variety of subjects, but often made without due regard to sources of information already available. Many questions are asked in order to obtain material for further attack. It is noticeable in a budget debate how often arguments will be based on answers given to questions during the year. But much of the ammunition collected is never used and seems to serve no useful purpose. Those who put questions seem to pay scant regard to the amount of time and labour involved in answering them. The Government refused, for example, to furnish a statement showing the number of civil cases during the past five years throughout the province, in which the decretal amount was more than double the principal. But when a statement was asked for giving the names of the students who have passed out of the Agricultural College at Cawnpore during the past six years, together with their qualifications, present employment and salary, the Government allowed the information to be painfully collected. They complied with another request for a statement showing all new posts created in 1919-22, carrying a salary of Rs. 400 and over, with names and nationality of incumbents. The statement covers fifteen pages of the Council proceedings and is probably of no permanent value.

The object of other questions is to make suggestions to Government—“Will Government be pleased to consider the desirability” of this or that? Examples are the suggested exemption from the Arms Act of zamindars paying Rs. 3,000 revenue, the combination of the posts of chief reader and stenographer in Collectors' offices, the constitution of cattle insurance societies and a fixed price for reports of Council proceedings. If such suggestions are not accepted the question is frequently followed up by a resolution. The President has from time to time disallowed resolutions of no great public interest on the ground that the matter should be first ventilated by question.

Many questions draw attention to grievances, of general or local interest, real or imaginary ; and often these are put in the interests of some particular community or class. A general grievance which formed the subject of many questions at the earlier meetings of Council concerned the supply of *rasad*, and these led to the appointment of the Rasad Committee. But the majority have been concerned with individual or local grievances.

Questions of another type are meant to call attention to scandals, real or imaginary, or misconduct by officials. As typical of these may be cited questions suggesting allegations of bribery against the Inspector of Boilers ; a question suggesting that the death of a man who fell down a well during a gambling raid at Fatehpur was really due to the police ; the questions about the death of a political prisoner in the Lucknow Jail ; questions suggesting that the district officers of the submontane districts spend too much of their time camping in the shooting areas, and a question implying that the sub-inspector of Malihabad had compelled people to repudiate their signatures on a memorial against an honorary magistrate.

Other questions are undoubtedly prompted by discontented officials—sometimes in the service interests of a class, but occasionally as a means of advertising their own merits or covertly attacking their superiors. The Government have let it be known that the supply of departmental information to M. L. C.'s for such a purpose is a breach of discipline.

Possibly the most important class of questions aim, by a process of reiteration, at inducing the Government to translate into action some proposal which is already before it, or to do something which the Council or some section of it has very much at heart. Questions of the former variety usually are mere requests for information as to what is being done, but they gain force by frequent repetition. An example is a long series of questions about the separation of executive and judicial functions. Of the other variety the most conspicuous example is the very numerous group of questions about political prisoners at various stages. First there were many questions about the action taken after scrutiny of the cases under the Criminal Law Amendment Act in 1922 ; then the release of the Allahabad 55 prisoners was agitated by the same means. Later there was considerable agitation for better treatment of political prisoners and for the concession of special treatment to individuals who were not getting it. More recently, since the release of "political" prisoners, there have been questions pressing for the release of the "non-politicals" generally or for special clemency for individuals. Agitation by means of questions (followed up in this case by resolutions) has also been carried on by certain members for an educational test for honorary magistrates. Such matters as the "hill exodus," which the majority of members would like to see abolished, have been freely ventilated by questions. The full value of supplementary questions does not seem to have yet been realised, though more use is made of them than (it is believed) is the case in the Legislative Assembly.

*Paragraph 4. B (v)—Miscellaneous—(a) Expert members.*—Four times experts have been nominated to the Council for the purpose of special legislation, on the occasions of the Oudh Rent (Amendment) Bill (Mr. Hailey), the Aerial Ropeways Bill (Mr. J. A. Bell), the District Boards Bill (Mr. Pim), and the Excise (Amendment) Bill (Mr. Gibb). Their utility was greatest in Select Committee, though Mr. Hailey took an active part in the discussion in Council. The debates on ropeways and excise, after presentation of the reports of the Select Committees, were brief and

there was little need for the assistance of the experts at this stage. On no occasion did the Government derive any benefit from the vote of the expert members.

(b) *Motions for adjournment.*—Five motions have been made. The first proposed to discuss the application of the Criminal Law Amendment Act. The Prince of Wales was coming to the Council the next day, and the Governor disallowed the motion in the public interests. The second proposed to discuss Mr. Montagu's resignation. The President ruled it out as no resolution could be moved on the subject. A third attempted to discuss the Government's refusal to withdraw the Criminal Law Amendment Act and failed for want of a quorum. Several members voluntarily absented themselves, because they regarded the motion as equivalent to a vote of censure on the Governor. The President disallowed a fourth, moved the very following day, which attempted to criticise official members' absence on the previous day; and also a little later, a fifth which desired to discuss the Secretary of State's rejection of the Legislative Assembly's resolution about extending Reforms.

It seems that the Legislative Council has not yet appreciated the effective use of such motions.

(c) *Standing Orders.*—The only amendment of real importance which has been made reduces from one year to six months the period within which a resolution cannot be moved after a similar one has been discussed. This amendment was carried against Government. A relevant fact was that a resolution about political prisoners had just been ruled out under the old rule. The only other amendments reduce from 25 to 20 the number of members necessary for giving leave to move the adjournment of the Council to discuss a matter of public importance and to move an amendment to Standing Orders. This is ineffective, as 25 are still needed for a quorum. Another gives the right of reply to the mover of an amendment to a clause of a Bill. Another provides that printed answers to the questions should be on the table an hour before the Council meets and the last enables a member, who cannot be present to move a resolution in his name, to nominate a member in writing to move it for him. A modification requiring the consent of the President for this was adopted as a result of an amendment moved by Government.

(d) *Oudh Courts Bill.*—A resolution was moved by Government in favour of this measure, because the Government of India declined to advise the Governor General to sanction its introduction until the Council had had an opportunity of discussing the scheme. The resolution was passed after some opposition.

✓ *Paragraph 5 (a).*—Omitting perforce extremist opinion, the Legislative Council may be said to reflect fairly current public opinion. On the other hand, the Council reacts but little on public opinion. The bond between the member and his constituents is so far of the slightest. The nursing of constituencies with the resultant interaction of opinion as between member and voters is practically unknown, and cannot emerge until political consciousness is more widespread, and the lever conferred by the vote more effectively understood. The immediate *entourage* of the Liberal and Progressive parties reacts to Council opinion, but beyond that little or nothing can be said.

✓ *Paragraph 5 (b).*—Very few members make a practice of addressing their constituencies. In only one instance is a member known to have had some of his more important speeches in Council translated and circulated to his constituents. The Liberals rely chiefly on the press for the dissemination of their views and activities. In the *Leader* they possess an

influential organ well-suited to this purpose. The landholders are only slowly awakening to the value of preparation and organisation.

*Paragraph 5 (c).*—In 1921, parties gradually took shape, but even now the boundary lines are blurred and indistinct ; while in the background communal interest always remain, threatening at times to submerge ordinary party divisions. The parties claiming recognition are the Liberals, the Progressives, the landlords and the progressive landlords. There is no Progressive party outside the Council. This party acts with the Liberals but keeps its freedom in reserve. Muhammadans have generally voted with the landlords. The progressive landlords sprang into existence as the result of dissension over the District Boards Bill. Generally speaking, this group now acts with the Liberals, except where landlord interests are immediately involved. The united landlords possess a clear majority in the council.

*Paragraph 5 (d).*—The Council has had from the beginning the signal advantage of possessing a competent President who has won and retained the complete confidence of all parties. The President made a special study of parliamentary practice and tradition, and his authority has been maintained with out an effort. The foundations of sound traditions and practice, based on English precedent, have been firmly laid. No unfortunate incidents have occurred, and there has been not even a threat of disorderly conduct. On only one occasion was a question of breach of privilege raised, and Sir Ludovic Porter put himself right with the House by a frank explanation and apology. There have been no cases of organised obstruction. The debates have been conducted with decorum and in good spirit.

Questions are seldom disallowed. Indeed, the rules bar but few questions. Government retains its freedom to refuse information. Such refusal is often covered by the orders forbidding the disclosure of correspondence with higher authorities, or by the fact that the information asked for is confidential. It is difficult to draw the line, whilst any restriction on the right of interpellation is apt to be resented. Government has replied to scores of questions which involve an amount of research out of all proportion to the value of the replies. At times questions of this type are so unreasonable that the necessary investigation is refused. Questions prompted by public servants with axes to grind threatened to be frequent. Both the Government of India and the local Government have been compelled to issue departmental warnings on this subject. Other undesirable types of question seek either to advertise the merits of individual officials or to provoke inquisitorial researches into the conduct of officers and subordinates.

The work of committees has been described in the reply to paragraph 3 A (iii). No commissions have been appointed.

In the absence of the President, who is out of India, the Government cannot confidently say that there are marked signs of growth of parliamentary practice and traditions, though some attempt is made to adopt a parliamentary diction.

*Paragraph 5 (e).*—Party divisions, at first non-existent, are still somewhat nebulous. There is no body within the Council on which the Government can consistently rely.

The record of legislation during the last two and a half years is, however, a matter for congratulation. Considerable difficulties were overcome in connection with the Educational and District Boards Bills. But the most signal triumph was the Act which secured a life interest for the Oudh tenantry with the consent of the conservative taluqdars. This is an achievement which was thought impossible a few years ago.



✓ *Paragraph 5 (f).*—The Liberals and Progressives may be said generally to have supported the Ministers, and to have formed the opposition so far as the reserved half of the Government is concerned. The latter have received support from the landholders and the Muslims.

✓ *Paragraph 6. C (i).*—Figures for votes recorded at bye-elections are not immediately available. The ratio of electors (males) to male population was 9 per cent. in the Muslim, 10 per cent. in the non-Muslim, and 18 per cent. in the European electorates. The proportion of voters voting at the last election in the constituencies where contests occurred was about a third.

✓ *Paragraph 6. C (ii).*—The interest shown by the constituencies and public in the work of the Council is faint. The acoustic properties of the Council Chamber are not such as to encourage visitors. The newspapers are the only medium of communication and only English newspapers report council proceedings in any detail. The *Leader* has made a regular practice of giving full reports of the speeches of the leaders of the Liberal and Progressive parties. Other speeches are very briefly reported, if mentioned at all.

✓ *Paragraph 6. C (iii).*—There is no development to note under this head.

✓ *Paragraph 6. C (iv).*—The first elections were held under the influence of the non-co-operation boycott. Members were elected on personal grounds and not on party tickets, or through party organisation. Mr. Chintamani was one of the very few candidates who issued an election manifesto.

The Liberals possess in theory an electoral organisation in their Liberal Leagues, but in most places they have shown little activity. An attempt is now being made to organise the Leagues on a more practical basis, in view of the coming elections, and a party fund has been initiated.

The landholders as a body have hitherto lacked organisation. There is some talk of their organising with a view to the forthcoming elections.

✓ *Paragraph 6. C (v).*—The influence of the press on politics and public opinion must be regarded as considerable in default of other sources of influence. The landholders are awakening to the fact that the absence of a party organ of their own is a handicap to their political prospects. So far, however, the matter has not progressed beyond discussion.

✓ *Paragraph 7. (D).*—As the elections of 1920 were the first under the new system, experience is not available to show how far abstentions from the polls were the result of the Congress boycott campaign. Allowance must be made for the natural apathy of the electorates, particularly in the rural tracts. Party organisations were non-existent and of machinery for bringing voters to the poll there was none. The elections on the whole were regarded as a success.

The boycott saved the Legislative Council from the full effects of the non-co-operation agitation. This agitation could not fail to cause repercussions within the Council itself. These resulted in pressure on Government to deal leniently with persons convicted of political or quasi-political offences. It is too early yet to foretell the results of the *Swaraj* party's activities. The municipal elections have shown that the Congress party organisation in the towns is good and that in the towns, if anywhere, they will win their success. They have had markedly less success in the rural constituencies of the district boards where the landholding interest is likely to hold its own. On the whole the Congress assault on the Legislative Council can be awaited with interest and without alarm.

Finally, it may be claimed that the new system has been given a fair start. It has survived a serious agitation and has already exemplified, to some extent, the steadying effects of increased responsibility.

## APPENDIX I.—(See page 131.)

*Distribution of work in the Secretariat in 1920.*

## POLITICAL BRANCH—

II.—Appointment	..	..	} Chief Secretary.
III.—General Administration	..	..	
IV.—Political	..	..	
VIII.—Police	..	..	
XVII.—Legislative	..	..	} Under Secretary.
XIX.—Vernacular	..	..	

## JUDICIAL BRANCH—

V.—Medical	..	..	} Secretary.
VI.—Judicial (Criminal)	..	..	
VII.—Judicial (Civil)	..	..	
XII.—Miscellaneous	..	..	
XV.—Education	..	..	} Under Secretary.
XVI.—Sanitation	..	..	

## FINANCIAL BRANCH—

IX.—Local Self-Government	..	..	} Secretary.
X.—Financial	..	..	
XI.—Municipal	..	..	

## REVENUE BRANCH—

I.—Revenue	..	..	} Secretary.
Scarcity	..	..	
XIV.—Forests	..	..	
XIII.—Separate Revenue	..	..	
XVIII.—Industries	..	..	} Under Secretary.

*Distribution of work in the Secretariat in 1921-22.*

## CHIEF SECRETARY—

*Chief Secretary.**Deputy Secretary.**Assistant Secretary.*

1. Appointment department	..	..	} With Chief Secretary.
2. Political department	..	..	
3. Vernacular department	..	..	
4. General Administration department*	..	..	} With Deputy Secretary.
5. Police department†	..	..	
6. Departmental Examinations	..	..	
7. Arms Act	..	..	
8. Foreigners	..	..	

\*Except cases affecting the political situation, which are with Chief Secretary.

†Except Criminal Investigation department, Press Act and sedition cases, which are with Chief Secretary.

**FINANCE SECRETARY—***Finance Secretary.**Three Assistant Secretaries.*

1. Audit and Expenditure.
2. Budget and Accounts, and Excise.
3. Debt and Deposit, Opium, Income Tax and Stamps.

**JUDICIAL SECRETARY AND LEGAL REMEMBRANCER—***Judicial Secretary.**Deputy Secretary.**Assistant Secretary.*

1. Legislative department and Legal Remem- With Secretary.  
brancing.
2. Judicial department (including Registration.
3. Jails (including postings of Jail officers) .. } With Deputy Secretary.
4. Cantonment Magistrates (including postings) }

**INDUSTRIES SECRETARY—***Industries Secretary.**Deputy Secretary.**Assistant Secretary.*

1. Forests .. .. . } With Secretary.
2. Industries .. .. . }
3. Agriculture .. .. . }
4. Gardens .. .. . }
5. Civil Veterinary department .. .. . } With Deputy Secre-
6. Co-operative Societies .. .. . } tary.
7. Government Press .. .. . }
8. Stationery .. .. . }

**EDUCATIONAL SECRETARY—***Educational Secretary.**Under Secretary.**Assistant Secretary.*

1. Educational department.
2. Miscellaneous department.
3. Ecclesiastical department.

**REVENUE SECRETARY—***Revenue Secretary.**Under Secretary.**Assistant Secretary.]*

1. Revenue department.
2. Medical department (with Public Health and Sanitation including  
postings of Civil Surgeons and Sanitary officers).
3. Local Self Government department.
4. Municipal department.
5. Nazul department.

*Distribution of work in the Secretariat in 1913.*

Branch.	Subjects.	Superior staff.
1. General ..	Appointment .. .. General .. .. Political .. .. Police ... ..	Chief Secretary, Deputy Secretary.
2. Revenue and Judicial ..	Revenue .. .. Scarcity .. .. Forest .. .. Ecclesiastical .. .. Judicial .. .. Jails .. .. Legislative .. .. Government Press .. ..	Secretary. Deputy Secretary.
3. Education and Industries ..	Education .. .. Industries .. .. Agriculture .. .. Civil Veterinary department .. .. Co-operative Societies .. ..	Secretary. Deputy Secretary. <i>Ex officio</i> Deputy Secretary (Director of Public Instruction).
4. Local Self Government and Public Health.	Local Self-Government .. .. Medical .. .. Public Health .. .. Lunatic Asylums .. .. Registration .. .. Nazul .. ..	Secretary. Under Secretary.
5. Finance .. ..	Finance .. .. Opium .. .. Excise .. .. Income-tax .. .. Customs .. .. Salt .. .. Stamps .. ..	Secretary. Deputy Secretary.
6. Executive .. ..	Secretariat accounts .. .. Library .. .. Record room .. .. Issue Section .. .. General executive duties .. ..	Assistant Secretary.

## APPENDIX II.—(SEE PAGE 135.)

*Government Legislation, 1921—23.*

1921.

- Act I .. *The United Provinces Deputy President's Salary Act* : fixing the salary of the Deputy President at R. 5,000 per annum.
- Act II .. *Intermediate Education Act, 1921* : making the intermediate stage of collegiate education part of high school education. and placing high schools and intermediate colleges under a special Board.
- Act III .. *Allahabad University Act* : reorganising the Allahabad University as a unitary teaching and residential university.
- Act IV .. *Oudh Rent Amendment Act, 1921* : making important changes in the Oudh Rent Act of 1886, with the object of ensuring a reasonable fixity of tenure to the tenant.
- Act V .. *United Provinces Land Revenue (Amendment) Act, 1921* : consequent on the last Act.

1922.

- Act I .. *United Provinces Aerial Ropeways Act* : to facilitate the construction of aerial ropeways as a means of transport.
- Act II .. *United Provinces Land Revenue Patwaris Amendment Act, 1922* : enabling patwari to be transferred.
- Act III .. *Bundelkhand Encumbered Estates (Amendment) Act* : enabling a proprietor's disability to be terminated in certain circumstances.
- Act IV .. *United Provinces District Boards (Amendment) Act, 1922* : postponing elections till the new District Boards Bill had been passed.
- Act V .. *United Provinces Medical (Amendment) Act, 1922* : enabling the University of Lucknow to elect members to the United Provinces Medical Council.
- Act VI .. *United Provinces Municipalities (Tolls Limits Amendment Act, 1922* : providing for the determination of toll limits for municipalities.
- Act VII .. *The Canning College Act* : merging the Canning College in the University of Lucknow and transferring its property and liabilities to the University.
- Act VIII .. *Allahabad University (Amendment) Act, 1922* : purely formal.
- Act X .. *The District Boards Act* reorganising the constitution of District Boards.
- Act XII .. *United Provinces Board of Revenue Act* : depriving the Board of Revenue of its executive functions.

1923.

- Act I .. *The Oudh Rent (Amendment) Act, 1923* : removing certain difficulties resulting from the legislation of 1921.
- Act II .. *United Provinces Excise (Amendment) Act* : giving statutory authority to licensing boards and raising the age limit for sale of liquor.
- Act III .. *United Provinces Court Fees (Amendment) Act, 1923* : a financial measure.
- Act IV .. *United Provinces Land Revenue (Amendment) Act, 1923* : dealing with difficulties created by a decision of the Board of Revenue with regard to the definition of *sir*.
- Act V .. *United Provinces Stamp (Amendment) Act* : a financial measure.
- Act VI .. *United Provinces Motor Vehicles Taxation Act* : a financial measure.

## APPENDIX III.—(SEE PAGE 138).

*List of resolutions involving increased expenditure in calendar years 1921 and 1922.*

Abolition of coolie <i>utar</i> in Kumaun .. ..	Recurring cost 1½ lakhs. Accepted.
Creation of a civil medical service .. ..	Withdrawn.
Establishment of a Chief Court in Oudh ..	Accepted.
Revision of pay of patwaris .. ..	34½ lakhs. Withdrawn.
Provision of benches for the exclusive use of litigants in courts.	Rs. 55,000. Withdrawn.
Establishment of more travelling dispensaries ..	14 lakhs. Accepted after an amendment which deprived it of its force.
Freeing of a railway bridge from passenger toll ..	About 2½ lakhs. Rejected.
Establishment of Ayurvedic and Unani dispensaries	Rs. 60,000. Withdrawn.
Increase in the number of agricultural and industrial schools.	Withdrawn.
Provision of roadways on two railway bridges ..	50 lakhs. Negatived.
Separation of executive and judicial functions ..	8 lakhs. Accepted.
Provision of pensions for copyists .. ..	Withdrawn.
Maintenance of seed stores by Government ..	50 lakhs. Rejected.
Opening of a provincial commercial museum ..	Withdrawn.
Provision of well-boring apparatus .. ..	Adopted after amendment.
Religious instruction in jails .. ..	Talked out.
Improvement of sugar cultivation .. ..	Withdrawn.
Improvement of prospects and grades of sub-assistant surgeons.	Withdrawn.
Introduction of time-scale for subordinate educational service.	Negatived.
Reward of distinguished services .. ..	Negatived.
Allowance for transport conveyance to judicial officers.	Negatived.
Provision of hospitals for women .. ..	Withdrawn.
Improved treatment of political prisoners ..	Withdrawn.
Opening of salt shops by Government .. ..	Withdrawn.
Printing of Council proceedings in the vernaculars	Withdrawn.
Holding of Council meetings in Naini Tal ..	Accepted.
Provincialisation of deputy inspectors of schools and time scale for sub-deputy inspectors.	Former part rejected; latter part accepted.

## APPENDIX IV.—(SEE PAGE 138).

Statement referred to in the answer to starred question No. 1 of the 14th December, 1922, showing the action taken by Government on resolutions adopted by the Legislative Council during 1921 and 1922.

		1921.	
15th February, 1921	..	Exemption of M. L. C.'s from Arms Act.	Proceedings forwarded to the Government of India.
16th February, 1921	..	Reversion to old rates of irrigation ..	Old rates restored in respect of gram.
Ditto	..	Abolition of existing age-limit for Matriculation and S. L. C. examinations.	Age-limit abolished.
Ditto	..	Stoppage of Burma meat trade ..	Municipal and district boards have been asked to make rules to facilitate collection of statistics and question will be considered after one year's experience.
2nd March, 1921	..	Location of Subordinate Judge's Court at Fatehpur.	Government is ready to locate the court at Fatehpur as soon as funds can be provided.
Ditto	..	Provision of more dispensaries ..	Resolution communicated to district boards but expansion prevented by lack of funds.
5th March, 1921	..	Extension of Idj holiday ..	Orders issued.
Ditto	..	Abolition of coolie <i>utiar</i> in Kumaun ..	Abolished.
31st March, 1921	..	Extension of Muhammadan holidays ..	District officers instructed to give extra days to Muhammadan clerks.
1st April, 1921	..	Dates of Council sessions ..	Dates adhered to as far as possible.
Ditto	..	Competitive examination for Deputy Collectors.	System of competitive examination introduced.
5th April, 1921	..	Removal of disability for appointment in Government service of persons who have passed the Intermediate and Matriculation examinations.	Disability removed.
Ditto	..	Revision of certain rules relating to secondary schools.	Director of Public Instruction instructed to take necessary action.
6th April, 1921	..	Protest against increased pay of Indian Medical Services.	Proceedings forwarded to the Government of India.
Ditto	..	Patwaris to be liable to transfer ..	Land Revenue (Patwaris Amendment) Act passed.
Ditto	..	Separation of Judicial and Executive functions.	Committee appointed and report under consideration.
29th July, 1921	..	Accommodation of M. L. C.'s in Lucknow.	Imperial Hotel acquired.
30th July, 1921	..	Withdrawal of Seditious Meetings Act.	Act withdrawn.
8th August, 1921	..	Religious instruction in Government aided schools.	Educational Code amended to allow instruction to be imparted without compulsion.
9th August, 1921	..	Indian managers for the Court of Wards.	Sent to Board of Revenue for necessary action.
Ditto	..	Provision of well-boring apparatus in each district.	Thirty-six districts now supplied. Further supply checked by financial stringency.
24th October, 1921	..	Appointment of standing committee on Publicity.	Committee appointed.
2nd December, 1921	..	Reduction of United Provinces contribution to the Government of India.	Matter referred to the Government of India.
5th December, 1921	..	Procedure of hearing of income-tax appeals.	Instructions issued to income-tax Commissioner in terms of recommendation with slight modification.
6th December, 1921	..	Mail train service of Bengal and North-Western Railway.	Train service accelerated.
Ditto	..	Exercise of the prerogative of mercy in respect of Fyzabad and Rae Bareilly rioters.	Cases of all prisoners have been considered and 33 released.
Ditto	..	Training of probationers for the Indian Forest Service.	Recommended to the Government of India.
7th December, 1921	..	Abolition of Superintending Engineers.	Under consideration in connection with the report of the Public Works Department Committee.
Ditto	..	Supply to informant of copy of report of non-cognizable offences.	New form adopted for the purpose.



1922.		
23rd January, 1922	..	Criminal Law Amendment Act .. Act withdrawn.
26th January, 1922	..	Cancellation of recent increase in charges for partition. Cannot be carried out for financial reasons.
3rd March, 1922	..	Dacoities in Bijoor, Moradabad and Naini Tal. Special police measures have been taken.
30th March, 1922	..	Training centre for <i>dais</i> .. .. Lady Chelmsford's Child Welfare League has been asked to work out a scheme.
Ditto	..	Establishment of an industrial school at Fatehpur. Impossible for financial reasons.
31st March, 1922	..	July Council session to be held in Naini Tal instead of in Lucknow. Action not taken because no accommodation.
24th October, 1922	..	Appointment of a committee to inquire into alleged terrorism in Easti. Government has declined to appoint a committee considering that it will serve no useful purpose.
Ditto	..	Forest Administration in Kumaon .. Instructions issued.
25th October, 1922	..	Withdrawal of Criminal Law Amendment Act. Act withdrawn.
28th October, 1922	..	Time-scale for sub-deputy inspectors of schools. Being considered in connection with schedules.
Ditto	..	General amnesty for political prisoners. Political prisoners released.
27th October, 1922	..	Non-official visitors for district and central jails. Orders issued.
12th December, 1922	..	Effect to be given to the recommendations of the Rasad and Begar Committee. No action possible this year, but will be considered before next touring season.
13th December, 1922	..	Extension of term of settlements .. Under consideration.
Ditto	..	Retrenchment Committee .. Committee to be appointed.
Ditto	..	Educational test for honorary magistrates and honorary assistant collectors. Under consideration.
14th December, 1922	..	Cancellation of restrictions on arms .. Ditto.
Ditto	..	Formation of standing committees .. Ditto.
Ditto	..	Schools of indigenous medicine .. Ditto.
15th December, 1922	..	Order passed by Deputy Commissioner of Naini Tal regarding Tahsildar of Kaladhungi. Entry from Tahsildar's character roll erased.

*Statement showing action taken on resolutions withdrawn on an assurance from Government from January 1921 to November 1922, referred to in the answer to starred question No. 1 of the 14th December, 1922.*

Date.	Subject of resolution.	Action taken.
15th February, 1921	Abolition of the Board of Revenue	Executive functions transferred by Board of Revenue Act.
18th February, 1921	Creation of the Civil Medical Service in the United Provinces.	Matter still under reference to the Government of India.
21st February, 1921	Provision of benches in courts for litigants.	Necessary funds could not be provided.
23rd February, 1921	Establishment of Ayurvedic and Unani dispensaries.	Rupees 20,000 distributed in 1921 to assist such dispensaries and Rs. 30,000 provided in 1922 for this purpose.
2nd March, 1921	Shortage of cattle	Provincial Breeding Committee appointed.
4th March, 1921	Presentation of appeals to the Board of Revenue.	Rules amended.
Ditto	Stoppage of professional begging in public streets.	Attention of municipal boards drawn to the matter.
Ditto	Trial of cases at headquarters	Additional staff could not be provided for financial reasons, but instructions issued that all possible cases should be tried at headquarters.
12th March, 1921	Migration of Government to hills	Certain restrictions carried out.
31st March, 1921	Kshatriyas in Judicial service	Proceedings brought to the notice of the High Court and Judicial Commissioner.
1st April, 1921	Acquisition of land in Gorakhpur by Forest department.	Proposal for compulsory acquisition has been dropped.
4th April, 1921	Extension of Jury system	Committee appointed.
5th April, 1921	Revision of Educational Code	Committee appointed to revise the Code.
Ditto	Appointment of non-official secretaries by District Boards.	No district boards have yet asked for non-official secretaries.
Ditto	Revision of the Court of Wards Act	Correspondence proceeding with the Government of India.
Ditto	Protection of the hill tracts of the Mirzapur district from famine.	Information not available; will be communicated later to honourable member if so desired.
29th July, 1921	Bribery among Government servants	Instructions issued that all cases of alleged corruption should be thoroughly investigated and exemplary punishment given where corruption proved.
Ditto	Improvement of copying establishment in Collectors' offices	Piece-work system has been introduced.
30th July, 1921	Recruitment of Indian Police Force	Proceedings sent to Government of India.
8th August, 1921	Provincial Commercial Museum at Cawnpore.	Action could not be taken for financial reasons.
Ditto	Vacation of civil courts	Vacation altered to May and June.
Ditto	Industrial School at Mirzapur	No action possible for financial reasons.
Ditto	Rate on canal water used for palem	New rules issued.
Ditto	Kiari Rules of the Irrigation department.	Question under consideration.
1st December, 1921	Octroi in Fatehpur municipality	Octroi introduced.
2nd December, 1921	Improvement of sugar cultivation	Question of distribution of canal water considered by joint committee of Boards of Irrigation and Agriculture and reports submitted to Development Board; Engineering action being strengthened as far as funds permit.
Ditto	Establishment of Standing Advisory Committee on Excise.	Licensing Boards and Standing Advisory Committees established.
6th December, 1921	Teaching of midwifery and gynecology at King George's Medical College.	Resolution forwarded to University who are carrying out most of the proposals.
6th December, 1921	Prospects and grades of Sub-Assistant Surgeons.	Rate of pay raised from 1st April, 1922.
7th December, 1921	Introduction of time-scale for subordinate educational service.	No action possible for financial reasons.
Ditto	Disagreement between District Judge of Hardoi and the local Bar.	Amicably settled.
26th January, 1922	House-holders in Rae Bareilly to be exempted from payment of ground tax.	Committee of inquiry appointed and report under consideration.
Ditto	Review of convictions under the Criminal Law Amendment Act.	Cases reviewed by Mr. Lyle.
31st January, 1922	Revision of Fatehpur settlement	Copy of Commissioner's report sent to mover for information.
Ditto	Policy of Government revenue settlements.	Under consideration by the Settlement Committee.

Date.	Subject of resolution.	Action taken.
1st March, 1922 ..	Introduction of permanent or long-term settlement.	Under consideration by the settlement Committee.
2nd March, 1922 ..	Appointment of advisory boards for hospitals.	- Visiting boards appointed at Agra and Cawnpore, and the resolution brought to the notice of various district boards.
Ditto ..	Treatment of political prisoners ..	Instructions issued to District Magistrates to consult M. I. C.'s about classification.
30th March, 1922 ..	Opening of more salt shops ..	Under consideration.
31st March, 1922 ..	Permanent Judge at Fatehpur ..	Awaiting funds.
Ditto ..	Abolition of Commissioners ..	Committee appointed.
Ditto ..	Alteration of date for payment of land revenue.	Commissioner reported that there is no desire on the part of revenue paying public for any alteration.
26th October 1922 ..	Advisory Committees for Collectors ..	Under consideration.

L192HD

## PUNJAB.

## NOTE ON THE WORKING OF THE REFORMS.

## A.—THE EXECUTIVE GOVERNMENT.

(i) *The allocation of funds to reserved and transferred subjects—*

In the practice of this Government a distinction has been created, not so much between reserved and transferred subjects, as between the beneficent departments of Government (namely the departments of Education, Medicine, Public Health, Agriculture, Industries and Miscellaneous Scientific Departments) and the other departments which are either revenue-producing or deal with the necessary machinery of Government. The results have however been much the same as if the distinction had been between reserved and transferred subjects, and although there has always been shortness of funds and Ministers have from the beginning been unable to obtain money for several schemes of importance there was little difficulty regarding the allocation of money between the reserved and transferred departments until the session of the last budget (that of 1923-24) when money was very scarce. The allocation was after several conferences settled by the Members and Ministers themselves without reference to the Governor. It was found necessary subsequently to effect a substantial reduction in all departments including the allotment for police, a step which caused some subsequent difficulty. A substantial part of the transaction was the allotment of the transferred provision between the Ministers concerned, but this was ultimately effected by mutual accommodation.

2. One Additional Secretary was appointed for the Transferred Departments in connection with the Reforms. At a later stage one Secretary was, as a measure of retrenchment, reduced and the Financial Commissioners were made Secretaries to Government so that their work should come direct to Members and Ministers.

The increased cost of the Reforms generally may be put at about 5½ lakhs, but the main consideration affecting the financial position since the Reforms has been that while the increase in revenue was anticipated at 113 lakhs (which has not been realised) this has been swallowed up by the increased cost of establishments owing to rise of salaries.

(iii) *Co-operation between the Executive Government and the Legislature with special reference to permanent or Special Committees of the latter and the action taken in pursuance of their recommendations ; and the use of Council Secretaries—*

3. In addition to the statutory Standing Committee on Public Accounts a number of standing committees have been constituted for advisory purposes each having a majority of non-official members elected by the Legislative Council. There are Standing Committees on Land Revenue, Canals, Education, Public Health, Local Self-Government, Agriculture, Industries, Co-operative Societies, Excise, Police and Jails. The most important and influential committee is that on Finance. In addition to its advisory functions the power has been expressly delegated to it by the Council of reappropriation between grants when the service contemplated is that for which money was voted by the Council, but it is desired to bring it to account under another head. It can also sanction grants or advances from the Civil Contingencies Fund. All proposals for new expenditure are put before the Finance Committee for advice and the Finance Department does not exercise its power of reappropriation so as to authorize recurring expenditure in excess of a certain figure without reference to the Standing

Finance Committee. The Committee has been of use in placing non-official views before the Government in advance of discussions in Council. The Committee holds a large number of meetings, sometimes as many as five, immediately before the budget session ; and meets ordinarily about once a month for other business during the cold weather, and twice during the Simla season. It has also had a joint session with the Standing Canals Committee to consider the question of enhancing the water rate as a means of restoring equilibrium in the budget and it has also met to consider the general question of ways and means to increase the provincial revenues.

The proceedings of this and of other committees are informal and confidential. The final decisions on each question are in the case of most of the committees recorded and published. The main benefit of the deliberations of the Standing Finance Committee has lain in the education of its members to a sense of financial proportion and consequently a reduction in ill-informed criticism in the Council.

4. Special Committees of the Legislative Council, which include a majority of non-officials nominated by Government, have been occasionally appointed on the recommendation of the House to make proposals on particular subjects. Such committees have already reported on the award of compensation to martial law sufferers ; on the principles to be followed in the assessment of land revenue ; on retrenchment in public expenditure ; on the principles regulating the appointment of Honorary Magistrates ; on the separation of the judicial and executive functions ; on milk and ghee, and on the educational needs of Zamindars. The proposals of the Committee on compensation to martial law sufferers were accepted *in toto* and so were the more important proposals of the committee on the appointment of Honorary Magistrates. The reports of the committees on retrenchment, land revenue, and the separation of judicial and executive functions, are still under the examination of Government.

5. Four Council Secretaries were appointed at an early stage in the Reforms on small remuneration of Rs. 2,000 per annum each. The appointments were brought under reduction as a measure of retrenchment with the consent of the Legislative Council with effect from the beginning of the current financial year.

(iv) *The Reforms and Local Self-Government—*

6. The Government of India had in 1913 laid down the principles of a substantial reform in Local Self-Government, and the subject had already to some extent been dealt with by the Local Government, before the introduction of the Reforms. On the introduction of the Reforms, the Department of Local Self-Government became a Transferred Department under the control of the Minister for Education, and the subsequent two years have been years of great activity in the department. The following Acts were passed :—

- (a) The Punjab Municipal (Amendment) Act ;
- (b) The Punjab District Boards (Amendment) Act ;
- (c) The Small Towns Act ;
- (d) The Village Panchayats Act ;
- (e) The Town Improvements Act.

The most important feature of (a) and (b) was the inclusion of an oath of allegiance to be taken by all members, elected or nominated, of

Municipalities and District Boards on the assumption of office. These two Acts also considerably increased the powers and independence of the Boards.

The other three Acts have not yet come into practical force. Their object may be described as to disseminate a democratic and self-reliant spirit, and to set up a better organization for purposes of sanitation and public health.

7. The second important feature of the past three years has been a general reconstitution of every District Board and every Municipality in the province in the direction of democratization. The elective system has been or is about to be, introduced in all such bodies where it did not previously exist and the official element on them is being generally restricted. One feature of this reorganization has been a general lowering of the franchise for District Boards, which has now been made uniform as far as possible all over the province.

8. The feature that has attracted most popular attention and caused local excitement has, however, been the re-organization of local bodies, more especially Municipal Committees, so as to secure the redistribution of elected seats between communities on the basis of the mean ratio between their relative population and their relative voting strength. In some cases the distribution thus reached has been applied by means of a system of communal electorates, and in other cases by following methods of re-arranging wards. The distribution has been carried out with regard to the relative ratio of population and voting strength, but it has caused resentment among the Hindus and also among the Sikhs, the communities which before the re-organization were in nearly all cases enjoying a representation in excess of that justified on the basis of population and voting strength. Communal electorates, as such, have not been introduced in District Boards. As regards Municipalities the Ministry inherited a system under which communal electorates already existed in certain Municipalities, and it has extended the system of communal electorates to eleven other Municipalities. What the Ministry has done is to redistribute the elected seats on the basis explained above ; but as in almost all cases this redistribution has involved an increase of Muslim seats at the expense of the other communities, it has led to agitation from the non-Muslims.

9. The movement towards the democratization of the local bodies has undoubtedly been accelerated by the introduction of the Reforms. For instance the principle of no taxation without representation has been given practical effect by the conferment of the franchise for District Boards on persons paying a professional tax. Tahsildars are no longer *ex-officio* members of District Boards ; the nominated element on all local bodies has been substantially reduced ; and Municipalities have been encouraged to elect non-official Presidents and Vice-Presidents.

#### *The Executive Council and Ministers—*

10. The theoretical distinction between reserved and transferred subjects has had little practical effect on the administration of Government. The recommendation of the Joint Select Committee that joint deliberation between Members and Ministers should be fostered has been adopted. When a question arises affecting more than one subject it is as likely as not that one of the subjects will be transferred and the other reserved, so that consultation between the particular Minister and the Particular Member affected becomes necessary, or consultation between Members and Ministers

as a whole. It has been found practicable to keep reserved and transferred subjects entirely apart and to discuss the former in Executive Council only as contemplated by the original scheme of dyarchy. Joint deliberation between Members and Ministers was more frequent at the start. As time went on, and the general policy on important subjects became more fixed, these deliberations, whether for the above or for other reasons, became somewhat more infrequent, but are still fairly frequently practised. As things stand, no such thing as a 'Government Policy' or a 'Ministerial Policy' has as a rule been adopted, especially in transferred subjects, which are subject to the policy of the Minister concerned.

## B.—LEGISLATURE.

### (i) Government Legislation—

11. Seventeen Government Bills have been introduced in the reformed Council since its inauguration. A list of these is as follows :—

- (1) Deputy President's Salary Act, 1921 ;
- (2) The Punjab Municipal (Amendment) Act, 1921 ;
- (3) The Punjab Small Towns Act, 1921 ;
- (4) The Punjab Village Panchayat Act, 1921 ;
- (5) The Punjab Town Improvement Act, 1922 ;
- (6) The Simla House and Rent Act, 1922 ;
- (7) The Punjab Acquisition of Land (Industrial) Bill ;
- (8) The Punjab (Urban Property) Rent Regulation Bill ;
- (9) The Sikh Gurdwaras and Shrines Act, 1922 ;
- (10) The Court Fees (Punjab Amendment) Act, 1922 ;
- (11) The Indian Stamp (Punjab Amendment) Act, 1922 ;
- (12) The Punjab Courts (Amendment) Act, 1922 ;
- (13) The Punjab Village Panchayat (Amendment) Act, 1922 ;
- (14) The Punjab District Boards (Amendment) Act, 1922 ;
- (15) The Punjab Industrial Loans Act, 1923 ;
- (16) The Punjab Municipal (Amendment) Act, 1923 ;
- (17) The Punjab Fisheries (Amendment) Bill.

12. Of these all except Nos. 7, 8 and 17 have been passed into law. No. 7 was a Bill intended to facilitate the acquisition of agricultural land for industrial purposes as recommended by the Industrial Commission and although in itself a harmless measure was strongly opposed by the preponderating landholder interest in the Council on the ground that it trenchd on the privileges, as secured by the Land Alienation Act, of the landholder class. The Bill was in charge of the Minister for Agriculture, and was so emasculated in the course of its passage in the Council that it will probably be withdrawn.

No. 8, the Punjab (Urban Property) Rent Regulation Bill, was another measure in charge of the same Minister. It was designed to set up machinery under official control for restricting the excessive enhancement of rents in certain of the larger towns in the province. The measure was one in which the rural members had little interest, but they had been canvassed regarding it on the ground that the measure was only the thin end of the

wedge to be followed by similar measures controlling the rents payable to the landlords of agricultural tenants. The urban members, among whom the landlord element is strong, succeeded in inducing the House to refuse permission for the introduction of the Bill.

No. 17, the Punjab Fisheries (Amendment) Bill is still pending. It is not a measure of any importance.

Of the 14 Acts that have been passed no less than seven deal with matters of Local Self-Government. Nos. 10 and 11, the Court Fees (Punjab Amendment) Act, 1922, and the Lodian Stamp (Punjab Amendment) Act, 1922, were taxation Bills, and both met with a certain amount of opposition in the Council, but both were ultimately passed without much difficulty.

The general attitude taken by the Council towards government measures was sympathetic and satisfactory, and even in measures involving additional taxation readiness to cooperate up to a certain extent was discernible.

13. There were no legislative measures dealing with law and order or public security, and the only measure which can be described as dealing with improvements in the administration is the Punjab Courts (Amendment) Act of 1922, which made certain formal changes in the original Act necessitated by the separation of the judicial from the executive side of the Punjab Civil Service. The Act was passed without difficulty, though it was made the subject of a personal attack by certain Muslim members on the High Court, in which Hindu interests are supposed to preponderate.

The Sikhs Gurdwaras and Shrines Act of 1922 is the only measure which can be described as involving in any way communal considerations. The somewhat intricate history of this measure, which has never actually been brought into effect, is well known to the Government of India, and need not be recapitulated here.

(ii) *Private Bills*—

14. Only one private Bill has been introduced in the reformed Council. This was a measure for which a certain Mussalman lawyer was responsible. The Bill repealed the Punjab Loans Limitation Act of 1904 and reduced the period of limitation in the case of suits for the recovery of loans from six to three years. The Bill met with the general approval of the landed interests, for whose benefit it was framed, and, though opposed by certain Hindu members, it was easily passed. The attitude of Government was neutral.

(iii) *Financial business*—

15. The Council has adopted an attitude of very strict scrutiny of proposals for expenditure, which has taken the form of a much more detailed examination of the budget than is consistent either with the real functions of the Council or with scientific financial control. At the last budget session over 2,000 amendments were tabled and much time was occupied in debating reductions of a few hundred rupees. The result was that at the end of the Council many of the grants had to be passed without discussion. It is noticeable that the Council were a good deal affected by their preconceived conception of the nature of departments for which demand was made. It was difficult, for instance, to get money for the Forest or the Police Departments, while the demands for Education were passed without question. The Minister for Agriculture was disappointed with the support accorded to expenditure for his departments and it is possible that, as he suggests, the 'power of patronage' had something to do with this aspect of the matter.



16. The Council has been reluctant to impose new taxation. This is partly due a very strong feeling that the Punjab has been over-assessed in the matter of its provincial contribution, and that it is to a reduction in this that the Province should in the first instance turn for improvement of the financial situation. It is also partly due to an impression that the administration of the Province is being conducted in an extravagant manner, and that by some method of retrenchment expenditure could be reduced. It is possible that this impression is tending to pass away in the light of the experience of the difficulties of applying retrenchment further than it has already been applied in any definite direction. But the reluctance is mainly due to the impatience of taxation manifested by the constituents of members of the Council. The experience which members themselves have obtained of financial realities has certainly not reached down to their constituents, and it is practically impossible for any member to justify to the electors any increase of taxation. The Council has since the Reforms Scheme only accepted the amendment of the Court Fees and Stamp Acts, bringing in an estimated increase of revenue of about 26 lakhs per annum. A remarkable instance of its feelings is to be found in the fact that after the Council had been made aware that the provincial finances showed a constant deficit, it negatived a Government motion to appoint a Committee of ways and means to examine methods for raising new revenue.

17. When towards the end of the financial year demands have been made for excess grants to cover expenditure over and above what was voted, the Council has shown its disapproval of the expenditure being incurred but has not refused to vote the excess demands. That they did not refuse to do so in the last financial year is, however, probably due to the fact that Government was able to meet the excess by reappropriation elsewhere. There has not been time for the proceedings of any Accounts Committee to be placed before the Council. The Government has from the first accepted the position that the financial powers of the Council are to be supplemented by certain constitutional principles not explicitly stated in the rules, but borrowed from the practice of the Parliament of the United Kingdom, such as the principle that reappropriation is not to be made towards a new service, and the Council has been content with these powers.

18. Reductions were made in the budget of 1922-23 to the extent of 39 lakhs, and in that of 1923-24 to the extent of 28 lakhs. In no case has any item struck out by the Council hitherto been restored by order of the Governor, but the Council has from time to time been approached for supplementary grants to make good expenditure which it has cut out.

19. Of the proposals emanating from the Council involving increased expenditure the most important are the following :—

- (a) An increase in the emoluments of village officers. Effect has not been given to this.
- (b) An increase in the daily allowance of the members of the Legislative Council from Rs. 10 to Rs. 15. Action has been taken in accordance with the resolution.
- (c) An increase in the emoluments of subordinate medical officers. Action has not been taken.
- (d) An increase in the pay of chaprasis. Action has been taken.
- (e) A survey with a view to the construction of a new canal.

20. But the most important items of expenditure due to the vote of the Council were in regard to (i) the indemnity of 20 lakhs levied on the city of Amritsar for damage done in the riots of April 1919 and (ii) compensation amounting to Rs. 22½ lakhs awarded by a committee to the sufferers at Jallianwala Bagh and elsewhere. In pursuance of resolutions of the Council these sums were included by Government in the estimates as chargeable to Provincial revenues, and passed.

21. In spite of the defects in the working of the machine which have been above described, it may be said that the general effect of the Reforms on finance has been healthy. This is only in part due to the introduction of external criticism, although this has not been without its healthy effect. The most important change in Provincial finance caused by the Reforms has been its decentralisation from the finance of the Government of India. This has carried with it the necessity for more detailed control, and for regarding the finance of the Province both on the revenue and expenditure side as a whole.

The present financial deficit, though it has doubtless been intensified by certain large items of expenditure passed by the Council, has its main origin in items of expenditure and financial arrangements determined on before the introduction of the Reforms, including the large increase necessitated in the pay of establishments. ✓

(iv) *Resolutions and questions.*—

22. Copies of four notifications\* by Government which contain a list of all resolutions passed by the Council and of the action taken by Government thereon are appended to this note. It will be observed from these lists that the majority of the resolutions deal with subjects of local or communal interest, and few of them raised any important question affecting law and order or the public security. In

the majority of cases Government was able to comply with the expressed wish of the Council. In March, 1921, a resolution for the release of all martial law prisoners was defeated by a small majority and in the same session a resolution for the removal of the application of the Seditious Meetings Act to certain districts was easily defeated. On the other hand, in March 1923, practically all non-official members voted for the unconditional release of the Akalis imprisoned in connection with the Guru-ka-Bagh incident.

23. Hitherto 2,472 questions have been put and answered in the Council. The majority refer to matters of local or communal interest, and an oral answer is seldom demanded. Very little ingenuity has been shown by non-official members in framing either their original or supplementary questions, but the task of framing replies to such a large number of questions has added greatly to the work of the Headquarters establishment of Government. A very substantial part of the questions relate to the respective claims of Hindus, Sikhs and Muhammadans to places under Government or local bodies.

(v) *Miscellaneous.*—

24. Only on three occasions have attempts been made to move the adjournment of the Council. On the first of these a Sikh Member moved the adjournment in connection with the tragedy at Nankana Sahib in February 1921, but received no support, and consequently no discussion took place. A similar motion, in connection with the alleged unlawful

conduct of certain Akalis was to be moved on the 10th of March 1921, but failed to receive any support and was withdrawn. In January 1922 a Muhammadan member moved the adjournment of the Council to consider the situation arising out of the action of Government in applying the Criminal Law Amendment Act and the Seditious Meetings Act to the Punjab, and a discussion took place but the motion was talked out.

25. No substantial amendment of the Standing Orders has been made. The most important change effected was the amendment of the rule so as to regularise the practice of members addressing the Council in Urdu.

No use has hitherto been made of Section 72 A (2) proviso (b) for the purpose of appointing experts.

### C.—GENERAL QUESTIONS.

✓ (a) *The extent to which the Councils represent and react on current public opinion.*—

26. The Punjab Council is by no means an extremist body. In fact it may be said that it represents the more moderate current of public opinion in the Province as a whole. It is definitely loyal, e.g., in its attitude towards such matters as the visit of His Royal Highness the Prince of Wales to the Punjab, and in its attitude to the person of His Excellency the Governor. Racial questions have usually been approached by the Legislative Council in a friendly spirit, though few occasions for their discussion have arisen. Such opposition as has been manifested, e.g., on the question of the provision for European education, was probably inspired by the idea of placating advanced opinion, especially as expressed in the press, outside the Council. Little or no racial feeling has been shown in the discussion of other matters, as for example the salaries of European officials.

Various shreds of public opinion found expression in the Council Chamber, but the Council was inclined as a rule to favour moderate current public opinion. Opinions approved by the Council are believed to influence rural public opinion. The amount of public interest shown locally in its proceedings is ordinarily small, but on occasions of debates on subjects of communal interest, such as the Sikh Gurdwaras and Shrines Act, and the release of Sikh prisoners, the public galleries have been crowded. The ordinary lack of interest is probably in part due to the fact that the debates are very poorly reported in the public press, such comments as appear in the newspapers being usually confined to that portion of the press whose object is to deprecate the work of what it often calls "the mock Parliament.")

At the same time it should not be imagined that the Council does not truly represent the Province as a whole. The Punjab is essentially a province of small landed proprietors, and a large number of the members of the Council are drawn from that class. As a body the Council may be said to be shrewd, cautious, and strongly imbued with the conservative ideas traditionally associated with the farmer class.

✓ (b) *The extent to which and by what means relations have been maintained between members of the Councils and their constituencies.*—

27. Owing to the residential qualification in force for the election of the first Council, the carpet-bagger was entirely excluded from candidature in 1920, and all rural members reside in, and are consequently in close touch with the needs of their constituencies. Rural members

of the Council have been receiving representations and advice from their constituents, and have been representing their claims and their grievances in the form both of questions and of resolutions. Although there have been no political meetings strictly so-called, gatherings of constituents have not been unknown. The urban members are for the most part lawyers, many of whom are also owners of land, with a sprinkling of commercial men and retired officials. Political meetings at which candidates address their constituents are almost unknown, and it may be doubted whether many of the electors who return a candidate appreciate the political powers which they can exercise through their representative in the Council.

✓ (c) *The formation on political lines of groups or parties within the Councils and how far these coincide with or traverse purely communal lines of cleavage—*

28. At the present time the most marked characteristic of the Legislative Council is its division by communities. The representatives of the 64 ordinary urban and rural constituencies are :—32 Muhammadans, 20 Hindus and 12 Sikhs. Of the 7 other electoral constituencies 3 are virtually certain to be represented by Hindus and 2 by Muhammadans. Of the 6 nominated non-officials 2 are Sikhs, 1 is Muhammadan and 3 are Christians. The Muhammadans have thus 35 unofficial members as against 37 Hindus and Sikhs. The Muhammadans in the Council have been organized into a practically solid party, which is on most questions prepared to follow the guidance of the Muhammadan Minister. His policy has been to secure for each community a share, regulated on a systematic basis of representation on local bodies, in the public services and in Government educational institutions, and this policy is regarded by the Hindus as one detrimental to the interests of their own community. The many differences that have thus arisen within the Council Chamber have been accentuated by the growing bitterness of feeling between Hindus and Muhammadans outside the Council, bitterness which has been increased by the recent disorders at Multan, Amritsar, and in other large cities. On almost every question that has recently been discussed in the Council, communal bias has made itself manifest, and extraordinarily intense feeling was aroused last March on the discussion of a motion moved by a prominent Hindu member for the reduction of the salary of the Muhammadan Minister, a motion which was made the occasion of a strong attack on his general policy.

✓ The above represents the condition of parties as it presents itself to this Government as a whole. The Hon'ble Mian Fazl-i-Husain, however, demurs to the above description and writes as follows : "The formation of parties has taken the line of the 'have got's' and the 'have not's', with the result that there is a party existing of most of the Muhammadans and some of the land-holding Hindus and Sikhs because these are the communities which have been more or less excluded by the 'have got's' who had enjoyed the monopoly of public services under the pre-reform administration. But for the communal epidemic, which is a reaction against the Hindu-Muslim unity of 1920 and 1921, there would have been a clear and definite existence of a strong party of 'have not's' consisting of Muhammadans and Sikhs and most of the Hindus. Religion happens to be only an incident while these parties would be based on political and economic considerations."

29. The division by communities is not, however, the only line of cleavage in the Council. There is also a division into landowners and non-landowners, or, in other words, into rural and urban parties. The

two lines of division do not always coincide, but owing to the prevalence of the landed interest among Muhammadans, it would certainly be difficult for a Muhammadan Minister to carry any proposal which the land-owning class regarded as unfavourable to their interests, and there has been a tendency to identify the Muhammadans with the land-owning classes and to view the Hindus as the representatives of the urban, commercial and trading classes.

30. A word is necessary as regards the Sikh members of the Legislative Council, who number 15. On all questions affecting their community this group of members votes at the dictation of the Shiromani Gurdwara Parbhandak Committee.

(d) *The institution of what may be broadly called conventions of procedure as between the legislature and the Executive Government or the Governor—*

31. There is little to say under this heading. The Governor has on no occasion had to use his powers to disallow a resolution or question, though on one or two occasions it has been found necessary to ask the members who had given notice of resolutions or questions to withdraw them. Such requests have always been met with compliance. The appointment of Standing and Special Committees of the Legislature has already been dealt with. As regards the institution and growth of a parliamentary practice and tradition the first President, Mr. M. S. D. Butler, did much to establish a sound tradition, and the proceedings of the Council are generally conducted in a spirit of friendliness and without undue acrimony. There is certainly a tendency to waste time over details, e.g., in such matters as the budget, etc., but there are signs of improvement in this respect.

(e) *The institution, whether on the part of Government or of parties within the Councils, of any form of party organization, the issue of whips, consultation as to the concerted attitude to be taken on particular measures, appointments or election to committees, the priority to be given to particular items of Council business and so forth—*

32. The only completely solid party in the Council is that of the official members who number 14. The leader of this party is the senior member of the Executive Council, and it is within his discretion to decide when a "whip" is to be issued to the official members requiring them to vote in a particular way.

Apart from the Government bloc the only serious attempt to organise a permanent party in the Council has been that made by the Muhammadans.

(f) *Prominent party leaders, their policies and adherents—*

33. Apart from the Muhammadan Minister, to whom the Muhammadan party look for guidance, there is no member of the Council who can be described as a prominent party leader. There are one or two Hindus who are especially respected, and to some extent followed, but none who is marked out as a leader of the community in the House. The fifteen Sikh members do not owe allegiance to any leader. Speaking in very general terms, it may be said that the policy of the Hindus is to oppose the efforts of the Muhammadans to secure a larger share in official posts, while the Sikh members take little interest in questions that do not directly affect their community. The original constitution of the Council lent itself to communal division. The Minister for Agriculture, and those who thought with him, found it impossible from the start to organize

parties on other than communal lines and accordingly abstained from starting a party. A Hindu party on communal lines would in their opinion have produced a permanent cleavage in the Council.

#### THE CONSTITUENCIES AND THE PUBLIC.

34. In paragraph 6 of their letter the Government of India made enquiries on certain questions affecting relations of the constituencies and the public to the Council.

(i) *The ascertained percentage of enfranchised persons to the total population, and the percentage of votes recorded in general or bye-elections to the total number of voters on the register—*

At the first General Election, held in 1920 the total population of the Punjab (apart from the "excluded" tracts of *Lahul and Spiti*) was 19,534,711,\* while the aggregate number of persons registered as electors for the Legislative Council, was 505,361. The percentage of electors to the total population was, therefore, 2.58

At the General Election of 1920 there was no contest in 12 constituencies. In the remaining 58 constituencies the elections were contested, and out of 404,371 persons registered as electors 130,152 or 32.2 per cent. recorded their votes.

Since 1920 there have been six contested bye-elections, and the number of persons who actually voted varied from 54 per cent. of the total number of registered electors in the Attock District to 1.6 per cent. in the case of the Sikh urban constituency. Both at the General Election and at the bye-elections the number of voters that went to the poll was larger in the rural than in the urban constituencies. The influence of the non-co-operating party, which was the prevailing element at the time of the General Elections has, of course, been stronger in the cities.

(ii) *The interest evinced by the constituencies and the public in the work of the Councils—*

35. As explained in an earlier paragraph of this note, the interest taken locally by the public in the proceedings of the Council has not been great. The popular imagination in the province at large has, however, to some extent been caught by actions of the Legislature which illustrated their real power over the public purse, such as the abolition of the Publicity Department and interest was shown in the legislation regarding Local Self-Government. The struggle over the communal share of appointments in the public service and the prospects of fresh taxation also attracted considerable attention, as did also the exceptional problems connected with the Council's treatment of the Sikh problem.

(iii) *The extent to which the formation of political groups or parties in the Council is reproduced in or derived from the constituencies—*

36. As already explained there are in the opinion of this Government as a whole no real parties in the Council except (a) Hindus and Muhammadans and (b) rural and urban. Every member's "party" is in practice fixed for him by the nature of the constituency which elects him, and his successor's party must inevitably be the same as his own.

(iv) *Electoral organization in the constituencies, political programmes, parties and party funds and machinery—*

37. These refinements of political life exist only to a small extent in the Punjab, where no serious effort has been made to educate the electorate. A man who goes to a rural constituency on a policy which does

not uphold the Land Alienation Act, would ordinarily have little chance of election whatever his personal interest might be, but as a rule contested elections are run on purely personal lines and must continue to be so run until parties based on political principles arise. It is possible that there may be some change in this respect if at the next elections the Swaraj party wins a substantial number of seats in the new Council.

(v) *The influence of the press on politics and public opinion, and the promotion of organs of the press supporting the views of particular groups or parties in the Councils—*

38. The press in the Punjab may be divided into roughly three groups: (a) Propagandist and usually anti-Government. (b) Purely communal organs. (c) Newspapers that live by sensation-mongering.

The press of all kinds has considerable influence on the Council, and as in Western countries 'the legislator is afraid of the press and the press is not afraid of the legislator.' Many of the resolutions and questions in the Council are obviously suggested by the press, and the sentiments expressed in the press are often slavishly reproduced in speeches in the Council.

#### ✓ D.—POLITICAL AGITATION AND PARTIES OUTSIDE THE REFORMS SCHEME.

39. The party of which Mr. C. R. Das is now the leader, recently propounded a new form of constitution evidently based on the Soviet system now in force in Russia. This scheme was very coldly received in the Punjab, and it is improbable that anything more will be heard of Mr. Das's new constitution. At the same time there is every prospect that a number of its adherents will contest seats at the approaching General Election. It does not seem likely that they will be successful in winning more than a moderate number of seats.

*The attitude of the present Council towards the measures taken by Government against non-co-operative and Khilafatist activities—*

40. It is significant that the Council in 1921 rejected a resolution for the release of the martial law prisoners, and in the same year it rejected another resolution which pressed for the removal of the Seditious Meetings Act. In 1922, as already noted, a motion for the adjournment of the House on the ground of the situation arising out of Government application of Seditious Meetings and the Criminal Law Amendment Acts was talked out. Generally speaking it may be said that the present Council is on the side of law and order, and that it would support Government in taking strong action in any real emergency.

Many questions have been asked in the Council regarding the conviction and treatment of political prisoners, but there is little sign that the Council as a whole is deeply interested in these matters.

*Non-co-operative activities in Municipalities and Local Boards—*

41. The spirit of non-co-operation in local bodies is now practically dead. The Lahore Municipality, to which a number of non-co-operators have been elected, a few months ago decided by a considerable majority to ask Government for the services of an Indian Civil Service officer as Secretary. The Amritsar Municipality was unanimously on the side of law and order in the recent communal riots, and asked for an additional force of 200 police to be provided at its own expense.



## GAZETTE NOTIFICATIONS.

HOME DEPARTMENT,—LEGISLATIVE.

*The 22nd October 1921.*

No. 25851.—In accordance with the terms of a Resolution which was tabled by M. Muharram Ali Chisti, M. L. C., but not moved in Council by reason of the pressure of other business, it has been decided by the Punjab Government that the action taken on each Resolution passed by the Council, will be published for general information in the *Punjab Government Gazette*.

The announcement which follows is made in accordance with that decision :—

Terms of Resolution passed.	Volume No. and page of Punjab Legislative Council debates.	Action taken.
(1) " That this Council recommends to His Excellency the Governor in Council that the emoluments of zaildars, sufedposhes, and lambersdars, be raised to double the amount which is paid to them now."	Volume I, No. 4, page 177.	(1) The action announced by Sir John Maynard on March 19th, 1921 (Volume I, No. 9, page 492) is being taken. As a first step, statistics are being collected.
(2) " That this Council moves the Local Government to take early steps to introduce a Bill overhauling the law relating to charitable and religious endowments in the Province, and pending the presentation and passing of that legislation, it moves the Governor-General to make and promulgate an ordinance on the subject, so that the movement to alter and reform the existing management of such endowments may cease to threaten the peace and good Government of the Province, provided that on the expiry of the Ordinance the jurisdiction of the Civil Courts, or of such Courts as the Bill which it is proposed to introduce may establish, shall not be ousted."	Volume I, No. 8, pages 371-72.	(2) This Resolution was superseded by subsequent proceedings on the Gurdwaras Bill.
(3) " That this Council recommends to the Government to be pleased to invite the attention of the local bodies to the need for poor houses at convenient centres for the incapacitated poor, and for free education, technical or otherwise, for their children."	Volume I, No. 8, page 388.	(3) The attention of local bodies has been invited to the Resolution, and they have been asked to inform Government of any action taken.
(4) " That this Council recommends to the Government to take the necessary steps to get substituted the following rule for rule 14 of the Punjab Legislative Council Rules :—	Volume I, No. 8, page 392.	(4) Proposals have been made for the alteration of the rule in accordance with the Resolution, and the rule as finally approved by the Secretary of State in Council runs as follows :—
" The business of the Council shall be transacted in English, but any member may address the Council in Urdu or in any vernacular of the Province."		" The business of the Council shall be transacted in English, but any member may address the Council in Urdu, or, with the permission of the resident, in any vernacular of the Province.
(5) " That this Council recommends to the Government to take the necessary steps to modify Article 833, Civil Service Regulations, so as to provide that all medical certificates granted to Government servants by Registered Medical Practitioners, whose names are borne on the Annual Medical List compiled by the Punjab Medical Council shall ordinarily be accepted without the counter-signature of the Officer-in-Chief medical charge of the district."	Volume I No. 8 page 402.	(5) Orders have issued :— (a) that all heads of offices are authorised to accept without counter-signature certificates granted by Medical Practitioners whose names appear in the Annual Medical List; (b) that as a matter of practice, un-counter-signed certificates of such Medical Practitioners should ordinarily be accepted by heads of offices unless there are special grounds for not doing so.



Terms of Resolution passed.	Volume No. and page of Punjab Legislative Council debates.	Action taken.
<p>(6) " That this Council recommends to the Government that a Committee which should include three elected members of this Council having knowledge of law, or possessing judicial experience, to be nominated by His Excellency the Governor, be appointed, with power to co-opt one member, who is not on this Council, to propose adequate compensation to the families of those killed and to those injured at the Jallianwala Bagh and other places during the Punjab Disturbances of 1919 on the scale followed in similar cases for Europeans."</p>	Volume I, No. 8, page 435.	(6) A Committee is sitting to formulate proposals for the consideration of Government.
<p>(7) " That this Council recommends to the Government to appoint a Committee consisting of a majority of non-officials to go into the detail of the grievances of the zamindars as regards the Canal administration in the Province, and to suggest measures whereby the complaints of the people against the working of the Department may effectively be dealt with."</p>	Volume I, No. 9, page 449.	(7) A Committee having a majority of non-officials has been appointed for the purpose indicated, and has already held one meeting. This Committee will probably be superseded by a Standing Committee of the Council, of which the non-official members will be elected by the Council.
<p>(8) " That this Council recommends to the Government that steps be taken, through the medium of a special industrial board, to encourage and promote the manufacture and use of indigenous articles by opening stores and holding regular annual industrial exhibitions and fairs."</p>	Volume I, No. 9, page 474.	(8) This recommendation is still under the consideration of Government.
<p>(10) " That this Council recommends to Government that the principle of local option exercisable by municipalities and district boards, be applied, so far as practicable, to the sale of intoxicating liquors in the Province at an early stage."</p>	Volume I, No. 9, page 490.	(10) This recommendation is still under the consideration of Government.
<p>(15) " That this Council recommends to the Government that landbarbars be permitted to send the land revenue and other Government dues by money order at the nearest post office and no money order fees be charged from them."</p>	Volume I, No. 9, page 505.	(15) The matter was referred to the Government of India who carefully considered the recommendation of the Council but were unable to sanction the concession proposed.
<p>(16) " That this Council recommends to His Excellency the Governor-in-Council to represent to His Excellency the Governor-General of India in Council the necessity of arranging an All-India Round Table Conference consisting of leading officials and non-officials of the country to which the members of the Executive Council, the Ministers of the Government, selected non-official members of this Council and other influential Hindu, Muhammadan, Sikh, and Christian leaders (including recognised leaders of the non-co-operation movement) in the Punjab and elsewhere should be invited to consider the necessary steps to be taken to reconcile the people and to maintain law and order and to ascertain how it is possible to secure co-operation."</p>	Volume I, No. 9, page 514.	(16) A copy of the "Resolution" was forwarded for the consideration of the Government of India.
<p>(17) " That this Council recommends to the Government that the number of Indian Civil Service posts listed as open to members of the Provincial Civil Service in the Punjab be raised at once to one-fourth of the superior Civil Service posts in the Province, and that the proportion thus reserved shall in no way affect the proportion of appointments to be reserved for members of legal profession."</p>	Volume II, No. 2, page 146.	(17) The Governor-in-Council has very carefully considered the number of listed posts in the light of the claims of the Indian Civil Service (shortly to be extensively Indianised) on the one hand, and those of the Punjab Civil Service on the other. It is of great importance to the efficient administration of the Province that the superior posts shall be mainly filled by officers having the higher standard of capacity and education which is normally reached by the service specially recruited to occupy such posts. On the other side, experience has shown that the best officers of the Punjab Civil Service are qualified in limited numbers to rank alongside of the <i>corps d'élite</i> which the reorganised Indian Civil Service will continue to provide. The course upon

Terms of Resolution passed.	Volume No. and page of Punjab Legislative Council debates.	Action taken.
<p>(18) "That this Council recommends to the Government to provide the sum of Rs. 30 lakhs in addition to that already provided in the budget as a special grant to the District Boards of the Province for the purpose of inculcating free primary education in the area within their jurisdiction for the year 1921-22."</p>	<p>Volume II, No. 2, page 174.</p>	<p>which the Governor-in-Council has decided is so to increase the listed posts as to open to the Punjab Civil Service for the present a number not less than that which was fixed before effect had been given to the long standing intention of appointing members of the Bar to District Judgeships. The execution of that intention will thus not reduce the openings before the Punjab Civil Service. Recent orders provide that members of the Punjab Civil Service who are promoted to fill listed posts will in future have the same opportunities of promotion as those who have been directly recruited. This is an important concession which has markedly improved the prospects before the Punjab Civil Service. The sympathy with which Government regards the Punjab Civil Service has also been shown by the recent substantial enhancement of the pay of that Service.</p> <p>(18) The action to be taken for the expansion of primary education is still under the consideration of Government.</p>
<p>(19) "That this Council recommends to the Government to appoint a Committee consisting of officials and non-officials, to examine its present assessment and land-revenue policy, and to report what changes should be made in it."</p>	<p>Volume II, No. 2, page 239.</p>	<p>(19) It has been decided to appoint a Committee consisting of:</p> <p>Mr. P. J. Fagan, C.S.I., I.C.S., M.L.C.,  Mr. Maunohar Lal, M.L.C.,  Diwan Bahadur Raja Narendra Nath, M.L.C.,  S. Muhammad Hussain, M.L.C.,  Mian Muhammad Shah Nawaz, M.L.C.,  Sardar Dasamunda Singh,  Mr. B. T. Gibson, I.C.S., Financial Secretary,  Mr. D. J. Boyd, I.C.S., Revenue Secretary,  Mr. Miles Irving, I.C.S.,</p> <p>to investigate and report upon these questions.</p>
<p>(20) "That this Council recommends to the Government that assessment of land revenue in the Multan District, as recently announced, be examined by a Committee, consisting of officials and non-officials, to be appointed by Government, with a view to consider specially the question of the supply of water in inundation canals as compared with the supply available in the period of previous settlement, which expired in 1900, and to report on the desirability of postponing enhancement of revenue till the water supply in these canals is adequately improved."</p>	<p>Volume II, No. 2, page 251.</p>	<p>(20) It has been decided to appoint a Committee consisting of—</p> <p>Mr. P. J. Fagan, C.S.I., I.C.S., M.L.C.,  Diwan Bahadur Raja Narendra Nath, M.L.C.,  Mian Muhammad Shah Nawaz, M.L.C.,  Rai Bahadur Lala Sewak Ram, M.L.C.,  Mian Ahmadyar Khan, Daulatana, M.L.C.,  Khan Muhammad Abdullah Khan, M.L.C.,  Mr. H. W. M. Ives, C.I.E., M.L.C., Chief Engineer, Irrigation Works, Punjab,</p> <p>to examine the past and present water supply of the inundation canals of the Multan District, with special reference to the changes since the Settlement of 1900; the working of the rules regarding the assessment of fluctuating canal land revenue; and the policy of the Canal Department for the improvement of irrigation from these canals; and to make suggestions in regard to these matters or any of them.</p>
<p>(21) "This Council recommends to the Government to appoint a Committee to report on the changes which should be made in the Frontier Crimes Regulation, III of 1901 so far as it is applicable to the Punjab."</p>	<p>Volume II, No. 2, page 306.</p>	<p>(21) It has been decided to appoint a Committee consisting of—</p> <p>(1) Mr. H. P. Tollinton, I.C.S., President,  (2) Mr. D. J. Boyd, I.C.S.,  (3) Mian Shah Nawaz, M.L.C.,</p>

Terms of Resolution passed.	Volume No. and page of Punjab Legislative Council debates.	Action taken.
		<p>(4) Khan Muhammad Fairulla Khan, M.L.C.,</p> <p>(5) Khan Bahadur Sardar Jamalkhan, M.L.C.,</p> <p>(6) Rai Sahib Lala Girdhari Ram of Kalur, M.L.C.,</p> <p>(7) Sardar Allan Khan of Asni, M.L.C.,</p> <p>(8) Raja Narendra Nath, M.L.C.,</p> <p>(9) The Hon'ble Nawab Sir Bahram Khan, K.C.I.E., K.B.E.,</p> <p>to investigate and report upon this question.</p>

*The 17th February 1922.*

No. 5432.—In continuation of Punjab Government notification No. 25851, dated the 22nd October 1921, the following statement showing the action taken by Government on further resolutions passed by the Council is published for general information :—

Terms of Resolution passed.	Volume No. and page of Punjab Legislative Council debates.	Action taken.
(1) "That this Council recommends to the Government that a Committee be appointed to consider what special measures should be taken to increase and improve milch cattle in the Province with a view to increasing the supply of milk and ghee."	Volume II, No. 3, page 338.	(1) The Director of Agriculture, Punjab, has been instructed to appoint a Committee and to draw up terms of reference to it in consultation with the Chief Superintendent of the Civil Veterinary Department.
(2) "That this Council recommends to the Government to be pleased to issue orders that the birth and death registers be kept with the Revenue patwaris of the districts instead of with the Police authorities, and that the chaukidars be allowed to get the birth and death entries made by the said Revenue patwaris in the above-mentioned registers."	Volume II, No. 3, page 345.	(2) A number of practical difficulties have presented themselves in effecting a transfer from the Thana moharrirs to the Revenue patwaris and the matter is still under the consideration of Government.
(3) "That this Council recommends to Government that the daily allowance for members of the Punjab Legislative Council be increased from Rs. 10 to Rs. 15."	Volume II, No. 3, page 366.	(3) Action taken in accordance with the resolution.
(4) "That this Council recommends to the Government to appoint a Committee consisting of the Minister for Education, the Minister for Agriculture, the Director of Public Instruction, the Director of Agriculture, seven zamindar members of the Council, and the mover to report by next session on the educational needs of zamindars"	Volume II, No. 3, page 381.	<p>(4) A committee consisting of—</p> <p>The Hon'ble Khan Bahadur Mian Fazl-i-Husain,</p> <p>The Hon'ble Lala Harkishan Lal,</p> <p>Mr. G. Anderson, C.I.E.,</p> <p>Mr. C. A. H. Townsend, I.C.S.,</p> <p>Chaudhri Fazl Ali (the mover of the Resolution),</p> <p>M. Muhammad Hussain,</p> <p>S. Raja Singh,</p> <p>S. Daswanda Singh,</p> <p>Chaudhri Kharak Singh,</p> <p>M. Shah Nawaz,</p> <p>Chaudhri Bans Gopal,</p> <p>has been appointed to consider this question.</p>

Terms of Resolution passed.	Volume No. and page of Punjab Legislative Council debates.	Action taken.
<p>(5) "That this Council recommends to the Government to appoint an expert Committee consisting of officials and non-officials to work out a detailed scheme for the separation of judicial and executive functions and to prepare an estimate of the cost of the same."</p>	<p>Volume II, No. 3, page 386.</p>	<p>(5) A committee consisting of—</p> <ol style="list-style-type: none"> <li>(1) The Hon'ble Mr. Justice Le Rossignol, Judge, High Court of Judicature at Lahore,</li> <li>(2) Home Secretary (Mr. J. Wilson-Johnston, C.B.E., I.C.S.),</li> <li>(3) Financial Secretary (Mr. B. T. Gibson, I.C.S.),</li> <li>(4) Legal Remembrancer to Government, Punjab.</li> <li>(5) Mian Muhammad Shah Nawaz, M.L.C. (the mover of the Resolution),</li> <li>(6) Diwan Bahadur Raja Narendra Nath, M.L.C.,</li> <li>(7) Malik Feroz Khan Nun, M.L.C.</li> <li>(8) Pandit Daulat Ram Kalia, M.B.E., M.L.C.</li> </ol> <p>(9) S. Daswanda Singh, M.L.C. has been appointed to examine and report on the following questions:—</p> <ol style="list-style-type: none"> <li>(i) If the Deputy Commissioner in his capacity of District Magistrate and the Sub-Divisional Officer, in his capacity of Sub-Divisional Magistrate, cease to exercise control over the subordinate magistracy under section 17, Criminal Procedure Code, what arrangements should be made for that control? What will be the additional cost involved, and what will be the advantages and the disadvantages of the change?</li> <li>(ii) If the Deputy Commissioner ceases as District Magistrate with 1st class Magisterial powers and enhanced powers, under section 30, Criminal Procedure Code, to try persons charged with offences, to deal with appellate work from 2nd and 3rd class Magistrates and to have revisional powers under Chapter 33 Criminal Procedure Code, what arrangements should be made for this work? What will be the additional cost involved, and what will be the advantages and the disadvantages of the change?</li> <li>(iii) If officers in executive charge of sub-divisions and the members of the Deputy Commissioners' staff at district and tahsil headquarters who do executive work or of any kind, cease to try or commit for trial persons charged with offences, what arrangements will be made for the work now done by them, what additions to staff will be necessary, what will be the additional cost involved, and what will be the advantages and disadvantages of the change?</li> <li>(iv) If the officers of various executive departments, such as Canals, Forests, Salt, who now exercise magisterial functions, cease to exercise them will any additional staff and any additional cost be thereby made necessary, and what will be the advantages and disadvantages of the change?</li> <li>(v) Can the Committee suggest any changes in Judicial procedure, such as the abolition of the commitment procedure which would diminish the addition to expenditure entailed by the other measures proposed.</li> </ol>

Terms of Resolution passed.	Volume No. and page of Punjab Legislative Council debates.	Action taken.
<p>(6) "That this Council recommends to the Government that a Committee of six members of this Council be nominated by the Government to report on the future appointment of Honorary Magistrates and Civil Judges in the Punjab, and to propose such rules and suggest such changes as modern conditions may require."</p>	<p>Volume III, No. 1, page 25.</p>	<p>(vi) If the changes indicated in paragraphs (i), (ii), (iii) and (iv) of the foregoing are recommended, how should the prosecuting agencies (both of Government pleaders and of Court Inspectors) be strengthened in number and quality, in order that the case for the Crown may be properly put before all Courts dealing with criminal trials and what will be the expenditure involved?</p> <p>(6) A Committee has been appointed consisting of— Mr. H. P. Tollinton, Commissioner, Rawalpindi, Chairman, Mr. A. L. Gordon-Walker, Mr. B. T. Gibson, Misar Beli Ram, M.L.C., Mian Muhammad Shah Nawaz, M.L.C., Sardar Raghubir Singh, M.L.C., K. B. Raja Muhammad Akbar Khan, M.L.C., to investigate and report upon the principles and procedure which should be followed in the future appointment of Honorary Magistrates and Civil Judges in the Punjab and to propose such rules and suggest such changes as modern conditions may require.</p>
<p>(7) "That this Council recommends to the Government to refer to the Standing Committee on Public Health the proposals—</p> <p>(i) that regular training classes be opened at Government expense for the training of compounders;</p> <p>(ii) that their emoluments be raised materially and</p> <p>(iii) that their designation be changed to "Medical Assistants."</p>	<p>Volume III, No. 1, page 29.</p>	<p>(7) The proposals will as recommended be placed before the next meeting of the Standing Committee on Public Health.</p>
<p>(8) "That the Finance Committee of this Council be instructed to examine the question of the annual contribution to be paid by the Province to the Governor-General in Council under Devolution Rule 17 with a view to the total and immediate extinction of the contribution; and further to take such steps as are necessary to that end."</p>	<p>Volume III, No. 1, page 73.</p>	<p>(8) The Finance Committee considered the matter and authorised Government to address the Government of India, which has been done.</p>
<p>(9) "That this Council recommends to the Government that political prisoners in the Punjab be given better treatment, both before and after conviction, than is usually meted out to ordinary offenders against the law."</p>	<p>Volume III, No. 1, page 83.</p>	<p>(9) This recommendation is still under the consideration of Government.</p>
<p>(10) "This Council recommends to the Government to move the High Court of Lahore to call, under section 439, Criminal Procedure Code, for the records of each and every case connected with the recent political unrest in the Punjab in which a non-co-operator has been convicted so that the validity in law and fact of such convictions may be examined."</p>	<p>Volume III, No. 1, page 115.</p>	<p>(10) Government has decided to take the course recommended in all cases in which there is any substantial doubt.</p>
<p>(11) "That this Council recommends to the Government that the monthly salary of chappasis throughout the Province be fixed at Rs. 15—1—20 and the pay of the lamadars be fixed at Rs. 21—1—25, and that those persons who have rendered five years' approved service be given the maximum."</p>	<p>Volume III, No. 1, page 123.</p>	<p>(11) Provision will be made in the budget for 1923-24 to raise the Re. 1 allowance admissible to chappasis and mentals in Lahore, Lvallpur, Sargodha, Amritsar and Rawalpindi to Rs. 2.</p>

*The 26th February 1923.*

No. 6574.—In continuation of Punjab Government notification No. 5432, dated the 17th February 1922, the following statement showing the action taken by Government on further resolutions passed by the Council is published for general information :—

Terms of Resolution passed.	Volume No. and page of Punjab Legislative Council debates.	Action taken.
<p>1. That this Council recommends to the Government to convey to the Right Hon'ble E. S. Montagu its profound regret at his resignation and its appreciation of the valuable services rendered by him in helping India to achieve self-Government, in securing for her an honourable position in comity of nations, and to the cause of Islam.</p> <p>2. That this Council recommends to the Government to inform the Government of India as to the views this Council holds on the points involved in the question of the Reform of the Frontier Province Administration by its amalgamation with the Punjab or independently of it.</p>	<p>Volume III, No. 3, page 391.</p>	<p>The message was conveyed to Mr. Montagu through the Government of India.</p>
<p>(1) That the administration of the five settled districts and the adjoining agencies should be under one Administration.</p> <p>(2) In no case is this Province prepared to take over the administration of the Agencies.</p> <p>(3) This Council cordially approves of a due measure of reforms being given to the North-West Frontier, but considers that those reforms should be given within the Province itself and not by amalgamation with the Punjab.</p> <p>(4) In case amalgamation of the settled districts with the Punjab is considered necessary, then the cost from time to time of the administration of the territories so amalgamated, over and above the income derived therefrom, should be borne by the Government of India.</p>	<p>Volume IV, No. 1 pages 196-97.</p>	<p>A copy of the Resolution and a report of the debate was sent to the Government of India.</p>
<p>3. This Council recommends to the Government to recommend to the Government of India to remove the restrictions placed on the export of wheat.</p>	<p>Volume IV, No. 1, page 207.</p>	<p>A recommendation was made to the Government of India accordingly. The restrictions on the export of wheat were removed by the Government of India on 7th September 1922.</p>
<p>4. That this Council recommends to Government to expedite the survey of the Thal tract and the preparation of detailed plans of the Shind Sagar Canal Project with a view to the submission of the project to Government of India and the Secretary of State for sanction and to begin its construction as soon as work on the Sutlej Valley Project is well advanced.</p>	<p>Volume IV, No. 2, page 341.</p>	<p>In order to expedite survey work a new Public Works Department division with three sub-divisions has been opened and it is expected that survey work will be completed in April 1924 and that the Project Estimate will be ready by October 1924. By October 1925 the Sutlej Valley Project should be sufficiently advanced to allow a beginning to be made with the Thal Canal.</p>
<p>5. That this Council recommends to His Excellency the Governor that the summer session of the Punjab Legislative Council be held at Simla.</p>	<p>Volume IV, No. 2, page 355.</p>	<p>Provision has been made in the budget for the holding of the summer session at Simla.</p>
<p>6. That this Council recommends to the Government that a committee consisting of five Sikh members of this Council, to be selected by all Sikh members of this Council, be appointed to bring about a settlement between the Mahant of the Guru-ka-Bagh and the Shiromani Gurdwara Pa bandhak Committee.</p>	<p>Volumes IV, No. 5, page 591.</p>	<p>The resolution did not call for any action on the part of Government.</p>

Terms of Resolution passed.	Volume No. and page of Punjab Legislative Council debates.	Action taken.
7. That this Council recommends to the Government that the resolution regarding increasing of the emoluments of Zaildars and Lambardars, which was carried in the Council early in March 1921, be given effect to immediately.	Volume IV, No. 5 page 599.	The Government is not in favour of the proposed addition to the revenue pachotra of Lambardars, but it is open to any member of the Council to bring in a private Bill to legalize the proposal. Until such a Bill is passed the Government would not feel justified in recommending the expenditure from Provincial Revenues entailed by the Resolution.
8. That this Council recommends to the Government that when the headquarters of the Shabdara Tahsil have been transferred to Shahdara, a sub-tahsil be established at Sharakpur.	Volume IV, No. 5 page 630.	Action is being taken for the establishment of a tahsil with a Sub-Treasury at Sharakpur which will remain open for four months in a year.
9. That this Council recommends to the Government that a Committee of six members of this Council with an official Chairman be appointed to enquire into and report on the question of communal representation in the cadre of Civil Services, both senior and subordinate, and to suggest such remedies as should for ever close the recent Hindu-Muslim controversy which is being carried on in the Press.	Volume IV, No. 5, page 639.	Certain members have been invited to serve on the Committee.

*The 11th July 1923.*

No. 18768.—In continuation of Punjab Government notification No. 657, dated the 26th February 1923, the following statement showing the action taken by Government on further resolutions passed by the Council is published for general information :—

Serial No.	Terms of Resolution passed.	Volume No. and page of Punjab Legislative Council debates.	Action taken.
1	That this Council recommends to the Government to attempt an experiment on a unit of area of not less than one 'Rajbaha' of the amalgamation of the Canal and Revenue Patwari agencies and Zilladars with Naib-Tahsildars and Deputy Collectors with Tahsildars and Extra Assistant Commissioners according to the permanent salary which they would be drawing at the time; and place them all under the direct control of the Collectors.	Volume IV, No. 8, page 845.	Arrangements are being made for amalgamation on the lines suggested in the resolution on the Western Jumna Canal. Preliminary discussion has taken place between Canal and Revenue authorities and it is hoped that the staffs will be amalgamated by 1st January 1924.
2	That his Council recommends to the Government to keep all political prisoners in such jail or jails situate in healthy and temperate climate as it may set aside exclusively for this purpose, no ordinary culprits being detained in such jail or jails.	Volume IV, No. 8, page 878.	Prisoners of the special class are segregated as far as possible in two District Jails. Owing to the crowded state of the jails it has been found impossible so far to go beyond this in the direction recommended.
3	That this Council recommends to the Government that all persons arrested in connection with Guru-ka-Bagh affair, the Kirpan cases and Gardwara movement be immediately released.	Volume IV, No. 10 page 1124.	As explained in the course of the debate, Government were not able to accept this resolution as it stood. The remainder of the Guru-ka-Bagh prisoners, were, however, released about the end of April 1923, in circumstances that have already been made public, to the message was conveyed His Majesty the King through the proper channel.
4	That this Council requests His Excellency the Governor of the Punjab to convey that Council's respectful congratulations to His Most Gracious Majesty the King-Emperor of India on the birth of a grandson, Princess Mary's son.	Volume IV, No. 14, page 1355.	
5	That this Council do recommend to the Local Government that it should undertake to pay the cost, not exceeding Rs. 23 lakhs of a diversion of the Sutlej Valley Railway line between the stations of Pakpattan and Mailai required in the interests of the development of Nil Bar colony.	Volume IV, No. 16, page 1506.	The Government of India have been addressed by the Public Works Department in this connection and correspondence continues.

Serial No.	Terms of Resolution passed.	Volume No. and page of Punjab Legislative Council debates.	Action taken
6	That this Council recommends to Government that the number of 'Muharram' holidays be increased from 3 to 5 days, i.e., from the 6th to the 10th of 'Muharram' both inclusive.	Volume IV, No. 17, page 1549.	The question is still under the consideration of Government.
7	That this Council recommends to the Government to appoint a Committee of official experts with a majority of non-official members of the Legislative Council under the presidency of the Hon'ble Minister for Agriculture, Punjab, to examine how far overlapping exists amongst the departments of Public Works Department, Roads and Buildings, Irrigation and District Boards, and how far the recommendations of the Sly Committee report, appointed by the Government of India for the same purpose can be given effect to in this province.	Volume IV, No. 17, page 1553.	The appointment of a Committee is still under the consideration of the Ministry of Agriculture.



## BIHAR AND ORISSA.

Letter No. 1362-C., dated 14th August 1923.

From—The Chief Secretary to the Government of Bihar and Orissa,

To—The Secretary to the Government of India, Home Department.

As requested in your letter No. D-917, dated the 23rd April 1923, I am directed to submit the report asked for by His Excellency the Governor General in Council, on the working of the reformed constitution, and its results, political, financial and administrative, from the introduction of the Government of India Act, 1919 to date.

The Legislative Council has just held a short two days sitting, and meets again for six days at the end of August prior to dissolution. The statistics of this session are not included in the details as to legislation, resolutions, questions, etc. They are not likely materially to affect the main conclusions to be drawn, but they will be given later in a supplementary letter, and the facts reported will then cover the whole life of the Council.

2. *Personnel of the Reformed Government.*—The 29th December 1920 was the date on which the new constitution was inaugurated in Bihar and Orissa. On that date Lord Sinha assumed the office of Governor, and the Members of the Executive Council took their seats. These were Sir Walter Maude, Mr. (afterwards Sir) Havilland LeMesurier (both of the Indian Civil Service) and Rai Bahadur Krishna Sahay, and all three had previously been members of the Executive Council of the Lieutenant-Governor. The first Ministers appointed, Khan Bahadur Saiyid Muhammad Fakhruddin and Mr. Madhusudan Das, entered upon their offices early in January. Since the Reformed Government was first constituted the following changes in its personnel have occurred :—

- (1) On the 16th April 1921, Sir Walter Maude resigned his office as Member, and was succeeded by Mr. Hugh McPherson, I.C.S., who took his seat on the 16th April 1921.
- (2) On the 18th June 1921, Rai Bahadur Krishna Sahay died, and was succeeded by Mr. Sachchidananda Sinha who had already been officiating for him during his illness.
- (3) On the 29th November 1921, the Right Hon'ble Lord Sinha resigned his office of Governor, and the Vice-President of the Executive Council, Sir Havilland LeMesurier, became acting Governor under the provisions of section 91 of the Government of India Act.
- (4) On the 12th April 1922, Sir Henry Wheeler assumed office as Governor.
- (5) On the 1st November 1922, Sir Havilland LeMesurier resigned his Membership of the Executive Council, and the number of members of the Executive Council was simultaneously reduced from three to two, no appointment being made in his place.
- (6) On the 9th March 1923, Mr. Madhusudan Das resigned his office as Minister of Local Self-Government, and on the 27th March 1923, Babu Ganesh Datta Singh was appointed in his place.

3. *Distribution of business.*—The distribution of business on the transferred side has remained unchanged since the beginning of 1921, and is as then arranged by Lord Sinha. The two Ministries are styled the Ministry of Education and the Ministry of Local Self-Government. The

business allotted to the former includes, besides education, the administration of what may be called the development subjects (agriculture, co-operative credit, development of industries, etc.), as also excise and registration. The Ministry of Local Self-Government is charged with the care of medical administration, public health and public works, roads and buildings, in addition to the business falling under the head of Local Self-Government proper.

On the reserved side, Lord Sinha retaining in his own hands the administration of the Feudatory States of Orissa, and a few other subjects of a more or less personal nature, the distribution of the rest of the reserved subjects amongst the Members was broadly as follows :—

Sir Walter Maude ..	}	Appointment Department.
		Revenue Department.
Sir Havilland LeMesurier ..	}	Political Department (including Police).
		Finance Department.
Rai Bahadur Krishna Sahay ..	}	Judicial Department.
		Irrigation Department.

The first redistribution was made after Mr. McPherson succeeded Sir Walter Maude, when Sir Havilland LeMesurier took over the Appointment Department in exchange for the Political Department, which was allotted, along with the Revenue Department, to Mr. McPherson. No change was made when Mr. Sinha succeeded Rai Bahadur Krishna Sahay, but after the resignation of Sir Havilland LeMesurier, Sir Henry Wheeler redistributed the business as follows :—

Mr. McPherson ..	}	Appointment Department.
		Political Department (including Police).
		Revenue Department.
		Finance Department.
Mr. Sinha ..	}	Judicial Department.
		Irrigation Department.

The office of Vice-President of the Executive Council was held in succession by Sir Walter Maude, Sir Havilland LeMesurier and Mr. McPherson. Sir Walter Maude was also appointed to be President of the Legislative Council, and was succeeded in that office by Mr. Sinha. The appointment of a member of the Executive Council as President of the Legislative Council was contrary to the views expressed by the Joint Select Committee of both Houses of Parliament, and Lord Sinha was aware of the objections to that course. He was of opinion, however, that, so long as there were three members of the Executive Council, while no other province (except the Presidencies) had more than two, it would impose an unnecessary burden on the provincial finances if the salary of the President of the Legislative Council had also to be found. This arrangement terminated when Sir Havilland LeMesurier vacated office, and the members of the Executive Council were reduced to two, a non-official member of the Legislative

Council, Khan Bahadur Khwaja Muhammad Nur, being then appointed as President.

4. *Allocation of funds to reserved and transferred subjects.*—No part of the Reforms scheme was more thoroughly discussed than the financial relations between the two sides of the Government, and the question of a joint purse or separate purses was the subject of energetic controversy. Apprehension was freely expressed that under a joint purse system (the solution finally adopted) there would be constant friction between the Executive Council and Ministers, and that the Governor would find great difficulty in discharging the duty imposed upon him of finally allocating the revenues and balances of the province between reserved and transferred subjects, if the two sides were unable to agree. Fortunately, however, these apprehensions have hitherto proved groundless so far as Bihar and Orissa is concerned, and there has been no occasion to put in force the procedure prescribed in rule 32 of the Devolution Rules.

5. The budget of the year 1921-22 was in an advanced state of preparation when the Ministers took office early in January 1921, and in the circumstances, it was impossible for them to acquaint themselves fully with the work of their departments before the financial arrangements for the coming year were finally settled. On the 14th January, the Finance Department placed the amount available for new expenditure at Rs. 22,55,000 of which only Rs. 97,000 could be devoted to recurring charges. After examining the sanctioned schemes and discussing their relative urgency with the departments concerned, the Finance Member suggested an allocation which was accepted at a joint meeting of the Executive Council and Ministers. Rs. 16,05,000 (including Rs. 79,000 recurring) was allotted to transferred subjects, and Rs. 6,50,000 (including Rs. 18,000 recurring) to reserved. A sum of Rs. 5,00,000 was held as a balance for supplementary estimates, and was provisionally allotted in equal shares to each side.

6. When the estimates for the year 1922-23 were in preparation, the Ministers were, of course, in a far better position to put forward their demands for additional funds. The time, however, was one of financial stringency, and it was well known that no increase in recurring expenditure would be possible. The amount available for new non-recurring expenditure was estimated to be Rs. 10,00,000, and at a joint meeting it was agreed that Rs. 3,00,000 should go to the reserved side, and Rs. 7,00,000 to the transferred side. The amount held in reserve for supplementary demands was not allocated. On this occasion there was no selection of the sanctioned schemes before the allotment of funds between the two sides. After the allocation, however, the schemes on either side were examined by the respective Standing Committees, and finally the two committees sat together as a finance committee to advise finally as to the selection of schemes within the limits of the allotments. A recommendation of this joint committee that the allocation to the transferred side should be increased from Rs. 7,00,000 to Rs. 8,00,000 was accepted by Government.

7. From the constitutional point of view there is a danger that a joint committee of the nature described in the last paragraph may unduly interest itself in the allocation of funds between the two sides of the Government. Recommendations as to the relative urgency of important sanctioned schemes on either side are properly made by the Standing Committee (or committees) concerned, but if the committees finally sit together as a finance committee they can hardly refrain from advising on the relative urgency of schemes as between the two sides, and that at once raises the

question of allocation. When therefore the budget for 1923-24 was in preparation it was considered preferable to run no risk of misunderstanding and the procedure was accordingly revised. Each department, after obtaining the advice of the appropriate Standing Committees, submitted to the Finance Department lists of its proposals for new expenditure arranged in order of urgency. When these had been examined, it was found that sufficient funds were available to meet all the demands, and thus for the third time the danger of a difference between the Executive Council and Ministers was averted. At the time when the lists were sent in, the surplus had been provisionally put at a much lower figure than it eventually turned out to be, and this fact no doubt influenced the Departments in making their demands. In future years it may be expected that they will show less diffidence and spread their nets wider. The allotments were as follows :—

	Recurring.	Non-recurring.	Total.
	Rs.	Rs.	Rs.
Reserved side .. .. .	1,30,000	8,55,500	9,85,500
Transferred side .. .. .	11,67,600	16,58,900	28,26,500
Total ..	12,67,600	25,14,400	38,12,000

8. It will be seen that during the first three years covered by the Reforms the aggregate allotments to reserved and transferred subjects for new schemes were Rs. 19 and 52 lakhs, respectively. Government have thus redeemed the promise which was made when new taxation was imposed by the Court-fees Amendment Act, 1922, that the major portion of the additional resources thus secured would be devoted to the needs of the transferred departments. But even before the revenue was thus enhanced every effort was made to treat the transferred side with liberality, and were the matter viewed as a conflict between the two sides, there is little doubt that the reserved got the worst of it. Any forebodings that the contrary would be the result were certainly falsified. It is probable that this would have happened even had there been no reforms, since there is unanimity that the future progress of the country lies mainly on what is now the transferred side, but the Reforms probably accelerated the process, since, whereas the reserved side exercised rigid economy, Ministers naturally sought new avenues of advance.

9. In the current years' budget the reserved expenditure is Rs. 343 lakhs and the transferred Rs. 168 lakhs, though these figures are entirely misleading since the whole structure of orderly Government, but for which expenditure on transferred subjects would be impossible, is debited to reserved. Hitherto the discussions about the allocation of funds have been concerned exclusively with the allotment of surplus revenue and balances, and within the Government no question has been raised as to the total allocation between reserved and transferred. But in the Legislative Council the alleged starving of the transferred departments and the disproportionate share of the total revenues taken by the reserved side have,

as elsewhere, proved popular cries, and it was in response to such criticisms that a Retrenchment Committee was appointed in 1921, whose recommendations are now under the consideration of Government. Such examination as has so far been made of them does not point to the probability of very great savings, and many of the suggestions made are based on insufficient knowledge and are impracticable. In fact, unless the present system of Government is materially changed, *e.g.* by the substitution of Provincial for All-India Services, it is unlikely that substantial economies will ever be feasible, and even then they would probably not be so large as our critics anticipate. The truth is that in a poor province like this, expenditure is habitually pared down, and the funds available are not sufficient to meet much needed improvements, let alone luxuries or waste.

The Legislative Council and the Ministers have, however, been generally satisfied with the liberality displayed towards the transferred subjects in the allocation of new revenue, and the question of the distribution of total expenditure between the two sides has not so far been unduly pressed. But it is an obvious possibility of the future that a Minister, unable to obtain from the surplus all the money he needed for the development of his own departments might raise the question whether the reserved expenditure ought not to be reduced. In that case the procedure laid down in rule 32 of the Devolution Rules would no doubt come into play.

10. *Constitutional or Cabinet difficulties, and the resignation on such grounds of Members or Ministers.*—Constitutional crises have happily so far been few in this province, and the relations between the Governor and His Executive Councillors and Ministers, and between the latter *inter se*, have been cordial. Differences of opinion there have, of course, been, but it would be incorrect to say that any acute constitutional difficulties have so far, arisen within the Local Government.

As mentioned above, the Hon'ble Mr. Das tendered his resignation as a Minister in March last. Ostensibly he resigned because the Governor would not allow him to serve in an honorary capacity, but this was not a correct statement of the facts, and the correspondence between him and the Governor, which was published at the time, showed conclusively that the proposition which he laid before the Governor was that he should be allowed to combine the position of an honorary Minister with the right to practise at the Bar. This His Excellency was unable to accept. Apart from this, Mr. Das had had some open differences of opinion with certain non-official members of the Legislative Council, as the result of which he had expressed in Council his intention to resign, and although he subsequently withdrew from that position, it is probable that these incidents largely weighed with him. In any case it is noticeable that although reference to his resignation was naturally made in the press it was generally admitted that his suggested combination of functions was out of the question.

11. *Reinforcement or readjustment of Secretariat and other headquarters establishments necessitated by the Reforms.*—The introduction of the Reforms scheme increased the number of members of the Government from four to six (later five) as well as the size of the Legislative Council and the length of its sessions, and these changes have inevitably necessitated some expansion in the Secretariat and in the staff of the Legislative Council, though other headquarters establishments have been left pretty much as they were.

Quite apart from the constitutional changes it had become evident by 1920 that three Secretaries could no longer undertake the work of the civil departments, other than the Public Works Department. As

business was then distributed, the Chief Secretary had charge of the Appointment, Political and Education Departments ; the Financial Secretary of the Finance and Municipal Departments ; and the Revenue Secretary of the Revenue and Judicial Departments. Under this arrangement both the Chief Secretary and the Financial Secretary were overburdened, and the appointment of a fourth secretary had become inevitable. This new appointment existed on a temporary basis for more than a year prior to January 1921, and the need for it cannot therefore be ascribed mainly to the Reforms Scheme, although, of course, the new system of Government accentuated it. It soon became evident, however, that even four secretaries would not suffice, and that the appointment of a fifth secretary was required. The fourth secretary held charge both of the Municipal and the Education Departments, and was thus responsible for the major portion of the work connected with the transferred subjects. In October 1921 a fifth secretaryship was created temporarily, and, it is expected, will shortly be made permanent. The work of the transferred side is now divided between two secretaries (Education and Local Self-Government), and that of the reserved side between three (the Chief Secretary, Finance and Revenue). This increase in the strength of the Secretariat was unavoidable. The pressure of work during the Legislative Council session is something to which the former system presents no parallel. On the transferred side of the Government, moreover, the Minister naturally expects from his secretary an amount of assistance in matters of administrative detail with which the official Member of Council could dispense.

12. From 1912 to 1920 the office of Secretary to the Legislative Council was combined with that of Legal Remembrancer, but on more than one occasion the work of the two appointments proved beyond the capacity of a single officer, and an Additional Legal Remembrancer had to be appointed temporarily. It was evident that on the introduction of the Reforms the complete separation of the two offices would become inevitable. Arrangements were made, therefore, for the immediate appointment of a whole-time Secretary to Council, who acted also as Secretary to Government in the Legislative Department, and as a measure of economy, the office of Legal Remembrancer was then combined with that of Secretary to Government in the Judicial Department. An Assistant Secretary to the Legislative Council together with a larger staff of clerks and reporters has also been appointed.

13. *Standing Committees appointed at the instance of the Legislature, and Council Secretaries.*—A standing committee of Public Accounts has been constituted in accordance with the requirements of the Devolution Rules. It has submitted the first report on the accounts of 1921-22, which will be considered by the Council in the coming session.

14. Two other standing committees have been constituted, one for the reserved subjects and one for the transferred subjects, before whom it has become the established practice to place all important proposals for new expenditure prior to a request for a vote in Council. It is possible in committee to explain fully to the non-official members the reasons for any particular proposal, and an opportunity is afforded to Government members to answer questions and set doubts at rest. The attendance of the non-official members at these committees has not, however, been very regular, and the object in view has sometimes been thereby frustrated. The arrangement of two standing committees was approved by Lord Sinha, who placed no term on their constitution, but in the opinion of Sir Henry Wheeler the system by which one committee deals with all the reserved

subjects, and another with all the transferred subjects is wrong in principle, and the Bengal practice of departmental standing committees is far preferable. For one thing, the latter enlists the co-operation of a larger number of the Council, and affords them a valuable experience. Secondly, it renders it possible for the Council to elect to each committee, the members known to be interested in, and to have knowledge of, the particular subjects with which each committee will be called upon to deal; there are few non-officials who are equally interested, say, in land revenue and police (on the reserved side), or in Local Self-Government and agriculture (on the transferred). His Excellency contemplates following the Bengal precedent in the new Council, although he has accepted in the current Council the arrangement which he found in being and which, on the face of the orders, was sanctioned by his predecessor for the life of the Council.

15. Otherwise a number of committees have been constituted by Government at the express request of the Council, or in accordance with its known wishes. These naturally fall into two groups. The first includes what may be called 'policy' committees, that is to say, committees appointed to advise Government as to the policy to be adopted in some particular branch of the administration. The first committee of this kind was appointed, in accordance with a resolution passed in the first session, to consider the whole question of primary and secondary education. It has submitted its report, which has been published for general information and criticism, but final orders with regard to it have not yet been passed. Its proceedings were very protracted, and it is probable that effect will be given to a number of its proposals. A second committee was appointed to consider the policy to be followed in the Agricultural Department, and to advise in particular, regarding the future of the Sabour Agricultural College. This committee has submitted its report, and orders have been passed by Government generally accepting its recommendations, although it is questionable whether they did not in some instances, seriously impair the efficiency of the department, to which the Legislative Council in this province has always shown a curious antipathy. In the cold weather of 1922 a resolution was passed by the Council for the appointment of a committee to consider the re-organization of the Medical and Sanitary Departments. This, however, has not yet met, the Minister having decided that it would be no use assembling it until the necessary materials were ready for its consideration. A fourth committee was appointed to advise Government as to the policy to be followed in connection with the development of the mineral resources of the province, but its report has not yet been submitted. A fifth committee may also be mentioned in this connection, although it was not directly appointed at the instance of the Council, but by the Minister on his own initiative, inspired, doubtless, by the trend of Council feeling. This is the committee appointed to advise regarding future excise policy. Its report has recently been received, but final orders have not yet been passed. Finally mention should be made of the Local Self-Government conference at which the principles to be adopted in amending the law affecting municipalities and other local bodies were discussed. This, however, included representatives from local bodies throughout the province, and was not confined to members of the Legislative Council, although the deliberations of the latter body were the cause of its assemblage.

16. It will be noticed that, with one exception, all these committees were appointed to deal with transferred subjects. This fact is of some importance, and must be ascribed, in the main, to the absence in the Council of any clearly defined parties. The facts in this matter will be

examined in a later paragraph (*vide* Nos. 72 and 74), but some reference to them is relevant here. The Minister, who has no organized party at his back and who has not been elected on any clear cut programme, must look for support to the non-official members as a body, and in order to be sure of obtaining such support he is compelled to take them into his confidence before formulating his policy. This was the more necessary since, at the outset, he and they alike lacked detailed knowledge of administrative work, and had to acquire it. In these circumstances, the formation of committees to review almost every branch of the administration was probably inevitable. The existence of a Parliamentary system on the English model, under which the Ministers first formulate their policy and then present it to Parliament, is absolutely dependent on the existence of well defined parties. In their absence the Minister finds difficulty in articulating a definite policy of his own, and unless he is prepared to do so, and by the force of his personality and power of persuasion to carry the majority with him (a position which has not, so far, been realised), he must fall back upon the expedient of consulting the non-official members of the Council and ascertaining their views, before undertaking legislative measures or administrative schemes which cannot be put through without their goodwill and support. Unless parties come into existence it seems likely that the committee system will establish itself; and that the American Congress, rather than the British Parliament may be the model followed.

17. The remainder of the committees to be considered were appointed to investigate particular problems, rather than to advise on general questions of policy. The two Irrigation Bills, as also the Bihar Tenancy Bill, were drafted on the recommendations of committees containing a majority of members of the Legislature, but while the former committee's labours resulted in two additions to the statute book, the Tenancy Bill was eventually withdrawn by Government, as is subsequently explained. A Retrenchment Committee was appointed by Government in 1921, in accordance with a strongly expressed wish of the Council, but did not submit its report till March 1923, nearly two years later. It is now under the consideration of Government, and a general criticism of its recommendations has already been given. Another important committee was appointed to devise a scheme for the separation of judicial and executive functions. It submitted its report in May 1922, and the Local Government, after examining the proposals made, have addressed the Government of India on the subject. The Orissa Floods Committee was appointed in accordance with a resolution passed by the Council to consider what remission of revenue should be granted in certain districts in Orissa owing to the damage caused by floods in the year 1920. The Local Government, after considering the committee's recommendations, sanctioned a remission of one-half of the land revenue for that year in favour of 88 estates in the districts of Cuttack and Balasore. Another resolution (passed after the Saran floods in 1922) asked for a committee to examine the whole question of embankments, but effect has not yet been given to this recommendation. Finally, Government are committed to two more committees on the subject of education. One of them is charged with the duty of making recommendations on the subject of vocational education, and has commenced its work. The other (not yet appointed) is to devise a scheme for the extension of free and compulsory education throughout the province.

18. No experiment in the direction of employing Council secretaries has yet been made in Bihar and Orissa.



19. *Relations between the Reformed Government and the Public Service.*—Of all the public services it is the All-India Services and especially the Indian Civil Service and the Indian Police which have been most profoundly affected by the introduction of the Reforms Scheme, for much of the power which previously rested in the hands of the former has already passed to the Legislative Council and to Ministers responsible to the Council, while the latter see themselves increasingly liable to attack, and have a waning confidence in the extent of the protection which they may receive from higher authority. It is obvious that the present intermediate stage between bureaucratic supremacy and popular control creates difficulties on both sides. On the one hand, the member of a service may find himself obliged to carry out a policy which he regards as detrimental to the best interests of the country, while on the other, the Minister finds it irksome to work through services not fully under his control but subject ultimately to another authority. Whatever the difficulties, there has been no want of loyal co-operation on the part of the services or of cordial appreciation on the part of the Ministers. Occasions of personal friction have been rare, and there has been an honest endeavour on both sides to make the best of things and not to create difficulties unnecessarily. But the anomalies of the situation are likely to become more prominent. The authors of the Joint Report contemplated that for many years the All-India Services would continue their beneficent work in harmony with the new institutions which were to be created, guiding, and to some extent moulding, the proceedings of the Ministers and the Council. This hope, however, seems doomed to frustration. Both the Council and the Ministers realise that, for the present, the knowledge and experience of the services are indispensable to them, but they cannot be expected to remain in leading strings for an indefinite period, and it is inevitable that they should desire a greater degree of independence. They feel also (though so far, the feeling is based on theory rather than on any actual *impasse* that has arisen) that, so long as the All-India Services are responsible ultimately to the Government of India and the Secretary of State, they have not full control even over the transferred subjects, and any prolonged continuance of this arrangement would be resented. Probably the first demand put forward by an autonomous provincial Government would be for the complete control of the public services working within its borders. Since January 1921 the demand for Indianisation has assumed a new form; it is now rather for Indianisation through provincialisation, and this tendency, especially since the argument of economy can be used in its support, is likely to strengthen as time goes on. Speaking broadly, provincialisation means Indianisation. It is quite possible that the provincial Governments of the future may be content to employ for a time a proportion of European officers, but as regards future recruitment they will seek to impose the condition that these shall be responsible to them and not to any external authorities.

20. The view of the present situation and of its probable developments outlined above is, of course, merely a forecast, of which time alone can prove the accuracy or otherwise, but it is the view taken by a growing proportion of the services. They foresee in the India of the not very distant future no place for them as services in the sense in which these previously existed, and it is this feeling more than anything else which is responsible for premature retirements and for pessimism as to the expediency of future recruitment. The position of the other services is not quite the same, for they never shared in the control of the administration to the same extent as did the Indian Civil Service. Their position,

therefore, is not so radically changed. But they too are witnesses of the steady pressure maintained by the Legislative Council for the abolition of the higher appointments which are the prizes of the services, and of the spirit of racialism which tends increasingly to dominate discussions about the services.

21. In the circumstances described above, it is not surprising that members of the services should feel that their tenure is extremely insecure, and that any chance of securing suitable employment elsewhere is worth accepting. In some cases the present rates of pay are regarded as inadequate, but apart from that the move for premature retirement is not so much that the present state of things is intolerable, as that the future holds out few prospects. There is this also to be added—and it applies specially to those officers who are most hopeful of India's future and most willing to be of service to her—that no man cares to go on working when his services are not wanted. It is doubtless this distrust of the services regarding the future which is responsible for the birth of numerous service associations, and particularly of the European Government Servants' Association, which has not yet been recognized by the Government of India or the Local Government, as it includes the Indian Police amongst the All-India Services represented in its membership. The exception thus taken by Government to the inclusion of the Police was bitterly resented. It is unfortunate that this vogue of service association has taken a racial turn, and the reply to the European Government Servants' organization has, not unnaturally, been the formation of a similar association for the Indian members of the superior services.

22. The actual relations between the members of the reformed Government and the All-India Services in Bihar and Orissa have thus, on the whole, been harmonious on both sides, but there is one marked exception. From the first the attitude of the Legislative Council to the Indian Agricultural Service was hostile, and this hostility could not but affect the worth of the department. Many members evinced a profound disbelief in the value of the work which this service carries on, and a keen desire to alter radically the administration of the department. The cadre of the service is a very small one, but there has already been one premature retirement, and its members feel that they cannot look to the Council for support and encouragement. The attacks made in Council on this department, and certain depreciatory references which have been made to the work of the Indian Medical Service, evincing a desire to revert to Indian systems of medicine, are features which are worthy of notice.

23. Except in the case of one department there is little to say regarding the relations of the Reformed Government with the Provincial and Subordinate Services, for they have not differed appreciably from those prevailing in pre-Reform days, and in fact the marked development towards the enhancement of the position of the Provincial Services at the expense of the All-India cadres, is obviously, an encouragement to the former. The exception is the police. The position of that department has been extraordinarily difficult. It is immediately and directly responsible for the maintenance of law and order, and it has passed through a most trying time, when a powerful party was endeavouring to overthrow the established Government and when the public peace was constantly imperilled. This period of stress coincided with the first 18 months of the new constitution, of which one of the cardinal points is that the administration even of the reserved subjects should be carried on, as far as possible, in conformity with Indian opinion. But Indian opinion constantly displayed itself, both in the legislature and in the press, as blind to the dangers involved and opposed to the exceptional measures which the situation

seemed to require. In these circumstances, the Governor in Council took risks which at other times would probably not have been taken, and carried tolerance up to the utmost possible limits. The position of the officers immediately responsible for the public peace must, under these conditions, be anxious and difficult. The morale of the police force stood the strain in a remarkable way, but unquestionably their confidence was shaken. In addition to this the men of the lower ranks see that amongst the Provincial and Subordinate Services the retrenchment axe is levelled at them alone, and that the Legislative Council is anxious both to reduce their numbers and limit their powers. In these circumstances, the police force is naturally apprehensive of the consequences which provincial autonomy may entail for them, and feels that even the present advance has left its position far from secure.

24. *Effect of the Reforms on the cost of the administration.*—The increase in expenditure due directly to the Reforms Scheme can be estimated with reasonable accuracy, and may be summarized as follows :—

	Rs.
Executive Council .. .. .	--60,000
Ministers—	
(a) salaries .. .. .	96,000.
(b) other expenditure .. .. .	24,000
Legislative Council—	
✓(a) salaries .. .. .	65,000
(b) other expenditure .. .. .	95,000
Secretariat .. .. .	1,00,000
Elections .. .. .	50,000*
Total .. .. .	<u>3,70,000</u>

The saving in the cost of the Executive Council was not realised until the resignation of Sir Havilland LeMesurier in October 1922, but on the other hand up to date one of the members was also President of the Legislative Council. As the salary of the President has been fixed at Rs. 2,500 a month against Rs. 5,000 drawn by the third Member, the increase in cost during the first two years was really higher by Rs. 30,000. Similarly, up till March 1923, the Ministers received salaries of Rs. 5,000 a month, but have now voluntarily accepted reduced salaries at the rate of Rs. 4,000. Minute accuracy is not possible, especially as the introduction of the Reforms Scheme coincided with a general rise in the salaries in all departments, but the increase in recurring expenditure may safely be put at between Rs. 3½ lakhs and Rs. 4 lakhs. The non-recurring expenditure necessitated by the Reforms Scheme up to date has amounted to Rs. 5½ lakhs, and was incurred for the construction of a new Council Chamber at Patna, the adaptation of the Secretariat building at Ranchi so as to provide a Council Chamber there, and the construction of quarters for members of the Legislative Council at Patna and Ranchi. Further expenditure upon quarters is in contemplation and the construction of residences for the Ministers at Ranchi is in progress.

It is impossible to estimate the expenditure indirectly due to the Reforms. The whole tendency of the new system must be on the one hand to reduce or limit expenditure in the security departments and the higher

\*The expenditure amounts to about Rs. 1.5 lakhs in every third year.

services, and to increase the expenditure on education, medical relief and sanitation. But an increase in the directions last mentioned would most certainly have ensued even had there been no Reforms, and while the Reforms may have accelerated the process, it is not entirely due to them.

25. *Effect of the Reforms on the efficiency of the administration.*—It is almost equally difficult to assess the gain or loss in efficiency under the new system of Government. When the Reforms were inaugurated, the departments were beginning to emerge from the war period and the difficulties caused by shortage of officers and concentration of war work. There followed the fight with non-co-operation, and the attention of all officers was again diverted from their ordinary duties. In these circumstances it would be unfair to ascribe any loss of efficiency, as compared with pre-war standards, solely to the Reforms. The attention of the Ministers, moreover, has been concentrated mainly on the investigation of questions of policy, and in administrative matters. They have naturally relied on the advice of the permanent officials. A longer time must elapse before any fair judgment can be formed in this matter, and indeed some observers take the view that, as yet, there has been little definite change either for the better or the worse. In particular departments definite results may be traceable, *e.g.*, there has been a distinct advance in rural sanitation and medical relief, while on the other hand the Agricultural Department, as already described, has suffered from the hostility of the Legislative Council, both to the policy hitherto followed and to the officers of the Indian Agricultural Service as a body. Few generalisations as to the results are yet possible, though attention may usefully be drawn to an obstacle to progress which has been already encountered. The Legislative Council has already manifested a marked desire to interfere in the details of administration, and their financial powers afford them considerable scope for doing so. They seem to think that the province should be run on the lines of a municipality. Consequently schemes are apt to be delayed and, it may be, modified in detail, in deference to non-official opinion in a way which constitutes a hindrance to departmental progress. Again, this is particularly true of the Agricultural Department.

26. Otherwise, the direction in which things are moving is not doubtful. Hitherto the motive power which kept the machinery going and made progress possible has come from above, and even twenty years ago it was still possible for an energetic Viceroy to make his influence felt in every part of India and to secure important results in a comparatively short time. In more restricted spheres the 'drive' came from the officers of the superior services, very largely European, and improvements were effected under their stimulus or not at all. But the Reforms Scheme means definitely that this is to cease. The initiative now lies largely in other hands, and the goal to be attained is no longer the same. For the future the impulse to improvement, if it comes at all, must come from the educated Indian, and as yet he has not the knowledge nor the experience to use his opportunities to their full effect. In these circumstances there is likely to be a period during which, though much ground may not be lost, progress will be imperceptible. The momentum of the machine may serve to keep things going, but until the Indian has mastered its intricacies, it will not move forward. The European officer has now less incentive to constructive effort, for he has no assurance that what he does will not be reversed before ten years are over, and he must be content to safeguard, if he can, what has already been granted. Moreover, he no longer has the same power to carry through improvements; formerly, if he could persuade an official Government of their merits, his proposals probably went through, sooner or later, as funds became available. But now an

entirely different set of critics has to be convinced, and the Legislative Council can definitely obstruct new schemes in many ways. This tendency is likely to be felt, for instance, appreciably in the Settlement Department. Again, from the local self-government sphere the district officer is now practically excluded. It is in this way that the Reforms Scheme has already made its effect felt, and a distinct relaxation of effort is observable in some branches of the administration, for when the stimulus which the superior officer has been wont to supply is withheld, the subordinate officers can hardly be expected to display the same energy as before.

27. It is not only a period of marking time, however, that must be expected; an actual loss of efficiency is probably inevitable. It has been made plain time after time in the Legislative Council that the educated non-official Indian in this province does not as yet appreciate the need of adequate supervision if efficiency is to be safeguarded. The recommendations of the Retrenchment Committee involve the disappearance of Commissioners of Divisions, of Deputy Inspectors-General of Police and of Superintending Engineers; while on a lower-grade wholesale reductions have been recommended in the numbers of deputy superintendents and inspectors of police. If supervising officers are to be ruthlessly excised, it will be idle to expect that the old standards of administration could be maintained, the more so if, simultaneously, the less competent agency of the Provincial Services is substituted for All-Indian officers. It may be that for this there will be compensating advantages, but the fact cannot be ignored.

28. The Governor in Council does not propose to enlarge further on this branch of the subject. The time has not yet come when any final judgment can be pronounced. All that can be attempted is to note the symptoms which indicate the general trend of events.

29. *Local Self-Government and the Reforms.*—Since January 1921 the whole field of local self-government has been considered by the Legislative Council, and three important Acts have been passed. When the Ministers assumed office a Bill to consolidate and amend the Bengal Municipal Act had already been drafted by the former Government, which was designed to bring the municipal law into accordance with the general principles approved by the Government of India and with modern requirements, as also to remedy a number of defects found to exist in the previous law. It was in this shape that the Bill was introduced in Council, but before it was considered in select committee the general principles which were to regulate future policy were thrashed out at a conference assembled by the Minister. As it emerged from the select committee the Bill embodied the principles approved at this conference, the important changes made being as follows:—

- (1) The proportion of nominated members was reduced from one-fourth to one-fifth.
- (2) The franchise was extended to all persons paying Rs. 1-8-0 in municipal taxes (the qualifications for the provincial electorate is Rs. 3), and was also granted to educated women otherwise qualified.
- (3) Salaried servants of Government were disqualified for elections as chairman or vice-chairman of a municipality. When however, a municipality fails to elect a chairman within a specified time the choice of the Local Government is not limited and it is possible also to exempt the municipality at its own request from the operation of this provision.

- (4) The appointment of a president, in addition to a chairman, was made obligatory on all municipalities, but a municipality may be exempted by Government from this obligation.
- (5) Power was given to the ratepayers to move Government to remove an elected member of the municipality of whose conduct they disapprove.
- (6) The control and supervision of municipalities was transferred from the district officer and the commissioner, to the local Government. These officers still retain their right of inspection, and the district magistrate retains powers to suspend the execution of a resolution likely to cause a breach of the peace or serious injury to the public or to any class, but the power to set aside a resolution as *ultra vires* is reserved to Government. The Council, however, retained a section enabling Government to delegate its powers.
- (7) The Act provides for the creation of a Local Self-Government Board, in which the majority of the members will be elected by the Legislative Council from among themselves. The Board will exercise such powers as may be delegated to it by Government.

Amendments designed to introduce the principle of the referendum, and thus give the ratepayers more direct control over the proceedings of municipalities, were discussed in Council, but rejected.

30. The Bill to amend the Local Self-Government Act was not drafted till after the conference, and generally followed the same lines as the Municipal Act. It introduced for the first time direct election to the district boards, and removed them also from the supervision and control of the local officers of Government. It went further than the Municipal Act in rendering it impossible for salaried servants of Government to hold the post of chairman or vice-chairman, even when the Board fails to elect and an appointment has to be made by Government, and in respect of the areas covered by the Backward Tract notification His Excellency has felt constrained to take exception to this provision. Officials are also debarred from voting at an election of a chairman or vice-chairman. On the other hand, amendments moved in Council reducing the proportion of nominated members from one-fourth to one-fifth, and making it obligatory on all district boards to elect a president as well as a chairman, were defeated. In place of the Local Self-Government Board provided for by the Municipal Act, a Public Health Board is to be constituted with similar functions, and its constitution is left to be settled by statutory rules.

31. The Village Administration Act provides—

- (a) for the formation in villages of union boards charged with certain administrative powers to be exercised subject to the control of district boards in respect of schools, sanitation and certain other matters ;
- (b) for the constitution of village panchayats with power to try petty civil and criminal cases ;
- (c) for the transfer to the union boards of the powers and duties of the chaukidari panchayats in relation to the village police. The Bill was originally drafted on the lines recommended by a committee appointed to consider the matter in 1920, but substantial changes were made by Government before the

introduction of the Bill and in select committee. This measure affects both reserved and transferred subjects, and was in charge of a Member of the Executive Council during its passage through the Legislative Council. The most noticeable points in which the select committee or the Council modified, or attempted to modify, the Bill were the following :—

- (1) a proposal to lessen the controlling powers of the district magistrate over the village police and to increase those of the union board was pressed both in the select committee and in the Council, but was finally defeated ;
- (2) substantial reductions were made in the maximum rates of taxation originally proposed, whether on account of the village police or for general purposes ; and in fact the maximum fixed by the present law in the case of the chaukidari tax, Rs. 12, was finally left unaltered. It was in recognition of Government's acquiescence in this matter that the Council left the powers of the district magistrate in chaukidari matters practically untouched ;
- (3) in order to supply union boards with funds, clauses were inserted making contributions from district boards compulsory ;
- (4) additions were made to the list of objects on which the union boards might spend their funds, so as to make it possible to spend money on such matters as the development of village industries and the maintenance of *tols* and *Ayurvedic* dispensaries ;
- (5) the powers of the panchayats, both in civil and criminal cases, were increased.

32. In all three Acts the Council took up the same attitude. On the one hand, they objected strongly to interference by the local officers of Government with the proceedings of local bodies, while on the other hand, they were not apparently prepared entirely to trust the local bodies themselves, though constituted on a representative basis, or their elected office-bearers. This tendency is exemplified by the provision requiring municipalities to elect a president, whose only statutory function is to preside at meetings, but who is presumably intended to act as a check on the chairman. They were ready to concede some control of the ratepayers, but in the main they desired that all supervising authority should be exercised from headquarters by the Minister or, preferably, by themselves. This accounts for the establishment of a Local Self-Government Board containing a majority of members of the Legislative Council, and some members apparently wished that individual members of the Board should have the right to inspect municipalities. Free use was made in debate on all occasions of the usual commonplaces about the voice of the people and the impropriety of interfering with the decisions of the popular representatives. But this attitude has not been consistently maintained and resolutions have been brought forward again and again asking the local Government to *direct* district boards and municipalities to take certain action, while many questions show a desire on the part of the interrogator to induce Government to interfere with the discretion of a local body and to decide matters of purely local interest, such as the site of a school or of a hospital. Some resolutions were disallowed on the ground that they referred to matters which were not primarily the concern of the local Government, and the President, in a ruling given on the 15th February 1923,

explained the reasons why he had disallowed questions relating to the detailed administration of municipalities and district boards, and pointing out how undesirable it was for Government or the Council to interfere in this way with local self-governing bodies.

33. Municipalities and district boards have not yet been reconstituted in accordance with the provisions of the Act described above, nor have union boards and panchayats yet been established. It is impossible to foretell how the new system may work, nor can a very definite opinion be pronounced on the effect which the Reforms have had as yet on the actual administration of local bodies. Only a few points can therefore be noticed.

- (1) The transfer of local administration from official to non-official hands had already commenced before the Reforms Scheme was inaugurated, but the process has perhaps been expedited by the constitutional change. Thus non-official chairmen have been appointed to the district boards of Gaya, Shahabad, Monghyr, Purnea, Puri and Balasore, whereas this privilege had been given previously only to Patna, Cuttack and Bhagalpur. A similar change has not yet, however, been made in the district boards of the Tirhut Division, which were opposed to it, nor did Government contemplate any such action as regards the boards in the Chota Nagpur Division. In the case of municipalities, which under the old Act had the right to select either an official or non-official, some municipalities (usually small) have preferred an official chairman, and in all such cases, their opinion was accepted.
- (2) A resolution was passed by the Legislative Council that the depressed classes should be represented on local bodies, and Government have endeavoured to use their power of nomination with this object, but in many cases it has been found impossible to do so.
- (3) Municipal administration has in certain towns undoubtedly deteriorated during the last three years, but it would be unfair to ascribe this fact to the Reforms. Several other causes have been at work, *e.g.*, financial difficulties caused by the rise in prices, and the attacks on local bodies by non-co-operators. The important municipalities where things seem to be worst are Gaya, Bhagalpur and Monghyr, and all these bodies contain a substantial proportion of non-co-operators. On the other hand, there are signs of increased interest being taken by the ratepayers in municipal affairs. There was a larger attendance at the polls last year, and, on the whole, a better attendance at meetings. In one municipality, Darbhanga, which had been very badly administered, a new body of commissioners was returned after a general election, and new office-bearers were even elected, a change which has apparently resulted in some improvement. In some towns ratepayers associations have been started, and this in itself is a healthy symptom. Of the appointment of non-official chairmen on district boards it is too early to judge, but most of the chairmen have devoted themselves energetically to their work. Speaking generally, therefore, the Reformed Council has so far mainly occupied itself with altering the machinery of Local Self-Government with the idea of eliminating official interference (the idea of the Joint Report that official guidance and advice would be wel-



comed has proved singularly contrary to fact) and broadening the basis of the franchise. It remains to be seen what the effect of this action will be.

34. *Government legislation.*—Since the beginning of 1921 sixteen Government bills have been introduced in the Legislative Council, and fourteen have been passed into law. A list of the Acts passed will be found in annexure A. Eight of them are formal and unimportant, and in their case it is necessary to supplement the brief note made against each entry in the annexure. Six of the Acts passed deserve separate mention.

35. Three important measures were passed covering the whole sphere of Local Self-Government, namely the Bihar and Orissa Municipal and Local Self-Government Acts and the Village Administration Act. The character of these measures has already been indicated in paragraphs 29—31.

36. Two Acts were passed dealing with irrigation. The Private Irrigation Works Act provides for the repair and maintenance of irrigation works that have been neglected by private owners and the regulation of the supply and distribution of water from these sources, and facilitates their construction and repair. The Minor Irrigation Works Act, 1922, makes provision for the control of the use of the irrigational resources of rivers, and the construction, improvement and upkeep of irrigation works on a smaller scale than that contemplated by the Bengal Irrigation Act, 1876. The two Acts were based on the recommendations of a committee appointed by Government to examine the whole matter, after a Council debate in the autumn session of 1920, when a particular instance of neglected irrigation was the immediate issue. Both of them—and especially the Private Irrigation Works Act—were designed to meet the conditions prevailing in South Bihar, and particularly in the Gaya district, where there are extensive irrigation works consisting of small canals (*pains*) and reservoirs (*ahars*), which draw their supplies from the numerous rivers and streams traversing the district from south to north. These systems have hitherto been maintained by the proprietors of the lands through which the canals pass, but owing to various reasons—of which the subdivision of estates and the breaking up of the larger landed interests, are the chief—many proprietors are ceasing to maintain the works, and ever since the Irrigation Commission sat in 1903 unsuccessful attempts have been made to find a solution of the difficulty. Eventually it was decided to postpone consideration of the question till the settlement of the district was completed in 1918. The present legislation is thus the outcome of many years' deliberation and enquiry. The Private Irrigation Works Act enables one co-sharer in an estate to execute the necessary repairs and recover the cost from the proprietors as a body, and similarly it permits the proprietor of one estate to repair the canal works and recover from the proprietors of the other estates interested. In the last resort the Collector can intervene, put the canals in order and recover from the whole body of proprietors. The Bill passed smoothly through the select committee, which submitted a unanimous report of approval, but at the eleventh hour the Gaya landlords took alarm that in some way the rights of the zamindars were being invaded, and a certain amount of opposition was encountered. At the meeting in August 1922, when the report of the select committee was presented, the Raja Bahadur of Amawan, who represented the Gaya landlords, was prevented from attending, and Government being anxious to avoid any imputation of pushing the measure through during the absence of its opponents, left it to the Council

to decide whether the Bill should be postponed. The Council took the sensible view that the business set down for its meeting should proceed, and accepted the motion for taking the Bill into consideration by 30 votes to 26. A number of amendments were moved on behalf of the landlords, and a few were accepted by Government with modifications, the remainder being defeated without recourse to the division lobbies. The most important of the accepted modifications was a reduction of the maximum limit of expenditure on repair work, which, the present Collector of Gaya reports, is likely to defeat appreciably the object of the measure.

37. Finally one taxation measure of some importance was passed by the Council, *viz.*, the Bihar and Orissa Court fees (Amendment) Act, 1922, which (subject to certain exceptions) raised court fees generally by about 50 per cent. The attitude of the Council to this Bill will be described in the section headed 'Financial Measures' (*vide* paragraph 53).

38. This section of the report would be incomplete without a reference to the Bihar Tenancy Bill, which was the most important piece of legislation undertaken by the local Government in the first Reformed Council, and the most significant in its reception by that body. The Council includes in its composition half a dozen professed representatives of the raiyats. One of these, Babu Bishva Bharan Prashad (usually) known as Swami Vidyand, who created some sensation by defeating a representative of the Darbhanga Raj, and is a prominent organizer of the *Kisan Sabha*) brought forward in the autumn session of 1921 a resolution for the appointment of a roving commission to enquire into the grievances of the raiyats throughout the province. This proposal caused some alarm amongst the zamindar members of the Council; negotiations took place, and a modified resolution, recommending the appointment of a committee to consider what amendments were necessary in the Bengal Tenancy Act (which is still the agrarian code of Bihar), was carried unanimously. It was explained in the course of the debate that the local Government were ready to adopt this course, as a Bill on the same subject, which had been pending since 1918 and was sanctioned by the Government of India, had been withdrawn in 1920 from the last pre-Reform Council, as it was considered that the question would be dealt with more satisfactorily by the new body.

A Bihar Tenancy Committee, which was not confined to members of Council and included, in more or less equal proportions, representatives of landlords and tenants and official experts, was accordingly appointed. The committee sat in September-November 1921, and reported in December 1921. Its report, which was by no means unanimous, and was therefore submitted over the signature of its Secretary, disclosed considerable differences of opinion, in particular over the questions of the transferability of raiyati rights and the exercise of rights in trees. Eventually a Bill which followed closely the draft recommended by the majority of the committee was introduced in Council, and referred to select committee towards the end of March 1923, when it had, on the whole, a favourable reception. The select committee held several sittings in September 1922, when it appeared that the struggle would centre on the two questions already mentioned, and that the zamindar members of Council would not be satisfied though certain modifications on both these points and an important concession regarding their private lands were introduced into the Bill. The official members of the select committee were somewhat reluctantly prepared to support these with the object of conciliating the opposition of the landlord party. The select committee postponed the completion of its report in September till the following month, in order that facilities might be given for

the holding of a round table conference of landlords' and tenants' representatives under the presidency of the Maharajadhiraja of Darbhanga, the object hoped for being to attain an amicable settlement of all outstanding differences, but this attempt at compromise proved a failure, and after the conference had dissolved without achieving any result, the select committee met again and completed its report, to which all the non-official members attached notes of dissent. Neither side would yield, fearing lest a spirit of accommodation should be interpreted as readiness to surrender in the final struggle. The report of the select committee was presented in December, but consideration of the Bill was postponed till the February session. A few days after the presentation of the report His Excellency the Viceroy visited Patna, and took advantage of an address presented by the Bihar Landlords' Association to counsel a spirit of conciliation in the pending tenancy legislation. It was hoped that, between the presentation of the report of the select committee in December 1922 and the expected consideration of the Bill in February 1923, further efforts would be made to effect an amicable settlement of the points of difference, but mainly on account of the mutual suspicions of the landlords' and tenants' representatives, this hope did not materialize. The next stage was the consideration of the Bill in Council from the 6th to the 12th February 1923. Throughout this week strenuous efforts were made to effect an amicable settlement, and the Council was adjourned several times for the purpose. At the conclusion of his Darbar of the 10th February 1923, His Excellency the Governor exhorted the representatives of landlords and tenants to do their best to attain a reasonable compromise, but all efforts to secure this were wrecked over the dispute regarding the landlords' right of pre-emption of a raiyati interest, and the days allotted for consideration of the Bill were exhausted before any progress had been made. A last effort was made to arrive at an amicable settlement before the close of the winter season, when the Maharajadhiraja of Darbhanga visited Patna in the second week of March 1923, and a note of the terms of a possible compromise, which the Member in charge of the Bill considered reasonable, was given to him in order that he might consult his brother zamindars. Several meetings of zamindars were held to consider the question, but the feeling was against acceptance of the terms suggested, and at a last informal meeting held at Government House on the 14th March 1923, under the presidency of His Excellency, which was attended by the Maharajadhiraja and a few selected representatives of the landlords, it became clear that no amicable settlement was likely to be effected in the course of the current session. An announcement to this effect was accordingly made in Council on the 16th March 1923, and the Bill has since been held in abeyance. A few of the moderates in the landlord party still hoped for a settlement. They were told that Government would not be prepared to bring in the Bill again in the course of the coming autumn session (July, August 1923) unless they were strongly pressed to do so, and received a firm assurance that the Bill would be passed in a form which appeared reasonable to Government and was generally acceptable to both parties. Government were not willing to have a heated controversy in Council regarding the agrarian question on the eve of the next election. No further overtures have since been made to Government, and it may now be taken as settled that the Bill will die a natural death with the expiry of the present Council.

39. Looking back, it may be said that the Bihar Tenancy Bill was the only really contentious subject, affecting large class interests, which occupied the attention of the present Council, or of which echoes reached the public outside the Council. Hopes of compromise fluctuated from time to time, but were ultimately baffled. Throughout the proceedings and

negotiations Government made it clear to both parties that their sole object was to reconcile differences, and it was recognized throughout that the only hope of settlement lay in Government mediation.

40. One small measure—the Chota Nagpur Amendment Bill—was withdrawn after introduction, but this is a matter of minor importance. The Bill was intended to modify certain provisions in the Chota Nagpur Tenancy Amendment Act of 1920, relating to the jurisdiction of the revenue and civil courts, respectively, in disputes affecting rights in trees and forest produce. It was found by the select committee that the Bill introduced in the last winter session did not cover the whole case, and a revised Bill has been introduced in the present autumn session. It is not expected that there will be any serious difference of opinion over the questions involved, and it may be anticipated that the Bill will pass without serious opposition.

41. *Private legislation.*—No non-official member has yet introduced a Bill in the Legislative Council, but a very small Bill to amend the Bihar and Orissa Food Adulteration Act, 1919, by the inclusion of drugs, is likely to be brought forward by a non-official member during the next session.

42. *Financial business—Budgets.*—Since January 1921, three budgets have successfully run the gauntlet of the Council. Annexure B contains a statement showing the number of motions of which notice was given for the reduction of items in these budgets, together with the fate that befell them, while annexures C and D give the details of the motions which were carried against the opposition of Government, or defeated after a division.

43. An examination of these statements shows that the Police Department was the favourite object of attack, and that attempts were made not only to eliminate particular items but to secure large lump reductions in the demand as a whole. Government, however, sustained only three defeats under this head. The provision of a railway saloon for the Superintendent of Police, East Indian Railway, was defeated by 14 votes in 1921, but carried by 6 votes two years later. In 1922 the provision for additional police was reduced by Rs. 25,000, as a protest against the application of section 15 of the Indian Police Act to certain districts, but it is significant that the same Council passed a vote of Rs. 50,000 for a temporary increase of the armed police forces of the province to meet the menace of the non-co-operation movement. In 1923, although large cuts in the police budget were moved, none of them were successful, and the whole budget went through as it stood with the exception of an unimportant item of Rs. 1,500, which as it so happened, was covered by a mistaken double entry.

44. The Forest Department is not regarded with much favour, because there is a mistaken impression amongst members of Council that it is overstaffed with Imperial officers and that its profits are not commensurate with its expenditure. This accounts for the reductions made in 1922 of Rs. 20,000 under the head "superior officers", and of Rs. 20,000 under the head "buildings." The Excise Department also was retrenched more than once, some of the members apparently labouring under the singular delusion that, if only a policy of prohibition were adopted, excise officers could be dispensed with altogether. Of the two motions carried one affected a reduction of Rs. 10,000 in the travelling allowance of excise officers, and the other necessitated the abolition of the appointment of Deputy Commissioner of Excise, a most unwise retrenchment looking to the very large financial interests involved.

45. The feeling of the Council as regards what some members style a 'bricks and mortar policy' found expression in a number of motions for cutting down the provision for buildings, two of which were successful.

In 1921 the provision of Rs. 1,08,500 for agricultural and veterinary buildings was omitted altogether, and in 1922 the demand for forest buildings was cut down by Rs. 20,000. Roads, also, were not too popular, and in 1921 a reduction of Rs. 60,000 was made in the demand of Rs. 4,30,000 for metalled roads. Unsuccessful attempts were also made to cut down the provision for canals, but these emanated usually from the Orissa members, who in this way gave vent to their dissatisfaction with the local management of the department, particularly the Orissa Coast Canal, which they hold responsible for much of the malaria in Balasore.

46. The Settlement Department seldom finds favour in the eyes of the un-official members, and a stiff fight has occurred each year over this part of the budget. In 1921 the whole provision for the Orissa revision settlement was defeated, but was carried in the following year, members being influenced by the conclusion that it was inevitable and that the sooner it was over the better. In 1922, the Sambalpur revision settlement was carried by two votes only, and in 1923, the Ranchi revision was defeated by a single vote.

47. The most remarkable debates in connection with any of the three budgets occurred in 1922 over the voted part of the provision for the High Court, when two motions were carried against Government. The first of these omitted the provision for the duty allowances of the Deputy and Assistant Registrars, and the second reduced the total vote by Rs. 1,000 with the express object of censuring the administrative work of the High Court. No concealment was made of the fact that the motive underlying the attack was resentment at the predominance of Bengalis in the ministerial establishment of the Court, and the belief that these Bengali officers (especially the Deputy and Assistant Registrars) were able to influence the Judges in the employment and promotion of their own compatriots and to the prejudice of Biharis. In the debate racial prejudice ran riot, appeals to the Council's own sense of dignity and propriety were ineffective, and reckless allegations were made, to which the Government members had not at the moment materials for a full reply. Government felt strongly that it was imperative in the public interest to expose the baselessness of the charges brought against the administration of the Court, and also desirable to give an opportunity of reconsidering a vote, which was in every way deplorable and constituted a most unfortunate precedent, and with these two objects a supplementary vote was brought forward in the same session immediately after the opening of the new financial year. On that occasion the duty allowance of the Deputy and Assistant Registrars were carried by 4 votes, but although the hollowness of the attack on the Court was fully proved, the vote of censure on the Court was re-affirmed by 7 votes.

48. The device of moving a nominal reduction in a vote in order to call attention to defects in the administration of a department, was not infrequently utilized, but was never pressed to a division except in the case of the High Court. The same means was also used occasionally, but rather ingeniously, to call attention to the insufficiency of the provision for some particular object in which the mover was interested.

49. Altogether, less than a third of the motions of which notice was given were actually moved, but at the second and third budget discussions, the closure slew about 10 per cent. of the total; at the first budget the closure did not have to be applied. Many motions were sent in merely with the object of eliciting information about apparent discrepancies between the budget provision and the revised estimates of the current

year or the actuals of the year, and the result was a good deal of unnecessary labour for the Government members. Unquestionably, however, the frequent changes in the classification of the accounts made under the direction of the Auditor General have increased the difficulties of unofficial members in understanding a somewhat complicated system of accounting.

50. A very noticeable feature of the budget discussions, though not by any means confined to them, was the poor attendance of unofficial members. The average total number taking part in a budget division was between 41 and 42, and the highest number was 57, out of a Council of 100 members. Government could muster 18 official votes (excluding the Ministers), and if it could succeed in securing 7 or 8 non-official votes it could usually carry the division. On the transferred side Ministers would have frequently found themselves in trouble without the steady support of the official members. On 8 occasions motions were carried or defeated by a single vote, and once by the casting vote of the President after a tie. It had been expected that the imminence of a general election would lead to a systematic and sustained attack on the budget of 1923-24, and in fact five or six of the non-official members formed themselves into a committee to review the whole budget, and issued a notice to all non-official members to show their power by voting for reductions, as it was their last chance in this Council. How the attack might have developed it is impossible to say, but the unexpected improvement in the financial position over the estimates possibly took the edge off it and it seemed to die down and fade when one of the two Ministers suddenly resigned. Thereafter the maximum number voting in a division was 44, and the single defeat sustained by Government was caused, after a tie, by the casting vote of the President, who considered it his duty in respect of a new item to maintain the *status quo*.

51. As might have been expected, the attacks on the budget were directed mainly on the reserved side, and except in the case of excise and roads and buildings, the transferred departments had a comparatively easy time. When the budget motion on a transferred subject was discussed at length, either some question of policy was involved, or there was some special (sometimes local) reason for desiring reduction. No concealment, indeed, was made of the fact that many unofficial members desired a reduction in the reserved expenditure in order to set funds free for the "nation building" departments. That the attack on reserved expenditure was not pressed home more fiercely is partially to be explained by the recognition of the Council that the transferred departments had been very generously treated in the allocation of funds set apart for new schemes (*vide* paragraph 8).

52. *Supplementary demands.*—Sixty-five supplementary demands were moved, and of these fifty-eight were carried without a division (annexure E). Many of these were purely formal and involved merely the transfer of funds from one major head to another, *e.g.*, because of a change in the classification of expenditure in the accounts. No demand was refused altogether, but two were carried subject to a reduction. One of these was the supplementary demand for the High Court, referred to in paragraph 47 above, and the other was a demand of Rs. 1,13,600 under the head "stamps," put forward by the local Government at the instance of the Government of India. The Council took the view that no demand could properly be made on the provincial finances in order to affect an adjustment with the Central Government on account of expenditure incurred before the introduction of the Reforms, and reduced the vote by

Rs. 1,00,000. On the whole, the attitude of the Council towards supplementary demands has been a reasonable one, and no complaint can be made that money which was asked for has been refused. The preliminary examination of such demands by the standing committees has done much to facilitate their passage through the Council.

53. *Taxation.*—Two proposals for taxation have been placed before the Council by Government. The first was for the increase of registration fees, and effect could legally have been given to this measure without the sanction of the Council. It was thought better, however, to test the opinion of the Council in view of the simultaneous proposal for the enhancement of court fees and to secure approval at the outset. The resolution was moved by the Minister and, after he had made some slight concession in the new scale of fees, was carried by 28 votes to 5. The second taxation measure was the enhancement of court fees by about 50 per cent., which required legislation. The motion in March 1922 to refer the Bill to a select committee was carried by 24 to 14, and in August, when their report came up for consideration, a delaying motion to recirculate the Bill was defeated by 40 to 17. The Bill then went through with some amendments in favour of the poorer classes of litigants, which were offered by Government as a compromise and accepted by the opposition.

The opponents of the Court Fees Bill took the line that the province and the people were too poor to stand extra taxation, that the provincial balances were still unexhausted, and that funds could be found for education and medical relief by reductions of expenditure on the reserved side. These arguments did not prevail with the majority of the Council, and their general attitude towards the Bill was creditable. They took the view that additional taxation was necessary to balance accounts and afford some hope of expansion on the transferred side. A few months after the passing of the Bill, some members were inclined to complain that the Finance Department had taken an unnecessarily gloomy view of things, and had been guilty of under-estimating revenue and over-estimating expenditure. They argued, therefore, that their votes had been obtained under false pretences. The real fact is that the excise revenue which had suffered severely from the onslaught of the non-cooperators recovered during 1922 and 1923 in a manner which set all calculations at naught, while on the expenditure side the Public Works Department spent less than had been estimated. The necessity, however, of a permanent and stable addition to the revenues of the province is admitted by all moderate and reasonable members to be a necessary condition of progress, in the transferred departments, and particularly in the expansion of primary education and the improvement of public health.

54. While the Council has thus shown its readiness to provide money by taxation for necessary services, unquestionably it means to control to the utmost of its power the expenditure of money so raised, and the tendency to endeavour to check details, which given that the policy is acceptable, can be best judged of by the departments, has already been mentioned. There is a strong feeling in certain sections that expenditure on what may be called the security services, and especially the police, is higher than it need be and could be reduced without risk, and facts and arguments to the contrary fail to convince the opposition. The attempt to compel reductions in such expenditure have hitherto met with very little success but the attack is certain to be renewed in the next Council. The other directions in which many non-officials would like to see economies effected are the number and pay of the higher services (especially the All-India Services) and the cost of provincial

buildings. If they can secure adequate retrenchment in these matters they believe that sufficient money can be set free for the development of education and medical relief during the next few years. They will accept taxation if that is the only alternative to arrested progress, but they will not, if they can help it, allow the new money to be spent in departments whose budgets are, in their opinion, already excessive. When the Minister for Local Self-Government was appealing to the Council to remember that extra funds were required for medical relief, a member interjected the remark "Let it be earmarked for that purpose and the Council will accept it", and in December a resolution was passed that 25 per cent. of the proceeds of increased taxation should be earmarked for the expenditure of the transferred departments. Government were unable formally to accept a proposal which is at variance with the constitutional scheme prescribed in the Devolution Rules, but it has been already shown that in the budget for 1923-24 the sums allotted to the Ministers for new expenditure were much in excess of the percentage suggested in the resolution, and the restraint displayed by the members in charge of the reserved departments was duly acknowledged.

55. One other matter may be mentioned, though it does not fall strictly under taxation. On account of the rise in the rate of interest the water rates on the Son Canals were raised by departmental order. In December 1922 a resolution was brought forward, and carried by 24 votes to 15, asking for the cancellation of the increase. In this matter the resolution had the sympathy of the Oriya members who complain of the corresponding increase in the water rates of the Orissa Canals.

56. *Resolutions.*—During each of the years 1921 and 1922 there were three sessions of the Legislative Council, and one session has so far been held in 1923. In the course of these seven sessions 46 days were allotted, wholly or in part, to non-official business, and 126 resolutions moved by unofficial members were discussed. Of these 54 were either accepted by Government or were not opposed, and 39 were defeated without a division or withdrawn. The remaining 33 were contested. Of these 15 were opposed by Government and defeated, while 18 were carried against the opposition of Government (5 without a division). In the 28 divisions the average number of members voting was 41.

57. When the Reformed Council first met no legislative project was ready for introduction, and during 1921 the larger portion of its time was naturally given up to non-official business. The Council met on 38 days, and of these 23, wholly, and 5 in part, were given up to the discussions of resolutions. By 1922 the various Bills which had been in preparation came before the Council, and naturally fewer days were available for non-official business. The Council met on 46 days, of which 11, wholly, and 3, in part, were given up to resolutions. In the winter session of 1923 the Council met on 26 days, of which 4 were given up to resolutions. In all the sessions together the Council met on 110 days, of which 38, wholly, and 8, in part, were given up to resolutions.

58. The 126 resolutions naturally covered a very wide range of subjects, and almost every branch of the administration came under review. Annexure E gives the number of resolutions carried, defeated or withdrawn, and Annexure F contains a list of the resolutions opposed by Government but carried.

A resolution usually aims at stimulating Government to greater activity in regions where it is supposed to have been guilty of lethargy, or curbing what is represented to be the excessive or unnecessary use of its powers in other spheres. The Bihar and Orissa Council has been liberal with advice tending in both directions. The Ministers have



received abundant stimulation in the fields of education and medical relief, and the Executive Council has been vigorously attacked on the score of "repression". The resolutions falling in these three groups are in some respects the most important discussed by the Council.

59. In the medical sphere the Council at once displayed an earnest desire for the wide extension of facilities for medical relief. The very first resolution passed called upon Government to allot large grants for medical relief in rural areas, and to initiate a liberal programme for the establishment of new dispensaries so that every police station area should contain at least one dispensary. A similar resolution was also carried later in the first session. Again in 1922 a well meant, but not very wise resolution was carried demanding the provision of trained *dais* in all rural dispensaries. It has been evident throughout that no demand the Minister may make for funds in this field is likely to be refused. At the same time the Council has displayed its interest in the ancient systems of medicine, and three resolutions asking for their recognition and encouragement were moved, of which one was carried. This resolution asked that district boards and municipalities should be allowed to establish *Ayurvedic* and *Tibbi* hospitals, and called on Government to take immediate steps for the establishment of a *Tibbi* and *Ayurvedic* school.

60. In the educational field the Council showed itself no less zealous, but here it was evident that the Council not only desired rapid progress, but also substantial modifications in the existing arrangements. In the first session Government accepted a resolution for the appointment of a committee to review the whole system of primary and secondary education, and two years later Council adopted a resolution definitely committing itself to the ideal of universal free and compulsory primary education. Some of the modifications desired in the existing system are disclosed by the resolutions moved or passed abolishing the age limit for the matriculation, approving the introduction of vocational education (carried) or the opening of agricultural and artisan classes in primary schools (defeated), and recommending the substitution of an honorary for a paid Vice-Chancellor of the Patna University (carried). Finally the opposition to "bricks and mortar" displayed itself in the resolution which was carried recommending that no building regulations should be applied to primary schools. On the medical side a similar resolution advocating the abolition of type plans for charitable dispensaries was withdrawn after explanations had been given by the Inspector-General.

61. During the first session of the Council the subject of "repression" was debated twice, once on a substantive resolution and once on a motion for adjournment. The first resolution, recommending that repressive measures should not be taken against non-cooperators, was withdrawn in view of the assurances given on behalf of Government, and similarly the motion for the adjournment was dropped without a division. The subject did not again come directly before the Council until January 1922, when a resolution demanding the cancellation of the notification under the Criminal Law Amendment Act and the release of the persons convicted for contravening its terms, was carried after a debate lasting three days against the opposition of Government. Feeling at that time undoubtedly ran high, and the explanations given by Government of the precautions already taken to prevent hasty or indiscriminate enforcement of the Act, and the promise of a review by a High Court Judge of all sentences inflicted in political cases, had no effect on the voting. A few days later a resolution, asking for an

undertaking that no proclamation would be issued under the Seditious Meetings Act without prior submission to the Council, was withdrawn on an assurance being given that, where feasible, Government would obtain the advice of local members before taking action.

In the same session other resolutions were moved all bearing on the same topic. One of them asked Government to issue instructions that judicial officers (and the mover made it plain that he included all magistrates in this term) should abstain from attending political meetings, and, indeed, from political activities of any kind. The objection of the resolution was to debar district officers and their subordinates from exerting themselves against non-co-operation, and it was, of course vigorously resisted by Government. It found little support and was eventually withdrawn. Still another resolution was moved demanding the appointment of a committee to enquire into the disturbed condition of the Champaran district, and this was carried against Government by 21 votes to 13. Government declined, however, to give effect to it. In the rains session of 1922 a resolution was moved asking for the cancellation of the order under section 15A of the Police Act awarding compensation to the proprietor of the Chauterwa factory which had been burnt down by a mob, but by that time feeling had subsided, and it was defeated by 28 votes to 19. Another resolution, asking for a committee to enquire into the disturbances in the Kanika estate in Orissa, was negatived without a division. It is noticeable that the majority of the Oriya members in this case spoke against the resolution.

In the winter session of 1923 the question of the Criminal Law Amendment Act came up once more. A resolution was moved demanding the immediate release of all political prisoners, and an amendment was also moved asking that the notification under the Act should be cancelled. The division on the amendment resulted in a tie, and it was defeated by the casting vote of the President. The substantive resolution was carried by 25 votes to 23, but Government did not consider that circumstances justified any wholesale measure of clemency, and declined to give effect to it.

Three other resolutions may be mentioned in this connection, though the question of repression was not directly raised. Two of them were concerned with the treatment of political prisoners in jails. The first was moved in November 1921, and asked that special treatment should be accorded to political offenders. It was sympathetically received by Government and was carried. The second was moved in August 1921, when the newspapers were full of the grievances of political prisoners, and proposed the appointment of a committee to enquire into the whole subject. It was defeated, however, by 27 votes to 20. Finally, in December 1922, a resolution was carried by 38 votes to 20 demanding that the notification declaring the Santal Parganas to be a backward tract should be cancelled. This motion was prompted not only by a desire to assimilate the system of administration in the district to that in force in the rest of the province, but also by resentment at what was once more described as "repression." The local situation in March and April 1922 had been exceedingly critical, and Government were wholly unable to accept the resolution.

62. An important group of resolutions raised points of constitutional importance. A recommendation for the reduction of the number of members in the Executive Council from 3 to 2 was carried without a division, the Government members taking no part in the debate. The salaries of Ministers came twice before the Council. In 1921 a resolution was moved for the reduction of their salaries, and a number of

amendments were also moved, each suggesting a different figure. All were defeated, however, and the salaries of Rs. 5,000 a month were eventually carried by 28 votes to 9. No member of the Government took part in the debate. In 1923 a reduction was moved when the budget was before the Council, and eventually a salary of Rs. 4,000 was voluntarily accepted by one of the Ministers on behalf of himself and his colleague. An interesting debate took place in November 1921 on the enfranchisement of women. Government remained neutral, and the resolution was eventually rejected by 31 votes to 21. Finally a resolution in favour of the amalgamation of the Oriya-speaking tracts under one administration was carried unanimously.

63. It is impossible within any reasonable compass to say much about the remaining resolutions, but a few points may be noted. Reference has been made early (*vide* paragraphs 15-17) to the frequency with which the appointment of committees was asked for, and it is needless to go into that matter again. Another tendency, which the Minister for Local Self-Government found it necessary to resist, expressed itself in proposals that Government should give binding directions to local bodies. Many of the members seemed to find it difficult to realize that the autonomy granted to local bodies is inconsistent with the issue of orders as to the manner in which a discretion vested in them should be exercised. Reference should also be made to the group of resolutions, moved for the most part by one member, with the object of remedying the alleged grievances, real or imaginary, of Muhammadans; to the resolutions dealing with the Council itself and its proceedings, *e.g.*, that the discussions should be carried on in the vernacular (defeated), and that vernacular summaries of the proceeding should be circulated (carried—but the experiment proved a failure), and finally to the resolutions designed to accelerate the Indianization of the services, *e.g.*, the increase of listed posts and the recruitment of the higher judicial services from the Bar. Two resolutions which had for their object measures of social reform were moved and defeated, *viz.*, the prohibition of the manufacture and sale of alcoholic liquor, and the appointment of a committee to enquire into the condition of the depressed class. Another resolution recommending the abolition of *begari* (forced labour) was not opposed by Government and was carried. A question which interests many non-official members is the employment of non-officials in the management of wards estates and a resolution on this subject was accepted by Government. Another resolution which asked Government to appoint a mixed committee to enquire into the condition of the insane Maharani of Bettiah and the administration of her estate was strongly opposed by Government but was carried by a large majority. Government declined to appoint the proposed committee, being fortified in their decision by a communication from His Highness the Maharaja of Benares, who took grave objection on behalf of his family to the suggested inquisition on his kinswoman.

64. Sixteen resolutions in all were disallowed by the Governor on one or other of the four different grounds. Seven resolutions were disallowed on the ground that they were not primarily the concern of the local Government, since they related to the administration of a central subject. Four of these had reference to railways, but on three occasions, when the issue raised was essentially of a local character, resolutions about railway matters were allowed to be moved. One of these drew attention to the grievances of passengers on the Bengal and North-Western Railway, and another asked for additional facilities for pilgrims to Puri. Another resolution allowed to be moved was certainly of more

than provincial concern, for it asked the local Government to move the Government of India to appoint a committee on the question of cattle preservation. Still more doubtful was the resolution allowed to be moved in the first session asking the local Government to convey to the Secretary of State the concern of the Shias in the maintenance and welfare of the Turkish Government. The resolution might have been disallowed, both because it was not primarily the concern of the local Government and also because it touched on the relations between His Majesty's Government and a Foreign State.

Four resolutions, again, were disallowed on the ground that they related to matters within the jurisdiction of local bodies, and consequently were not primarily the concern of the local Government. Here, again, the practice was not uniform, for occasionally resolutions of this kind were allowed to be moved. Three resolutions were disallowed because they contained recommendations as to the use of powers belonging to the Governor personally. The requests made were that a non-official should be appointed as President of the Legislative Council, that at least eleven days should be allotted for non-official business, and that the Council should not meet on the first 12 days of the Arabic month of the Muharram. Finally, two resolutions were disallowed on the ground that they could not be moved without detriment to the public interest. The first of these recommended that martial law should not be declared in any area until the two standing committees of the Council had been consulted, and the second asked that for the restoration of peace and good order the proper authorities should be moved to release political prisoners and stop repressive measures at once.

65. *Questions.*—The total number of questions asked during the first seven sessions was 2,157, but after the third session a distinct falling off was noticeable. In the three winter sessions the numbers were 438, 226 and 174, respectively. The decline in numbers may be due, in part, to the fact that a Council in its third year is seldom so keen and inquisitive as a Council fresh from the excitement of the polls, but much must also be ascribed to the salutary advice given by the President at the end of the second session, when high water mark was touched with a list of 586 questions. He pointed out that 639 questions had been tabled for a session lasting only 10 days of which 41 were disallowed as contravening almost all the standing orders and rules on the subject, and 311 were admitted only after extensive alterations—amounting almost to rewriting—by the President. All of these would have been disallowed had the rules been strictly enforced. Two very assiduous members were responsible for 264 questions, of which 20 were disallowed and 141 had to be completely recast. The strain placed on the Council office and the Secretariat had become almost intolerable at the end of the session.

66. A detailed analysis of the questions cannot be attempted within any reasonable compass, and only the main features can be noticed. The pay, promotion, prospects and reorganization of the various public services accounted for 265 questions. Usually they were designed to call attention to the real or supposed grievances of individuals or classes, rather than to bring to notice any defect in the policy of Government. In the same class may be included 77 questions relating to the appointment, dismissal or suspension of individual Government servants and to the manner of filling particular posts. There were obvious objections to wire pulling of this description by Government officers, and the tendency requires to be carefully watched.

67. The questions falling under the head 'political' numbered 254. Of these 58 related directly to the non-co-operation movement, and many others were concerned with matters arising out of it, e.g., the action taken against seditious publications, the posting of additional police in disturbed areas and the treatment of political prisoners in jail. For the rest the major transferred subjects accounted for 450 questions, while other important topics were as follows: communal interests (120), distress caused by floods and other natural calamities, want of communications, etc., (111), inconveniences suffered by railway passengers (62), administration of justice (45), and tenancy and the condition of cultivators (39). Three questions relating to the Feudatory States were disallowed by the Government.

68. As the questions on the paper dwindled, the supplementaries waxed and grew, rising from 72 in the first session to 447 in the fifth, and in three sessions they outnumbered the questions on the paper. There was a curious difference of practice in this respect between the local Council and that in Bengal where supplementary questions were rare, and at times the proceedings rather resembled a cross-examination in a court of justice. The majority of the 1,536 supplementary questions were asked by 5 or 6 members and related chiefly to political matters.

69. *Miscellaneous*.—Only one amendment has been made in the standing orders, and that a formal one, to enable the official report of the Council proceedings to be published otherwise than in the Gazette.

The adjournment of the Council was moved three times. On the first occasion the object was to call attention to a Government circular to district officers regarding the action to be taken against non-co-operation. The second motion related to the increase contemplated in the pay of the village police in several districts and consequently of the local rates collected to defray the cost. The Council was by no means clear as to the meaning or effect of a motion of this kind, but in the end accepted an assurance from Government that the matter would be investigated. The third motion, which had for its object to discuss the attitude of the Imperial Government on the khilafat question and the revision of the Treaty of Sevres, was disallowed by the Government.

As regards the work done by expert members, there have been three such appointments during the life of the Reformed Council. All were members of the Indian Civil Service, and were selected for their special revenue knowledge which was of value in connection with the Bihar and Chota Nagpur Tenancy (Amendment) Bills. Occasions for such appointments are likely to continue to arise from time to time.

70. *The Councils and public opinion*.—The Bihar and Orissa Legislative Council as at present constituted may be said to represent public opinion fairly enough, in so far as there is any articulate public opinion in the province at all. The cultivating class has few representatives, but that class can hardly be said, as yet, to have attained to any sort of political consciousness, and to 999 cultivators out of a thousand the idea that the proceedings of the Legislative Council might in any way concern them would be utterly strange and incomprehensible. The landlords, on the other hand, are fully represented, and can command a majority when any question is raised affecting their interests. Except when agrarian questions are brought forward, the opinion of the unofficial members of the Council is the opinion of the intelligentsia, and reflects earnestly the views taken on public questions by lawyers and politicians. It could not be said with truth that there is any action and reaction between

opinion outside and inside the Council except to the extent that Council opinion was influenced by the attitude and policy of the non-co-operation party.

✓ 71. *Relations between members and their constituents.*—The relations between members of the Council and their constituents is not a subject which admits of prolonged discussion for, except in a few cases, no such relations seem to exist. The representative of a special constituency may have to look to his ways when any question comes up affecting its particular interests. In the towns there are a number of persons who take an interest in politics, and an urban member may have to keep in touch to some extent with the leading men in each of the towns in the group he represents. This would be done by correspondence, however, or by personal interviews. One public spirited gentleman representing a group of Municipalities made a tour round them in order to ascertain their wants, but this is a solitary case. Even in the towns the idea of addressing a political meeting, except in the immediate prospect of an election, would seldom be seriously entertained, and this is even truer of the rural constituencies, which outnumber the urban by six or seven to one. The rural member does not (with the rarest exceptions) maintain any constant relations with his constituents. The rural elector counts for little, except at election times, and then his vote is to be obtained by means which do not usually include a tour of the constituency and a series of political meetings.

If one of the objects of the Reforms Scheme is the political education of the masses, the members of the present Legislative Council have as yet signally failed to contribute towards it.

✓ 72. *Groups and parties in the Council.*—In one respect only has there been any symptom of the formation of groups or parties in the Council based on differences of opinion on public questions. As might be expected, these differences arose on an agrarian question, for the laws regulating land tenure enter more deeply into the daily life of the people, and effect more directly the most powerful interests, than any others. The introduction of the Government Bill to amend the Bengal Tenancy Act was followed by a distinct cleavage, and there appeared on the one side a zamindar party able to command a majority of the Council, and on the other a small, but keen and active raiyats' party. Both parties at once began to organize both within and without the Council, and but for the abandonment of the Bill, things might have reached a more advanced stage than they did. As it is, the parties existed within the Council only while the Bill was under discussion, and the difference never extended into the field of general politics. If in the next Council the cultivators secure a larger representation, distinct parties may come into existence tending to vote together upon all questions.

All other groups within the Council have been formed on local or communal lines. On certain points Muhammadans tend to vote together and in opposition to the Hindus. The Oriya members, again, form a distinct group, and occasionally take a line of their own, when they consider that the Bihar members have shown too little regard for their interests. The Bengali members also take up a somewhat detached attitude, and show their independence when Bihari patriotism threatens to prove inimical to their class. But all these are groups, not parties, and on the larger political issues members of all groups will vote together.

73. *Conventions of procedure.*—It can hardly be said as yet that any conventions of procedure have yet grown up as between the Legislative Council and the Executive Government and the Governor. The grounds

for the disallowance of resolutions and questions, and the procedure as regards committees, have already been discussed in earlier paragraphs, and reference has also been made to the President's ruling about questions which relate to matters within the cognizance of local bodies.

✓ 74. *Party organizations within the Council.*—While the Bill to amend the Bengal Tenancy Act was before the Council, the rudiments of a party organization began to appear. Consultations as to concerted action on either side was frequent, and steps were taken to obtain a full attendance of members. Apart from this single case no real attempt at party organization has yet been made. If members desire to ensure that a particular resolution will come on for discussion, a member will send in the same resolution for the ballot, but on each occasion arrangements have to be made specially, for the resolution is not put forward by a party. Similarly, if a committee is to be appointed by Government, the Member or Minister in charge will consult with prominent members about its constitution, but they are consulted as individuals, not as party leaders. Up to date, indeed, it may be said the matters which engage the attention of party leaders and whips have been left to the zealous but sometimes ill-regulated endeavours of enthusiastic amateurs, and as yet there are no professionals in the Council.

✓ 75. *Percentage of electors and voters.*—At the time of the general election the proportion of enfranchised persons to the total population was approximately 9 per thousand, or just under 1 per cent. The percentage of electors who recorded their votes in contested elections for the general provincial Legislative Council was 40.8, but whereas the percentage in rural areas was 41, the percentage in urban areas was only 26. An exactly contrary result might have seemed more probable, since the towns contain a number of persons genuinely interested in politics, and the urban voter can reach the polling station without difficulty, while the rural voter may have to make an appreciable journey. Probably the influence of the non-co-operation party did something in the towns to produce abstentions. In the rural areas, on the other hand, the voters frequently voted *en masse* under the influence of their landlords.

✓ 76. *Interest of the public in the work of the Council.*—The work of the Council excites interest amongst the towns people who read the newspapers and follow the course of politics, and in educated circles generally, but fully 95 per cent. of the electors neither know nor desire to know what is going on. In these circumstances it would be idle to enquire how far the formation of political groups or parties is reproduced in or derived from, the constituencies. It has already been explained (*vide* paragraph 72) that, apart from the landlord and tenant parties, no *political* groups or parties have yet appeared in the Council. The landlords and tenant parties in the Council clearly reproduce the division of interests which already exist in the constituencies, and apart from this there is little more to be said. The experiment of publishing vernacular summaries of the Council proceedings proved a failure, for no demand for them was shown.

✓ 77. *Party organization in the constituencies.*—Electoral organizations and party funds and machinery hardly exist as yet, even in a rudimentary form. When an election is imminent each candidate has his agents and canvassers, who tour the constituency, try to secure votes and even occasionally address meetings. But these are not party organizations. The peasant party has something of an organization in the shape of the *kisan sabhas* which have been established in various areas, but the attendance and enthusiasm displayed at these meetings sometimes exist only in the imagination of the reporter. The new *swarajya* party has set up an organization within the last month for the purpose of awakening interest in the constituencies and securing votes, and the landlords have been

stirred by the threat to their interests to begin to organize themselves in a few districts. How far these organizations may develop before the general election it is impossible to foresee.

✓ 78. *Party programmes.*—Not much can be said about party programmes, and at the 1920 elections there were none. The *kisan* party has a programme which seeks to remedy the grievances of the raiyat, amend the tenancy law in his favour and ultimately abolish the zamindar altogether. *Per contra* the landlord party has a programme (a negative one) in so far as it seeks to resist all changes in the law which would prejudice the interests of the zamindar. The *swarajya* party again has a programme, namely to make Government through the Legislative Council impossible, and in order to secure the election of its candidates it appeals to the peasant and the working man. But beyond that there is little to report. The moderates have neither formed themselves into a party nor have they formed definite political groups, and the common bond between them is a readiness to criticise the executive acts of the reserved side, to press for the Indianization of the services, and to secure more funds for education, medical and public health. At a meeting recently held in Patna a national conference party to support the ideas originating with Mrs. Besant was formally established, but whether this party will come to any thing is still uncertain.

✓ 79. *Influence of the press on politics and public opinion.*—The press certainly exerts an influence over politics and public opinion, though perhaps it is more accurate to say that the press and the Legislative Council alike reflect the varying shades of opinion of the provincial intelligentsia. The *Express* is the organ of the landlords; the position of the *Searchlight* is sometimes with the left wing of the moderates and sometimes with the extremists, while the *Bihar Herald* again represents the interests of the Bengalis. These English newspapers have their vernacular counterparts, but none of them (English or vernacular) has a circulation of more than 4,200. The provincial press, as such, is therefore extraordinarily weak, but the Indian-owned Calcutta papers circulate to some extent, and affect opinion in their various ways. Doubtless owing to the old connection of the province with Bengal, they devote, too, a certain amount of space to local affairs here.

✓ 80. *The general political atmosphere during the currency of the Reforms.*—It would clearly be impossible to give anything like a detailed history of the proceedings of the non-co-operation and *khilafat* parties and the measures taken to curb their activities, and only a general review of the course of events can be attempted. It will not be necessary, moreover, to try to distinguish the special part played by the *khilafat* party which in this province has always been subsidiary. At certain periods Muhammadan feeling has risen high and an outbreak of religious fanaticism has seemed imminent, but the immediate result has generally been a severe strain on the harmony of the two communities. In Orissa and Chota Nagpur the Muhammadan element is negligible, and in the other three divisions (even in Patna where it is strongest) it is greatly outnumbered by the Hindu.

81. The two and a half years which have elapsed since the Reforms were inaugurated fall naturally into four periods.

The first lasted for three months, from the middle of January till the middle of April 1921, and was a period of great strain and anxiety. It then became evident for the first time that the non-co-operation party had



obtained a real hold on the rural population in many districts and two other significant symptoms were the extension of the movement to Orissa and the attempts made to excite the aboriginal peoples of Chota Nagpur. Racial feeling ran high, unrest was rife in the industrial world, and there was much discontent amongst the police, though this was due to economic and not to political causes. Grave disturbances of the public peace took place, of which the most serious were the outbreak of *hat-looting* in the Tirhut Division in January, and the attack on the sub-jail and police-station of Giridih early in April. Other outbreaks of the same kind were narrowly averted, and the non-co-operators, to promote their ends, resorted freely to the weapons of picketing, intimidation and social boycott.

82. The next six months, up to the middle of October, marked a lull in the storm. There can be little doubt that from the point of view of the leaders of the non-cooperation party, the threatened outbreak in the early months of 1921 was premature, for they were not yet in a position to utilize for their own ends the popular excitement that had been generated. Their organization was far from complete, and they had still much to do before they could proceed with their programme. The genuine supporters of non-violent non-cooperation were well aware that, unless they were thoroughly organized, they would be unable to control their supporters, or to prevent the occurrence of outrages which would thoroughly discredit the movement. The party inclined to violence were in equal difficulties, for they had accepted the non-violent programme and had no alternative plans ready of their own. The responsible leaders, therefore, exerted themselves for the moment rather to curb than to excite popular feeling, and the next six months was a period of marking time, during which attention was concentrated on the enlistment of volunteers, the formation of committees in each district and police-station, and the collection of funds.

83. The third period lasted for six months, from the middle of October of 1921 till the middle of April 1922, though in one sense the arrest of Mr. Gandhi in March marks the definite failure of the campaign. This was the real attack, with the threat of organized civil disobedience looming in the immediate future, and the whole structure of Government endangered. As on the former occasion, the first outbreak occurred in Tirhut, and with very little preliminary warning. At the beginning of November the Chauterwa factory in Champaran was burnt down and looted in broad day light by a mob of 5,000 persons. For the next three or four months, the division was gravely disturbed, the parts most deeply infected by the spirit of disorder being the Bettiah subdivision of Champaran, the Sitamarhi subdivision of Muzaffarpur and certain parts of the Saran district. Defiance of authority was common, police-stations were attacked and threatened, Europeans were frequently assaulted and insulted, and Government servants subjected to pressure of every kind to induce them to resign their appointments. In order to restore respect for authority, Government were compelled to send military police to the Division, to obtain the assistance of regular troops from the military authorities, and to appoint large bodies of additional police, the cost of which was recovered from the inhabitants of the disturbed areas. During November similar symptoms had appeared in many other districts, and on the 17th of that month the *hartal* to mark the arrival of His Royal Highness the Prince of Wales in India was generally successful throughout the province. In the first half of December non-co-operation activities were concentrated on preparations for the

inauguration of the civil disobedience movement in selected areas of the Tirhut Division, and for an effective *hartal* at Patna on the occasion of His Royal Highness' visit to that city, and the Local Government decided that the time had come for exceptional measures. On the 10th of December a notification was published under the Criminal Law Amendment Act declaring certain associations to be unlawful, a step which was followed by house-searches at all district headquarters, the seizure of non-cooperation papers and the arrest of a large number of volunteers. It had been hoped that moderate support for this measure would to some extent have been forthcoming, especially at Patna itself, which was being throttled by the *hartal* organizers, but this expectation was falsified. A deputation of moderates immediately waited upon the Government and asked that the notification should be cancelled. Government considered that some concession was necessary in order to prevent a complete fiasco on the occasion of the Prince's visit, and gave an undertaking that further proceedings would not be taken under the notification without their previous approval. This concession relieved the immediate tension, and secured the full cooperation of the better classes in the ceremonies and functions of the Royal visit, but it did not prevent the *hartal* in the city on the first day and the crowd of spectators on the Bankipur maidan was much smaller than it otherwise would have been, while public conveyances were hardly obtainable. There was no *hartal* on the second day, when the crowds also were larger. While the concession thus, at least partially, served its purpose at Patna, the modification of the orders passed only ten days before produced an unfortunate effect, not unforeseen, in the mufassal where it was interpreted as evidence of weakness. The primary object, however, of the notification had been achieved, valuable information had been secured, leaders had been arrested, and the weapon of the Act was held *in terrorem* over members of the associations, with the effect that their activities became much reduced, if not suspended. District officers in the aboriginal districts were left a free hand, and the Act was applied with vigour in the Santal Parganas, Palamau and Manbhum, and later in the Orissa districts.

In the early months of 1922 the Tirhut Division continued to be disturbed, but the measures taken gradually produced their effect, and the situation steadily improved. At this time the position was complicated by the strike on the East Indian Railway, which locked up practically the whole resources of the Local Government in the shape of armed and military police. This might have proved dangerous, for energetic attempts were now being made to enlist the aboriginals in support of the non-co-operation movement, especially in the Hazaribagh and Palamau districts of Chota Nagpur and in the Santal Parganas. In the latter district an aboriginal rising was narrowly averted by the courage and decision of the district officer. Orissa was comparatively quiet till the spring of 1922, but the leaders were organizing widely, and a series of fires in C'attack started in March a panic which spread to other parts of the Division and led to attacks on the rural police. The final outbreak occurred in the Kanika estate in Orissa, where a large *meli* (mass gathering) organized under the auspices of the non-co-operators, led to some violent disturbances. It was found necessary to appoint additional police in this area, while action was taken about this time with good effect against the principal Oriya leaders under the Criminal Law Amendment Act.

84. The fourth period commences in the middle of April 1922, and has continued up till now. Excitement has gradually died down, and every

form of agitation has become less and less effective. During 1922 the conviction evidently strengthened in the minds of a section of the non-cooperators themselves that the decision to boycott the Councils had been a mistake, and that a radical change of programme was called for. This feeling came to a head at the Gaya congress in December, when the Council entry and no-change, parties came to grips, and the former was defeated. The majority party, however, failed completely during the next three months to carry out their programme of collecting subscriptions and enlisting volunteers in order to resume civil disobedience in May. The sequel was the recent meeting of the All-India congress committee at Bombay, where the *swarajya* party won at any rate a partial victory, and passed a resolution suspending the propaganda against Council-entry which had been approved at the Gaya congress. Since then there has been another committee meeting at Nagpur, with more dissensions, and apparently a special session of congress is to be convened. It is impossible to write these manœuvres up to date, as they shift daily.

85. At the present moment non-cooperation in Bihar and Orissa, as hitherto understood, is moribund, but whether any resurrection awaits it, no one can say. At the Gaya Congress practically all the representatives of Bihar voted with the majority or no change party, but a swing over in the opposite direction is by no means impossible, or even unlikely. On the other hand, the recognized leader of the non-cooperators in the province, Babu Rajendra Prashad, is staunch in his adherence to the original programme as laid down by Mr. Gandhi, and apparently he still retains his influence over the majority of the party. He will certainly not permit, if he can help it, the congress organization to be used by those who are striving to enter the Councils. In that case the prospects of the *swarajya* party at the elections are not bright. There is a great lack in their ranks of prominent or influential men, and they did not even begin to organize until the first days of June. No attempt has been made by them (or indeed by any other party) to take special steps in order to secure the registration of voters. It may be that action of this kind will be taken after the draft publication of the rolls, but at present, there are no signs of such a development. In these circumstances it is impossible to predict whether the general election in the autumn will produce any great changes, or whether the second Reformed Council will differ much from the first.

86. It is obvious that the refusal of many influential politicians to enter the Council and the organization of a party with the declared object of overthrowing the whole system of Government have deeply affected the working of the Reformed constitution. Parties do not exist within the Council because one of the two parties which do exist is outside the Council. For good or for evil this fact cannot but have important results. It goes far to explain the attitude of the Legislative Council when questions of law and order come under discussion, and the way in which the Council reacts to the feeling prevailing out of doors. The mood of the Council, indeed constantly varies as the tension in the political atmosphere increases or diminishes. When popular excitement has been stirred and the non-cooperators have taken the field with vigour, Government may expect that constant attempts will be made within the Council to misrepresent the action taken and to throw obloquy upon its officers, and resolutions may be anticipated directly attacking the measures adopted in the interests of the public security. If, on the other hand, things are comparatively quiet and

the steps taken to restore order proved effective, the Council also is quiescent and the tone of the debates drops to a lower key. In this respect the Council is extraordinarily responsive to public opinion.

- On the other hand, the absence of a party which will deliberately adopt a wrecking policy has had this great advantage that it has given the Reforms a chance, though in assessing the working of the Reforms hitherto the fact that this party was absent and may in the future present itself, should never be forgotten. However, had "wanton obstruction" been advocated and practised from the outset, even by a section of the Council, intense friction must have been engendered, and the task of Government would have been rendered extremely difficult. As it is, the practical value of the Reforms as a path to progress has been demonstrated by actual fact, and the task of their depreciators correspondingly rendered more difficult. Equally a number of members have gained experience of the actual working of Government which they never possessed before, and will be in a stronger position to exercise a restraining influence should the menace of organized obstruction materialize. But that it may materialize is the unsolved question overshadowing the second period of the Reformed era, and any experience gained during the first three years might prove a failure as a guide to the probabilities of the second.

87. The attitude of the Council on the whole question of law and order has been disappointing. It is natural enough that the Indian politician should regard the non-cooperators and their leaders very differently from the European official. Many of them may have been his personal friends or colleagues, with whom he had worked in other days for political objects. The goal they seek to attain is that on which his own hopes are set, and he differs from them, not as to the ends but as to the means of their accomplishment. He has accustomed himself, moreover, to constant condemnation of 'repressive' action by Government, and the familiar shibboleths come easily to his lips. Every allowance must be made for considerations of this kind. But when that is done, enough remains to give cause for anxiety as to the future. The more sober and responsible leaders have not been backward in condemning many features of the non-cooperation campaign, but when it is no longer a question of words but of action, Government cannot count upon their unqualified support. Even those who were seriously alarmed by the events of 1921-22, and censured most strongly the attack on the framework of Government, shrank from voting in the Government lobby on such a matter as the notification under the Criminal Law Amendment Act. That it required some courage to do so may be admitted, for the social forces enlisted on the side of non-cooperation were formidable, and the man who openly took his stand with Government could expect little mercy.

There are, however, deeper causes at work than those mentioned above. There is an honest difference of opinion between European and Indian as to the necessity or wisdom of what are known as 'repressive measures'. To the Indian they are still essentially measures directed against his countrymen, by the European, and he has accustomed himself to think that the strong arm of the law is needlessly invoked, and that the most excited mob can be calmed and soothed by persuasive methods. He has still to learn that influence is not Government, nor does he realize that the Executive Government is no longer solely responsible for law and order, but that the Legislative Council must take a share of the burden.

88. Something should be said in conclusion of the various lines of attack adopted by the non-cooperation party in their efforts to make Government impossible. One of the earliest was the attack on schools and colleges. It met with a certain amount of success at the outset, but this success was shortlived. It was not long before repentant pupils began to return to the Government institutions, and the difficulty of financing the national schools and colleges was found to be very great. From April 1921 onwards both the number of these institutions and of the pupils attending them has steadily dwindled, and is now nearing the point of extinction. The attack on the law courts has been equally unsuccessful; not many lawyers were found willing to abandon their practice, and of those who did so, the majority have since resumed it. The local arbitration courts also which were established as rivals to the Government courts very rapidly lost the confidence of the raiyats, who soon discovered that these bodies had other ends in view than the impartial administration of justice. The attempt to induce Government servants to resign at no time met with success. In 1921 and 1922 a few officers gave up their posts, but there was never any probability that their example would be largely followed.

In the temperance campaign, which was carried on vigorously during 1921, a certain amount of success was undoubtedly obtained, and the excise revenue suffered materially both in that year and in the early months of 1922. Intimidation and picketting were freely resorted to in order to prevent customers from entering the shops, but the hollowness of the temperance cry was soon obvious, for the direct result of the campaign in several districts, especially Hazaribagh, was an immense increase in illicit distillation, and it was discovered that the non-cooperators had freely preached that, when *swaraj* was obtained, every body would be at liberty to distil as much liquor as he pleased. The attack on foreign cloth was less successful. Something was done to popularize *khaddar*, and obstruction in the way of intimidation and picketting impeded the sale of foreign cloth, but the results were by no means commensurate with the energy expended. The organization of district and thana committees and the enlistment of volunteers was vigorously pushed in 1921, and a rather formidable organization was created. The measures taken under the Criminal Law Amendment Act, however, proved effective, and the organization has now lost most of its power.

89. Something should be said of the amount of success attained by non-cooperators in their efforts to obtain control of local bodies. They have succeeded in doing this not only where they have secured an absolute majority in the local body, but also where they have elected a strong minority prepared to attend meetings regularly, for this often suffices to give them a practical working majority. This has occurred both at Gaya and at Bhagalpur, and the administration of municipal affairs in both places under these auspices has been corrupt and inefficient. The only District Board in which the non-cooperators have attained direct control is that of Monghyr, and they have done so owing to the irregular attendance of the other members. Here also, the result has been mal-administration. The other local bodies which have fallen into the hands of the non-cooperators are the local boards of Bihar (Patna district), Aurangabad (Gaya), Beguserai (Monghyr) and Gopalganj (Saran), and the municipalities of Bihar (Patna), Purulia (Manbhum), Bettiah (Champaran) and Samastipur (Darbhanga). It is significant, however, that

none of these bodies has yet taken up a hostile attitude to Government or refused to cooperate with the local officers in municipal administration. Thus, for example, the Collector of Darbhanga writes that in Samastipur, where the non-cooperators have obtained complete control of the municipality (the chairman, vice-chairman and practically all the commissioners being non-co-operators), the efficiency of the municipality has not so far suffered, and the relations of the municipal authorities and the officers of Government continue to be good. Similarly the Collector of Shahabad writes that the vice-chairman of the district board is a non-co-operator and chairman of both the *khilafat* committee and the Arrah congress committee, but his activities on the district board have not up to date been obstructive but rather the opposite, and he describes him as a hardworking, upright, energetic vice-chairman for whom he entertains much respect. In the Arrah municipality the non-cooperators have six members out of 18, and have succeeded, by a policy of obstruction in making the administration of the municipality extremely uncomfortable. A few months ago when the chairmanship fell vacant, the non-cooperators by a clever manœuvre got one of their party elected as chairman, but the Collector notes that the new chairman is apparently developing a sense of responsibility and seems prepared to work with the authorities rather than against them.

So far, therefore, where the non-cooperators have captured local bodies, they have not lived up to their name, for they do not non-cooperate. It is quite possible, of course, that, if there were a revival of non-cooperation and the control of a larger number of local bodies were captured, a different line might be taken. Present experience, however, is that when a local body falls into the hands of non-cooperators the administration is apt, with exceptions, to become inefficient and corrupt, but the local body does not necessarily set before itself the definite objective of a struggle with the Local Government. Experience, however, is far too short to justify confident prophecy, the more so as new district boards and municipalities will shortly be elected on a different and widely extended franchise.

90. This concludes a somewhat cursory summary of recent events, though even that has run to considerable length. It is hoped, however, that it has at least touched upon all incidents of major importance, and will convey an accurate picture of the happenings of the last three years.

#### ANNEXURE A.

*List of the Acts passed by the Bihar and Orissa Legislative Council passed since 1st January 1921.*

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|--|---|
| 1. The Bihar and Orissa Legislative Council Deputy President's Salary Act, 1921, (B. & O. I. of 1921). | Provides for the payment of an annual salary of Rs. 3,000 to the Deputy President of the Legislative Council.     |
| 2. The Jharia Water-Supply (Amendment) Act, 1921 (B. & O. II of 1921).                                 | Provides for filling casual vacancies in the Water Board and correcting other minor defects in the principal Act. |
| 3. The Patna University (Amendment) Act, 1921 (B. & O. I of 1922).                                     | Provides for certain formal changes in the principal Act, rendered necessary by the reformed constitution.        |

4. The Bihar and Orissa Court Fees (Amendment) Act, 1922 (B. & O. II of 1922).

A taxation measure, designed to effect a substantial enhancement in the scale of Court-Fees.

5. The Bihar and Orissa Village Administration Act, 1922 (B. & O. III of 1922).

An important Act to provide for the establishment of a system of village government by the creation of union boards for the performance of administrative functions and of panchayats for the trial of petty civil and criminal cases.

6. The Bihar & Orissa Civil Courts (Amendment) Act, 1922 (B. & O. IV of 1922).

Provides for a small change in the Bengal, Agra and Assam Civil Courts Act, 1887.

7. The Bihar and Orissa Private Irrigation Works Act, 1922 (B. & O. V of 1922).

Provides for the repair and maintenance of private irrigation works which the owners are unwilling or unable to maintain.

8. The Bihar and Orissa Minor Irrigation Works Act, 1922 (B. & O. VI of 1922).

Provides for the control of the irrigational resources of rivers and for the construction, improvement and maintenance by Government of irrigation works on a smaller scale than that contemplated by the provisions of the Bengal Irrigation Act, 1876.

9. The Bihar and Orissa Municipal Act, 1922 (B. & O. VII of 1922).

An Act to consolidate and amend the whole of the law relating to municipalities in the province, and to introduce certain important changes of system.

10. The Chota Nagpur Encumbered Estates (Amendment) Act, 1922 (B. & O. VIII of 1922).

Provides for certain minor amendments in the principal Act which experience had shown to be necessary.

11. The Bihar and Orissa Medical (Amendment) Act, 1922 (B. & O. IX of 1922).

Provides for certain minor changes in the principal Act.

12. The Bihar and Orissa Local Self-Government (Amendment) Act, 1923 (B. & O. I of 1923).

An Act to provide for certain important changes in the law relating to district and local boards.

13. The Patna University (Amendment) Act, 1923 (B. & O. II of 1923).

Provides for a minor amendment in the principal Act.

14. The Jharia Water-Supply (Amendment) Act, 1923 (B. & O. III of 1923).

Provides for a minor amendment in the principal Act.

**ANNEXURE B**  
*Budget motions.*

	1st Session.	4th Session.	7th Session.	Total.
1	2	3	4	5
(a) Number of motions for the reduction of omission of votes of which notice was given.	142	406	312	860
(b) Number of motions for the reduction or omission of votes actually moved.	55	132	82	269
(c) Number opposed by Government but carried.	10	6	3	19
(d) Number opposed by Government and defeated after a division.	7	12	14	33
(e) Number opposed by Government and defeated without a division, or withdrawn.	36	100	57	193
(f) Number accepted by Government or withdrawn on promise that reduction would be made.	2	14	8	24

The figures against (e) include motions in respect of which Government agreed to effect smaller reductions than those moved.

**ANNEXURE C.**

*List of budget motions opposed by Government but carried.*

Serial no.	Reference to date and page of Council proceedings.	Budget motions.	DIVISION.		REMARKS.
			Ayes	Noes.	
1	2	3	4	5	6
1	8th March 1921— (Vol. I, no. 7, page 352).	Reduction by Rs. 30,000 of the item of Rs. 13,21,200 for "Deputy Magistrates and Deputy Collectors" under the head 5-Land Revenue.	33	24	No division.
2	Do. page 364	Omission of the provision of Rs. 93,445 for "Establishment of Settlement and Assistant Settlement Officers" for the Orissa revision settlement.	..	..	
3	Do. page 375	Omission of the provision of Rs. 93,933 for "Contingencies" in connection with the Orissa revision settlement.	..	..	
4	Do. page 335	Reduction by Rs. 10,000 of the item of Rs. 1,66,796 for "Travelling allowance" of Excise officers.	31	23	
5	9th March 1921— (Vol. I, no. 8, page 414).	Reduction by Rs. 5,000 of the item of Rs. 64,038 for "head warders" and "warders of jails."	24	20	



ANNEXURE C—*contd.*

Serial no.	Reference to date and page of Council proceedings.	Budget motions.	DIVISION.		REMARKS.
			Ayes.	Noes.	
1	2	3	4	5	6
6	9th March 1921— (Vol. I, no. 8, page 426).	Omission of item of Rs. 19,718 for "Lump provision for a saloon for Superintendent of Police, E. I. Railway."	33	19	
7	10th March 1921— (Vol. I, no. 9, page 448).	Reduction by Rs. 10,000 of the provision of Rs. 25,000 for "Experimental Sanitary Survey."	27	25	
8	10th March 1921— (Vol. I, no. 9, page 466).	Reduction by Rs. 60,000 of the item of Rs. 4,30,000 for "Metalled roads."	..	..	No division.
9	12th March 1921— (Vol. I, no. 11, page 535).	Omission of the provision of Rs. 1,08,500 for "Agricultural and Veterinary buildings."	..	..	No division.
10	14th March 1921— (Vol. I, no. 12, page 578).	Reduction by Rs. 20,00,000 of the item of Rs. 34,05,000 for "Loans to municipalities, district or local boards and other local authorities."	24	23	
11	3rd March 1922— (Vol. IV, no. 14, page 891).	Omission of the item of Rs. 5,000 for "Other Miscellaneous Contingencies" under "5-Land Revenue."	26	16	
12	4th March 1922— (Vol. IV, no. 15, page 975).	Reduction by Rs. 20,000 of the item of Rs. 84,550 for "Building" under "8-Forests."	20	17	
13	Do. page 985	Reduction by Rs. 20,000 of the item of Rs. 81,680 for "Superior Officers" under "8-Forests."	22	16	
14	7th March 1922— (Vol. IV, no. 17, page 1079).	Omission of the item of Rs. 3,000 for "Duty allowance" of the Deputy Registrar and Assistant Registrar, Patna High Court.	17	12	
15	Do. page 1086	Reduction by Rs. 1,000 of the provision of Rs. 3,30,081 for "High Court".	27	15	
16	8th March 1922— (Vol. IV, no. 18, page 1170).	Reduction by Rs. 25,000 of the item of Rs. 76,130 for "Additional police in Bhagalpur and other districts."	20	16	
17	6th March 1923— (Vol. VII, no. 15, page 837).	Omission of the provision of Rs. 84,063 for "Ranchi revision settlement operations."	25	24	
18	6th March 1923— (Vol. VII, no. 15, page 861).	Omission of the item of Rs. 13,100 for "Deputy Commissioner of Excise."	29	23	
19	10th March 1923— (Vol. VII, no. 19, page 1133).	Reduction by Rs. 1,500 of the item of Rs. 8,040 for "Executive Subordinate" under "26-Police."	22	21	The President gave a casting vote.

## ANNEXURE D.

*List of budget motions opposed by the Government and defeated after a division.*

Serial No.	Reference to date and page of Council proceedings.	Budget motions.	DIVISION.		REMARKS.
			Ayea.	Noa.	
1	2	3	4	5	6
1	8th March 1921—(Vol. I, no. 7, page 378).	Omission of the item of Rs. 54,000 for "Lump provision for revision settlement under "Maintenance of land records in the Sambalpur district."	27	29	
2	9th March 1921—(Vol. I, no. 8, page 398).	Reduction by Rs. 40,000 of the item of Rs. 71,600 for buildings of the Forest Department.	12	37	
3	Do. page 419	Reduction by Rs. 10,000 of the item of Rs. 1,72,000 for "Petty Construction" under the head "26-Police"	24	25	
4	11th March 1921—Vol. I, no. 10, page 496).	Omission of the provision for circuit houses at Patna and Gaya.	26	30	
5	12th March 1921—(Vol. I, no. 11, page 520).	Omission of the provision for "Buildings for agricultural farms" at Saharsa, Jamui and Nawada.	28	29	
6	Do. page 544	Omission of the provision of Rs. 30,490 for the "Orissa Coast Canal."	25	26	
7	Do. page 551	Omission of the provision of Rs. 33,000 for "Publicity Board."	14	32	
8	3rd March 1922—(Vol. IV, no. 14, page 896).	Reduction by Rs. 40,000 of the provision of Rs. 86,200 for "Total kanungo establishment."	13	26	
9	3rd March 1922—(Vol. IV, no. 14, page 919).	Omission of the provision of Rs. 2,02,250 for "Revision Settlement Operations, Orissa."	20	26	
10	4th March 1922—(Vol. IV, no. 15, page 944).	Omission of the provision of Rs. 1,200 for "Local allowance for the Personal Assistant to the Director of Land Records and Surveys."	13	19	
11	Do. page 967	Reduction by Rs. 50,000 of the item of Rs. 2,02,401 for "Allowances" under the head "6-Excise."	3	21	
12	4th March 1922—(Vol. IV, no. 15, page 995).	Omission of the item of Rs. 10,000 for "Lump provision for revision of Provincial Service."	17	21	

## ANNEXURE D—contd.

Serial no.	Reference to date and page of Council proceedings.	Budget motions.	DIVISION.		REMARKS.
			Ayes.	Noes.	
1	2	3	4	5	6
13	6th March 1922—(Vol. IV, no. 16, page 1012).	Reduction by Ra. 2,00,000 of the demand under the head "Irrigation, Navigation, Embankment and Drainage Works—Working Expenses."	16	17	
14	6th March 1922—(Vol. IV, no. 16, page 1031).	Omission of the item of Ra. 13,700 for "Raising the cost of the Birupa weir and closing the crest shutters."	11	15	
15	Do. page 1070	Omission of the item of Ra. 17,438 for "Purchase of tents" under the head "22-General Administration."	..	..	A division was taken by a show of hands, but the figures have not been recorded.
16	8th March 1922—(Vol. IV, no. 18, page 1153).	Reduction by Ra. 40,000 of the item of Ra. 15,40,260 for "Executive Subordinate."	12	16	
17	8th March 1922—(Vol. IV, no. 18, page 1161).	Omission of the item of Ra. 50,000 for "Lump provision for increase of armed police."	13	20	
18	9th March 1922—(Vol. IV, no. 19, page 1250).	Omission of the provision of Ra. 6,000 for "Physical Education."	11	19	
19	11th March 1922—(Vol. IV, no. 21, page 1455).	Omission of the provision of Ra. 33,000 for "Publicity Bureau."	11	17	
20	6th March 1923—(Vol. VII, no. 15, page 848).	Reduction by Ra. 3,15,937 of the provision of Ra. 12,97,588 for "Land Revenue Survey and Settlement."	26	30	
21	6th March 1923—(Vol. VII, no. 15, page 884).	Reduction by Ra. 50,000 of the provision of Ra. 8,82,600 for "District Executive Establishment" under "6-Excise."	14	29	
22	7th March 1923—(Vol. VII, no. 16, page 906).	Omission of the provision of Ra. 10,200 for "Orissa canals new works."	23	24	
23	Do. page 928	Omission of the item of Ra. 4,000 for "Constructing the Sundarpur minor tributary from the Jajpur Canal."	18	22	
24	9th March 1923—(Vol. VII, no. 18, page 1049).	Reduction by Ra. 100 of the item of Ra. 4,29,770 for "Dietary charges" under the head "25-Jails and convict settlement."	21	23	

## ANNEXURE D—concl'd.

Serial No.	Reference to date and page of Council proceedings.	Budget motions.	Division.		REMARKS.
			Ayes.	Noes.	
1	2	3	4	5	6
25	10th March 1923—(Vol. VII, no. 19, page 1105).	Omission of the item of Rs. 9,114 for "Lump provision for increase of armed police."	13	22	
26	Do. page 1129	Reduction by Rs. 1,600 of the item of Rs. 8,040 for "Executive Subordinates" under "26-Police."	19	20	
27	Do. page 1134	Omission of the item of Rs. 3,100 for "Lump provision for a mounted sergeant."	16	21	
28	Do. page 1138	Omission of the item of Rs. 19,700 for "Provision for a saloon for the Superintendent of Police, E. I. Railway."	19	25	
29	12th March 1923—(Vol. VII, no. 20, page 1154).	Reduction by Rs. 5,00,000 of the demand under "26-Police."	18	24	
30	13th March 1923—(Vol. VII, no. 21, page 1249).	Reduction by Rs. 100 of the demand under "32-Medical."	11	19	
31	14th March 1923—(Vol. VII, no. 22, page 1291).	Omission of the provision of Rs. 6,000 for "Residence for the Sub-divisional Officer, Kendrapara."	Nil	27	
32	Do. page 1304	Reduction by Rs. 4,38,000 of the demand of Rs. 15,77,400 for "Original Works—Buildings (Reserved)."	15	27	
33	Do. page 1321	Omission of the item of Rs. 30,000 for "Construction of buildings for the Bhagalpur Zila School."	11	25	

## ANNEXURE E.

## Supplementary Budget Demands.

	1st Session.	2nd Session.	3rd Session.	4th Session.	5th Session.	6th Session.	7th Session.	Total.
1	2	3	4	5	6	7	8	9
(a) Number of supplementary votes asked for.	..	6	3	19	6	11	20	65
(b) Number carried after a division	..	..	..	2	2	2	1	7
(c) Number defeated after a division	..	..	..	..	..	..	..	..
(d) Number carried without a division.	..	6	3	17	4	9	19	58
(e) Number withdrawn ..	..	..	..	..	..	..	..	..

For motions for reduction of supplementary votes see list 5A (b).

ANNEXURE E.—*contd*  
Resolutions.

	1st Ses- sion.	2nd Ses- sion.	3rd Ses- sion.	4th Ses- sion.	5th Ses- sion.	6th Ses- sion.	7th Ses- sion.	Total.
1	2	3	4	5	6	7	8	9
(a) Number of resolutions ..	34+ 1*	36+ 2*	10+ 1*	25+ 2* 2†	3+ 1*	4+ 1*	14	126+ 8* 2†
(b) Number of resolutions opposed by Government but carried after a division.	2	4	1	2	..	2	2	13
(bb) Number opposed by Government but carried without a division.	1	1	..	1	..	1	1	5
(c) Number of resolutions opposed by Government and defeated after a division.	3	5	1	2	2	..	2	15
(d) Number defeated without a division or withdrawn.	7	14	3	10	1	1	3	39
(e) Number accepted by Government and carried.	16	9	3	9	..	..	6	43
(f) Number of resolutions not definitely opposed by Government. (In some cases Government deprecated the passing of the resolution, and in others was neutral.)	5	3	2	1	..	..	..	11

\* Special motions.

† Government resolutions.

## ANNEXURE F.

*List of resolutions opposed by Government but carried.*

Serial No.	Reference to date and page of Council proceedings.	Resolutions.	DIVISION.		REMARKS.
			Ayes.	Noes.	
1	2	3	4	5	6
1	30th March 1921—(Vol. I, no. 19, page 963).	Resolution <i>re</i> appointment of a committee to inquire into the grievances of Government press employes.	21	20	
2	30th March 1921—(Vol. I, no. 19, page 984).	Resolution <i>re</i> limitation of the annual exodus to Ranchi to three months and to the minimum number of officials.	23	21	
3	28th July 1921—(Vol. II, no. 1, page 49).	Resolution <i>re</i> suspension of business for 1 hour for Muhammadans' Friday Prayers.	24	21	
4	25th July 1921—(Vol. II, no. 6, page 263).	Resolution <i>re</i> stopping the creation of new posts in the Imperial and Provincial Services till the question of retrenchment has been dealt with finally.	27	21	

ANNEXURE F—*contd.*

Serial No.	Reference to date and page of Council proceedings.	Resolutions.	DIVISION.		REMARKS.
			Ayes.	Noes.	
1	2	3	4	5	6
5	27th July 1921—(Vol. II, no. 8, page 408).	Resolution <i>re</i> appointment of a committee to inquire into the condition of the Maharani of Bettiah and the management of Bettiah estate.	36	22	
6	28th July 1921—(Vol. II, no. 9, page 483).	Resolution <i>re</i> authorization of members of Legislative Council to keep fire arms without licenses.	30	18	
7	24th November 1921—(Vol. III, no. 3, page 97).	Resolution <i>re</i> increase of listed posts in the Provincial Civil Service.	26	18	
8	17th February 1922—Vol. IV, no. 11, page 692).	Resolution <i>re</i> reconsideration of the paper-book rules of the Patna High Court.	14	12	
9	20th March 1922—(Vol. IV, no. 22, page 1523)	Resolution <i>re</i> appointment of a committee to inquire into the disturbed condition of the Champaran district.	21	13	
10	7th December 1922—(Vol. VI, no. 4, page 159).	Resolution <i>re</i> withdrawal of the notification declaring the Santal Parganas to be a backward tract.	38	20	
11	8th December 1922—(Vol. VI, no. 5, page 235).	Resolution <i>re</i> amalgamation of the assessment and collection departments of the Son canals.	32	24	
12	17th February 1923—(Vol. VII, no. 7, page 378).	Resolution <i>re</i> release of political prisoners.	25	23	
13	17th March 1923—(Vol. VII, no. 24, page 1447).	Resolution <i>re</i> cancellation of increase in the Son canal water rates.	24	15	

*List of resolutions opposed by Government and defeated after a division.*

Serial no.	Reference to date and page of Council proceedings.	Resolutions.	DIVISION.		REMARKS.
			Ayes.	Noes.	
1	2	3	4	5	6
1	15th March 1921—(Vol. I, no. 14, page 669).	Resolution re appointment of a committee to inquire into the condition of depressed classes.	16	24	
2	22nd March 1921—(Vol. I, no. 17, page 900).	Resolution re abolition of the sale manufacture and consumption of liquors and intoxicating drugs for medicinal purposes within a year.	10	32	
3	31st March 1921—(Vol. I no. 20, page 1042).	Resolution re opening of agricultural and artizan classes in primary schools.	16	21	
4	19th July 1921—(Vol. II, no. 2, page 56).	Resolution re establishment of an intermediate college at Ranchi.	*16	*23	*The division was actually on an amendment, the substantive motion being defeated without a division.
5	21st July 1921—(Vol. II, no. 4, page 168).	Resolution re abolition of chankidari tax in Orissa.	25	29	
6	26th July 1921—(Vol. II, no. 7, page 346).	Resolution re establishment of Charitable dispensaries in temporary houses.	17	29	
7	29th July 1921—(Vol. II, no. 10, page 580).	Resolution re prohibition of sale of intoxicants during religious festivals.	16	19	
8	29th July 1921—(Vol. II, no. 10, page 595).	Resolution re extension of Muhurram holidays.	15	17	
9	1st December 1921—(Vol. III, no. 8, page 403).	Resolution re filling up of posts not reserved for the Indian Civil Service by members of that service.	8	17	
10	17th February 1922—(Vol. IV, no. 11, page 662).	Resolution re extension of trial by jury to Crown cases involving imprisonment of more than three months.	5	11	
11	21st March 1922—(Vol. IV, no. 23, page 1591).	Resolution re arbitration in civil and revenue courts.	6	17	
12	15th August 1922—Vol. V, no. 7, page 374).	Resolution re cancellation of the order regarding payment of compensation to the Chastarwa factory in the Champaran district.	19	28	
13	24th August 1922—(Vol. V, no. 13, page 875).	Resolution re appointment of a committee to inquire into the complaints of political prisoners.	20	27	
14	17th February 1923—(Vol. VII, no. 7, page 352).	Appointment of selection committees for appointments by nomination.	..	..	Only one member voted in support of the resolution.

*List of resolutions opposed by Government and defeated after a division—  
contd.*

Serial no.	Reference to date and page of Council proceedings.	Resolutions.	DIVISION.		REMARKS.
			Ayes.	Noes.	
1	2	3	4	5	6
15	16th March 1923—(Vol. VII, no. 23, page 1381).	Resolution <i>re</i> option of filing plaints, etc., in courts in Urdu script.	9	28	
16	17th February 1922—(Vol. I, no. 4, page 128).	Resolution <i>re</i> appointment of a committee to report on retrenchments in expenditure in the various departments of Government.	..	..	It was opposed by Government, but carried without a division.
17	19th July 1921—(Vol. II, no. 2, page 88).	Resolution <i>re</i> the appointment of an honorary Vice-Chancellor for Patna University, instead of a salaried officer.	..	..	Ditto.
18	24th January 1922—(Vol. IV, no. 1, page 43).	Resolution <i>re</i> the withdrawal of the notification under the Criminal Law Amendment Act and the release of persons convicted for the breach of the term of that notification.	..	..	Ditto.
19	8th December 1922—(Vol. VI, no. 5, page 254).	Resolution <i>re</i> financing of primary education, etc., out of increased revenue from court and registration fees.	..	..	Ditto.
20	16th March 1923—(Vol. VII, no. 23, page 1415).	Resolution <i>re</i> construction of a hospital at Sonepur.	..	..	Ditto.

Letter no. 1456-C., dated the 12th September 1923.

From—The Chief Secretary to the Government of Bihar and Orissa,

To—The Secretary to the Government of India, Home Department.

As promised in paragraph 1 of Sifton's demi-official letter no. 1362-C., dated the 14th August 1923, on the working of the Reformed Constitution, I am desired to forward a further list of annexures giving statistics of the last session of the Legislative Council as regards legislation, resolution, etc. During the session 320 questions were asked of which 109 were supplementaries. In order to complete the statistics for the life of the 1st reformed council these should be added to the figures already given.



## ANNEXURE A.

*List of Bills passed by the Bihar and Orissa Legislative Council at its 8th Session.*

Serial No.	Name of Bill.	Date passed by the Council.	REMARKS.
1	2	3	4
1	The Chota Nagpur Tenancy (Amendment) Bill.	27th August 1923 ..	Provides for the exclusion of certain contracts of a commercial character relating to timber and other items of forest produce from the jurisdiction of the revenue courts.
2	The Bihar and Orissa State Aid to Industries Bill.	Ditto ..	
3	The Bihar and Orissa Food Adulteration (Amendment) Bill.	28th August 1923 ..	Provides for the prevention of sale of impure or adulterated drugs.

These Bills have not yet received the assent of His Excellency the Governor.

## ANNEXURE E.

*Supplementary Budget Demands.*

Serial No.	8th Session.		
1	2	3	4
(a)	The number of supplementary votes asked for.	37*	*Including 10 demands for excess grants.
(b)	The number carried after a division ..	2	
(c)	The number defeated .. ..	1	Defeated <i>without</i> a division. The decision was left by Government to the non-official members.
(d)	The number carried without a division	34	
(e)	The number withdrawn .. ..	..	

## ANNEXURE F.

*Resolutions.*

(a)	The number of resolutions moved .. ..	4
(b)	The number of resolutions opposed by Government, but carried after a division .. ..	1
(bb)	The number opposed by Government but carried without a division .. ..	1
(c)	The number of resolutions opposed by Government and defeated after a division .. ..	1

ANEXURE F—*contd.*

(d) The number defeated without a division or withdrawn .. .. .

(e) The number accepted by Government and carried .. .. .

(f) The number of resolutions not opposed by Government and carried .. .. . 1 Carried without a division.

*List of Resolutions opposed by Government but carried.*

Serial No.	Reference to date of Council Proceedings.	Resolutions.	DIVISION.		REMARKS.
			Ayes.	Noes.	
1	2	3	4	5	6
(b)	31st August 1923 ..	Abolition of whipping as a punishment in jails.	37	21	.
(bb)	30th August 1923 ..	General pardon to all political prisoners to render them eligible for election to the local Council.	..	..	No Division.

*List of resolutions opposed by Government and defeated after a division.*

(c)	1st September 1923 ..	Withdrawal of notification regarding application of the Bihar and Orissa Local Self-Government (Amendment) Act to the Chota Nagpur Division.	10	34	
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**CENTRAL PROVINCES AND BERAR.**

Letter No. 134-I., dated the 28th July 1923.

From—The Chief Secretary to the Government of the Central Provinces,

To—The Secretary to the Government of India, Home Department.

With reference to your letter no. D-917, dated the 23rd April 1923, I am desirous to forward, for the information of H. E. the Viceroy a note on the working of the reformed constitution in the Central Provinces and Berar.

**NOTE ON THE WORKING OF THE REFORMED CONSTITUTION IN THE CENTRAL PROVINCES AND BERAR.**

The Reform Government was inaugurated in December 1920, when the province was raised to the status of a Governor's provinces, and Sir Frank Sly, K.C.S.I., I.C.S., was appointed the first Governor.

### A.—THE EXECUTIVE GOVERNMENT.

2. *Constitution and personnel.*—In addition to the Governor, the Executive Government consists of two members of the Executive Council and two Ministers. These appointments were filled by :—

#### (1) *Members of the Executive Council.*

(a) The Honourable Mr. B. P. Standen, C.S.I., C.I.E., I.C.S. His portfolio includes Land Revenue, Settlements, Land Records, Famine Relief, Forests, Irrigation and Finance.

(b) The Honourable Sir M. V. Joshi, Kt. He holds charge of the portfolio of Criminal and Civil Justice, Police, Jails, Registration, Factories and Income Tax.

#### (2) *Ministers.*

(c) The Honourable Mr. S. M. Chitnavis, I.S.O. He is in charge of Agriculture, Co-operative Credit, the Development of Industries, Civil Veterinary Department and Excise.

(d) The Honourable Rao Bahadur N. K. Kelkar. His portfolio includes Local Self-Government, Education, Public Works, Medical and Public Health Departments.

His Excellency the Governor holds direct charges of the Political Military and Appointments portfolios.

The Executive Government thus consisted of two officials (including the Governor) and three non-officials.

There was some criticism of this personnel, because it contained no representative of the northern Hindi-speaking part of the province, but it was generally accepted that no member of sufficient outstanding merit had been returned by the northern constituencies to justify selection to a post in the Executive Government.

There has been no change in the personnel of the Executive Government.

The distribution of portfolios has worked fairly well, but some difficulty has been felt occasionally from the fact that the Member in charge of Finance also administers several important departments. The distribution of portfolios between the two Ministers results in a somewhat unequal division of work, but it does not seem at present capable of improvement.

3. *Allocation of funds to reserved and transferred subjects.*—The joint purse system has been followed, and action under Devolution Rule 32 has not been found necessary. The great financial stringency, increased by the famine of 1920-21, has tended to simplify the distribution of funds between reserved and transferred subjects, because the amount available for new expenditure has been infinitesimal. It has also emphasised the importance of the Finance Department. Under these conditions, no real difficulty has been experienced in making a budget acceptable to both halves of the Executive Government, both Ministers having cheerfully submitted to a reduction in their department budgets in the interests of the solvency of the province. It is recognised that the transferred side of the Government comprises the main spending departments where development is most required.

4. *Readjustment of establishments necessitated by the Reform.*—The number of Secretaries and Under Secretaries (three each) has not been increased, but the Chief Secretary has been relieved by making the

Director of Public Instruction also Secretary for Education, and the Revenue Secretary by making the Commissioner of Settlements and the Secretary for Settlements and Land Records. The cost of the Secretariat has remained practically the same, and the additional expenditure of Rs. 3,33,000 on the appointments of the Governor, two Members of Council and two Ministers, is in part covered by the saving of Rs. 1,79,500 from the abolition of the posts of Chief Commissioner and Financial Commissioner.

5. *Co-operation between the Executive Government and the Legislature.*—In addition to the committee on Public Accounts, standing committees of members of the Legislative Council have been appointed in all the principal departments.\* These committees are advisory. They familiarise the members with the working of the administration and give them the opportunity to influence the policy of the Government. They also make more intimate the relations between the Executive and the Legislature, and give to the Government a most useful way of ascertaining the trend of public opinion. Their work has been of considerable value. Special committees, on which non-official members of the Legislative Council were in a majority, have been appointed from time to time to make recommendations regarding important questions, such as the improvement of the conditions of the depressed classes, travelling allowances, retrenchment, educational curricula, vocational training and the like.

The Public Accounts Committee, constituted under rule 33 of the Legislative Council Rules, also acts as a Finance Committee. The preliminary budget is placed before this committee in December and full information afforded on all points on which information is required. This system, which was adopted for the first time in connection with the current year's budget, has greatly simplified the passage of the budget through the Council in the March Session.

Reference may also be made to the Retrenchment Committee which was constituted early in 1922. Copies of the report of this committee have already been supplied to the Government of India and the action taken by Government on its recommendations has been published in a Resolution, a copy of which is forwarded with this report.† It is unquestionable that had this committee not been appointed, the Legislative Council would not have consented to the passage of the Central Provinces Court Fees and Stamp Acts in January of this year.

One important factor in the working of the Reform Scheme has been the predilection of Indian opinion for the consideration of all important problems by a committee rather than by the department concerned and by discussion in the Legislative Council. The local Government desires to lay great stress on the educative effect of such committees; it believes that the members by this time generally recognise the complexity of administrative problems and the good faith and disinterestedness of Government officers, and that this belief has gradually permeated the Legislative Council and been reflected in its attitude.

Council Secretaries have been appointed, but as yet they have not made their influence felt in any marked degree or won a recognized position in the provincial constitution. It has been found difficult to

\* (1) Finance, (2) Judicial, Police, Jails and General Administration, (3) Land Revenue Settlement and Land Records, (4) Forests, (5) Irrigation, (6) Local Self-Governments and Public Works, (7) Public Health and Medical Relief, (8) Education, (9) Co-operative Credit and (10) Excise.

† Not reprinted.

keep them in touch with the work of the Government, and this change has hitherto been a failure.

6. *The Reforms and local Self-Government.*—Since the constitution of the Reform Governments, one measure of first class importance in connection with local Self-Government, *viz.*, the Municipalities Act, has passed into law. In addition rules have been framed under the local Self-Government Act, though the Act itself was passed before the new Legislative Council was formed. The general line of policy, which is pressed on Government, both from within and without the Council in connection with local Self-Government, is the necessity of freeing these bodies almost entirely from official control : this line of policy has commended itself to the Ministry of local Self-Government as tending to increase the initiative and sense of responsibility of members of local bodies thereby fitting them to take their place in any system of responsible Government which may be introduced in this country. The Municipalities Act, therefore, is designed to give effect to this policy so far as present conditions permit, and its chief features may be stated as the extension of the municipal franchise, the reduction of official and nominated members of municipalities, the extension of the powers of Municipal Committees and the reduction of official control. Generally the Legislative Council has paid great attention to matters connected with local Self-Government and the importance of local bodies as a training ground for future legislators is fully recognised. ✓

#### B.—THE LEGISLATURE.

7. *Constitution and its working.*—The new Legislative Council consists of 53 elected members, two *ex-officio* members of the Executive Council and 15 nominated members, of whom not more than eight may be officials, total 70 members. It entered on its important duties with little previous experience of public affairs. It included only five non-officials who had been members of the pre-reform Council, some others, mostly from the few urban constituencies, had previously taken part in local affairs, but a considerable proportion of the rural members were making their first entry into public life. A substantial proportion of the members carry very little weight in their constituencies or in public life, and are not qualified for a seat in the Council by influence, ability or force of character. The *personnel* of this Council has thus been quite exceptional. In spite of these drawbacks, the Legislative Council has, on the whole, shown an increasing sense of responsibility in the exercise of the large powers conferred by the Government of India Act. There was at first a tendency to adopt an attitude of opposition to all Government measures and to criticise unduly Government servants and their actions, but with increasing experience this tendency has been much less apparent.

The Honourable Sir G. M. Chitnavis, K.C.I.E., a non-official gentleman with wide experience of the pre-reform Legislative Council of the Government of India, was appointed President of the local Legislative Council, and it is largely due to his guidance that a good standard of parliamentary procedure has characterised its proceedings which have been conducted with dignity and orderly progress. Much important work has been accomplished. There is an increasing belief in the future of the Legislative Council, wider appreciation of the considerable powers that it exercises, and a greater desire to utilize the reform scheme of Government for the advancement of the province along the road of responsible self-government.

8. *Government Legislation.*—Ten\* Acts have been passed by the present Council, and three Bills that have been introduced are still before the Council, the Land Revenue (Amendment) Bill, the Tenancy (Amendment) Bill and the Settlement Bill. In connection with the last, no step has been taken after introduction; both the others were referred to a Select Committee, which has recommended a few unimportant changes in the Land Revenue Bill and none in the Tenancy Bill.

Only one legislative measure was defeated, the Court Fees Bill (I of 1922), the motion to refer it to a Select Committee being lost in the March sessions of 1922 by 32 votes to 22; there was opposition to any increase in the cost of litigation, but the main argument for rejection was that Government ought to balance the budget by retrenchment and not by fresh taxation. The motion was revived in the November session of 1922 and carried by 36 votes to 17, the majority of the members having realized that retrenchment alone would not save the financial situation and that fresh taxation was necessary. The Bill was passed into law in January 1923 with few changes, and at the same time the Stamp (Amendment) Act was also passed.

The Municipalities Act, the High School Education Act and the University Act were measures that aroused much interest. There was a tendency on the part of non-official members to oppose Government representation on the bodies to be constituted under these Acts and Government's power to control the working of them, but this opposition did not meet with much success. As regards the University Act, this result was, perhaps, in some degree due to the attitude adopted by a large number of non-official members in the March sessions of 1923, when the Bill as reported by the Select Committee came up for final consideration. University education being subject to legislation by the Indian Legislature, the previous sanction of the Governor General was obtained to the introduction of the Bill. It was subsequently pointed out that previous sanction was also required to every amendment that it was proposed to move, and when the proposed amendments were submitted for sanction, a few were disallowed. Ignoring the legal position, many members, treated the disallowance as an unwarrantable infringement of the Council's right to deal with a transferred subject, and to mark their resentment refrained from moving the amendments standing in their names to which sanction had been received. In consequence, the discussion at the last stage of the Bill was confined to certain amendments designed to secure Muhammadan representation on the University authorities. These amendments received no support except from the Muhammadan members and the

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\*I of 1921—Financial Commissioner's Functions Act.

II of 1921—Deputy President's Salary Act.

I of 1922—Local Authorities' Loans (Central Provinces) Amendment Act.

II of 1922—Municipalities Act.

III of 1922—High School Education Act.

I of 1923—Central Provinces Court Fees Act.

II of 1923—Indian Stamp (Central Provinces) Amendment Act,

III of 1923—Deputy President's Salary (Repealing) Act.

IV of 1923—Canal Management (Amendment) Act.

V of 1923—Nagpur University Act.

two representatives of the depressed classes, and no provision for communal representation was inserted in the Bill. Another noteworthy feature in connection with the discussion of this measure was the cleavage between the non-official representatives of the north and south of the province; this arose over the proposal to confine the more advanced studies to the Nagpur Colleges, and might have ended in the wreck of the Bill but for a concession in the matter that was made to the Northern interests.

Speaking generally, it may be said that there has been a distinct improvement in the attitude of non-official members towards Government legislation during the term of the Council. A somewhat wider acquaintance with the problems of administration and clearer appreciation of Government's aims have lessened the suspicion entertained of Government's measures. Welcome evidence of the change in attitude was found in the passing of the Court Fees and Stamp Acts, and in a lesser degree in the Select Committee's handling of the Land Revenue and Tenancy (Amendment) Bills.

9. *Private Bills*.—Notice was given of four private Bills but none have come before the Council.

The first was a Bill for the Prevention of Cow Slaughter. It was an objectionable measure and the Governor proposed to certify, under section 72-D (4) of the Government of India Act, that it affected the tranquillity of the province and disallow introduction, if the member did not withdraw it. When it was submitted to the Government of India they ruled that it was a Bill requiring previous sanction and as the member did not apply for sanction it was not necessary to disallow it.

The second was a temperance Bill, the object of which was the introduction of local option, with total prohibition as the ultimate goal. The Bill having been altered so as to cover country liquor only, the Governor accorded sanction under section 80-C of the Government of India Act. The Bill did not obtain a sufficiently high place in the ballot for private business for three sessions, and thereafter the notice was not renewed. The opinion of the Council is believed to have changed substantially in this matter, but it is more difficult to estimate public opinion outside. Notice was given of a Bill to amend the Land Revenue Act with the object of enlarging the rights of holders of abadi sites. The drafting was so defective and the exact intention so obscure that the Bill was returned to the member for reconsideration. He took no further action, and the notice was treated as withdrawn.

The same member gave notice of a Bill to amend the Tenancy Act, so as to alter the periods for which occupancy tenants may give sub-leases. The Government of India having pointed out that sanction was necessary under section 80-A (3) (h) of the Government of India Act, the member was directed to apply for sanction and nothing further has been heard from him in the matter.

10. *Financial Business*.—In 1921 the total budget demand presented to the Council was Rs. 6,54,73,425. The members had only a short time to study the budget before they were called upon to discuss it, and complaint was made on that score; many of them lacked the experience necessary to understand details of the budget as presented to them, and the Council as a whole had not yet found its feet. The situation was reflected in the debate and the reduction voted. The total reduction was Rs. 3,87,541, and the bulk of it was due to the rejection of a demand, under Forests, for Rs. 1½ lakhs for a saw-mill and of another, under Public

**Health**, for a grant of Rs.  $\frac{1}{2}$  lakh to the Nagpur Municipal Committee. Demands were also refused which related to the salaries of certain appointments, which the Council considered unnecessary. Of the reductions in the demands Rs. 17,816 only were restored by His Excellency the Governor in exercise of the powers conferred by section 72-D of the Government of India Act.

In August, 1921, a supplementary demand for Rs. 65,000 to give effect to the Secretary of State's orders as to the scale of pay to be drawn by Deputy Commissioners of the Provincial Service was refused by the Council, but was restored by the Governor.

In 1922, faced with a considerable deficit and the prospect of fresh taxation, of which something has been said in connection with legislation, the Council was evidently not convinced that Government had done all that was possible by way of retrenchment, and Government announced its decision to appoint a Retrenchment Committee of six non-official members of the Legislative Council and one Government official. The total demand of Rs. 5,24,95,700 was, however, reduced by Rs. 10,96,944. Members were in a better position to criticise the budget, thanks to the experience gained in the previous year, the longer time given them to study the budget and the fact that it had been published in Hindi for the benefit of those members who did not know English. The reduction was distributed over many heads, the largest reduction being made, in lump sums, from the demands under Land Revenue—Survey and Settlements Establishment (Rs. 1 lakh), Irrigation (Rs. 4 lakhs) and Agriculture (Rs. 2 lakhs). The Governor was under the necessity of restoring Rs. 4,53,510 or more than 40 per cent. of the amount that the Council had refused to vote. Towards the end of the year the Retrenchment Committee reported their recommendations, and they have been the subject of many resolutions and questions; they were made the occasion of a motion for the adjournment of the Council in the November sessions of 1922. The debate on that motion convinced most members that the action possible to Government on the recommendations of the committee would not result in anything like a complete or satisfactory restoration of the financial position and this conviction was an important factor in persuading the Council to pass the taxation proposals of Government. It must be added that this conviction does not amount to complete satisfaction with Government's treatment of the recommendations, which continued, and will continue, to afford material for interpellation and debate.

The atmosphere, however, created by the time the budget of 1923 was introduced, resulted in that budget having a much smoother passage than its predecessor. Government had made a reduction in the total demand presented to the Council (Rs. 4,80,58,666), and the Council was not prepared to reduce much further. The total amount which the Council refused to vote was Rs. 2,07,200, more than half of which (Rs. 1,09,400) was cut from the provision for Deputy Superintendents and Circle Inspectors of Police, whose numbers it was proposed, on the strength of the Retrenchment Committee's report, to decrease. Rs. 93,400 of this was restored, as was also a sum of Rs. 25,800, the total demand for the Chief Conservator's establishment, which had been refused. In all, Rs. 1,36,100 was restored.

It cannot be said that the Council has made any serious attempt to extend its financial powers. There is no doubt that members desire to have control of non-voted items of expenditure and are not satisfied with being allowed, as they were in 1922 and 1923, to discuss them. There have



been instances of motions to refuse establishment provision for officers whose pay is non-voted ; but these have all been in connection with reserved departments and the Council has known that any necessary provision refused by it would be restored. Only one such motion was successful, that referred to in the preceding paragraph ; it was made to emphasize the Council's view that a Chief Conservator is unnecessary. There have also been motions to reduce the provision for Provincial Service officers in a department because the pay of the Imperial Service officers cannot be touched ; these again have been made in the case of reserved departments and appear to have the object, not of reducing the number of posts held by officers of the Provincial Service, but of demonstrating that in the Council's opinion the superior staff of the department is numerically too strong ; an instance of this type of motion was that made in 1921 to reduce the number of Deputy Superintendents of Police, and the motion carried in 1923 in respect of the same class of officers was partly of the same nature.

The financial stringency has undoubtedly been a very great drawback to the successful working of the Reform Scheme. Hopes of advance and development have been disappointed, but the members have fully recognized that for the present the solvency of the provincial finances is the most pressing need.

11. *Resolutions.*—For the sessions held between January 1921 and March 1923, 854 notices of resolutions were received. Owing, however, to the over-lapping of resolutions and notices being renewed, sometimes more than once, because in the majority of sessions time was insufficient for the discussion of all the resolutions of which notice had been given, that figure does not convey much meaning. The resolutions actually moved numbered 207, of which 58 were carried, 52 rejected and the rest withdrawn, in many cases after an explanation from Government or a promise of some action being taken. Some of the more important resolutions and the results are detailed in the following paragraphs.

In March 1921, a debate on the allocation of revenues between the Central Provinces and Berar led to the appointment of a Committee, usually known as the Sim Committee, to inquire into the matter. They recommended that, after certain expenditure had been provided for, the balance of the revenues should be allocated to the Central Provinces and Berar in the proportion of 3 to 2. In January 1923, a motion that effect should not be given to this recommendation was lost, after strong opposition from some of the Central Provinces non-official members, and the allocation proposed is now in force.

In the same sessions a resolution was passed recommending the abolition of grain payments to village watchmen in Berar and the introduction of a provincial money cess. This important change has been made by the Government. The collections in the shape of the cess and the payment therefrom to the mahars naturally had to appear in the budget, and in the budget sessions of this year this fact afforded an opportunity for a proposal to reduce the provision for payment so as to force a reduction in the numbers of the mahars employed ; the proposal was rejected by the Council.

In the next sessions, August 1921, a resolution was carried that legislation should be undertaken to establish a University. A committee was appointed to make final proposals to that end, and as a result the Nagpur University Act is now law and steps are being taken to establish the University in accordance with its provisions.

A resolution recommending the prohibition of the sale of country liquor was moved in the same sessions. Although it could not be accepted in the form in which it was passed, the Minister for Excise announced the acceptance by Government of prohibition as the ultimate goal of its excise policy. It was made clear that Government cannot bind itself to introduce prohibition until it is satisfied that the social conditions permit it. Substantial steps have been taken to give gradual effect to this decision. Duty rates have been considerably raised, the number of shops largely reduced and the strength of liquor lowered. There is some reason to believe that the progress has been too rapid, having already led to a considerable increase in the number of cases of illicit distillation.

That the "non-co-operation" movement evoked a certain amount of sympathy from within the Council was shown in several resolutions. In August 1921 a round-table conference was proposed; in the same sessions an enquiry was demanded into alleged illegalities practised in order to counteract the movement, but the motion was eventually withdrawn; in September 1922 an enquiry was demanded into the handcuffing of R. S. Shukla, a prominent non-co-operator of Raipur, who had been arrested for resistance to the police; the resolution was lost after a lengthy debate; in December 1921 a resolution was carried regarding the treatment of political prisoners; and in January of this year a resolution was moved, but rejected, recommending the release of political prisoners.

Numerous committees of inquiry were suggested; but, apart from the Sim Committee, the Retrenchment Committee, the Committee to consider the compensation to be paid to the Ratona Tannery Company, and that to make proposals for the establishment of a University, the only committees formed in pursuance of resolutions of the Council were the Standing Committees on Sanitation and Medical Relief and on Education and one to enquire into the condition of the depressed classes.

On certain resolutions carried in the Legislative Council, the local Government was not in a position to take any action other than forwarding them to the Government of India; they included resolutions on such important matters as the abolition of Commissionerships, reduction in the pay of the Imperial Services, the Indianization of these services, and the amendment of the Arms Rules. Similarly, resolutions carried with respect to railway management could only be referred to the company concerned.

12. *Questions*.—Notice of 3,385 questions was received, of which 3,059 were answered and only 290 disallowed. The questions for the most part were put to obtain information or related to unimportant matters, and often, when they called for action on the part of Government, were based on incorrect facts. It was only on 134 that any action was taken. As instances of the action taken may be cited the order, issued in January 1921, to the Deputy Commissioner, Amraoti, not to collect revenue until suspensions were announced; the appointment, as an experimental measure, of Court of Wards advisory committees in certain districts; approval of the transfer of a circle from one tahsil to another, and an order, in November 1922, for an enquiry to be made by officers of the Agricultural Department into the condition of agriculturists in a few typical villages.

In the matter of the admission and disallowance of resolutions and questions the provisions of the Rules and Standing Orders were complied with as closely as possible. Resolutions and questions relating to Berar, however, have not been ruled out under proviso (ii) to Rule 3 (1); this has the approval of the Government of India and the Secretary of State.

Resolutions relating to central subjects have presented some difficulty ; but the practice has been to admit them if, though the local Government cannot pass orders in regard to them, they are of provincial interest only ; it is considered that such resolutions can properly be said to relate to matters which are primarily the concern of the local Government. As regards railway matters, the Government of India's instructions are that all matters of purely local interest, on which the Agent of the line is in a position to express an opinion without reference to the Railway Board, should be dealt with in the Provincial Council ; and these instructions have been followed.

There is a tendency to move resolutions and to ask questions on matters of purely parochial interest, which are not of sufficient importance to justify their consideration by the Legislative Council and tend to lower its dignity as a provincial legislature.

13. *Motions for adjournment and amendment of the Standing Orders.*—There have been two motions for the adjournment of the Council to consider a matter of urgent public importance. The first was made to urge on Government the necessity of giving immediate effect to the unanimous recommendations of the Retrenchment Committee, as far as it lay within the power of the local Government to do so. After a lively debate, in which there was considerable opposition to the motion, it automatically closed at 6 o'clock without any question being put. The second arose out of the resolution carried in March 1923 that an Indian should be appointed a Secretary to Government in the next vacancy that occurred ; the object of the proposed motion was to consider an appointment as Secretary of a European officer, which had been decided upon before but was not gazetted till a few days after the resolution had been passed ; the motion was disallowed by the President of the Council as not relating to a matter of urgent public importance.

The Standing Orders have been amended on two occasions. On the first, the Select Committee reported on the 12th July 1921 and their recommendations were accepted by the Council ; certain amendments proposed to solve the difficulties of members who do not know English were dropped, it being considered that the suggestions contained in them could be carried out through the medium of the President's orders ; the amendments carried out altered the provision regarding notice of questions and provided for the printing of questions and answers one clear day before the answers are to be given ; gave the President some discretion in the matters of admitting questions and resolutions without due notice and dealing with the moving of amendments ; made it clear that closure of a debate would not affect the right of the mover or the Government member to speak, and provided for the case of two or more members giving notice of the same resolution and for the posting of the budget to members fourteen clear days before the voting of grants begins. In March 1922 the second Select Committee recommended amendment of the orders so as to make it unnecessary for fresh notice to be given of a motion not discussed at the previous sessions for want of time and the recommendation was accepted by the Council.

✓ 14. *The Legislative Council and public opinion.*—As stated above, few of the members of Council were really representative of public opinion or carried much weight with the outside public. Owing to the non-cooperation activities at the election time, some of the members were of poor status—a tailor, a chamar, a vegetable seller, and there is no doubt that many of the most influential and intelligent leaders, whether owing to conviction or under compulsion, refrained from standing for election. It

was soon recognised, however, that the Council not only had considerable power, but also that the action of the Council had resulted in a modification of Government policy or decisions on more than one occasion. The influence of the Council on public opinion has in consequence steadily increased.

Members maintain relation with their constituencies to some extent through local bodies (municipalities and local boards), but no special means have been adopted to keep in touch with their constituencies.

✓ 15. *Party Groups*.—The following are the communal groups :—

- (1) Muhammadan.
- (2) Hindu.
- (3) Depressed classes.

In addition to this there are territorial groups.

(1). Berar representatives, holding that Berar is exploited by the Central Provinces and does not secure a fair share of its revenue.

(2). Central Provinces representatives, claiming that Berar should be treated as merely part of the Central Provinces.

(3). The north of the province consisting of representatives of the Hindi-speaking districts, who maintain that the interests of the north are sacrificed to the south.

(4). The south of the province—mainly Maratha.

✓ There is no form of party organization. In the case of any important matter before the Council, the Secretary in the Department concerned is responsible that every possible vote is recorded on the Government side. Consultation as to concerted action on any particular measure is frequent, and adjournments of the debate are occasionally asked for to permit of consultation. Ministers also frequently hold meetings of their adherents to decide the line of action to be taken in regard to particular matters. Occasionally it is arranged that priority shall be given to particular items of business by withdrawal of resolutions preceding that item. There are no recognized party leaders.

✓ 16. *The constituencies and the public*.—The percentage of enfranchised persons to the total population is 0.9. The percentage of votes recorded in general elections was 22 in contested constituencies, but in 30 constituencies there was no contest, and therefore no votes were recorded. At by-elections, the percentage of votes recorded to the total number of voters on the register was about 16. In addition in 3 constituencies there was no contest.

The low percentage of votes recorded was in part due to the opposition of the non-co-operation party and to the rumours set about by them to prevent voters recording their votes. The backwardness of several tracts, and the ignorance of the voters regarding any form of election, also account for numerous abstentions.

At present in the Legislative Council such groups or parties as do exist are formed not in accordance with the character of their political convictions, but rather on territorial, class or communal considerations, and to this extent the formation of such groups may be said to be derived from the constituencies.

As yet there is no electoral organization in the constituencies or any system of party machinery, nor are there any political programmes.

Such party organization as exists in the Council is of a most elementary nature, and is therefore, not represented by any particular organ or the press. The newspapers in this province consist in the main of two classes—viz., moderate and extreme. The latter again may be divided into pro-Gandhi and pro-Das publications. Although the attitude of these papers on individual questions of policy may affect the position taken up by the members of the Council, few papers are consistent in their attitude ; the only consistent line of policy adopted is one of opposition to Government by the extremist press. The attitude of the moderate press is one of qualified support and reasonable criticism of Government. The influence of the press on general public opinion appears to be increasing.

The members of Council have generally failed to take their proper part in the political education of the electorate. Very few have addressed meetings of their constituencies, or explained the rights and duties of electors or enlightened them regarding the scheme of Reform Government and the powers and responsibilities of its component parts. An electioneering campaign has been started by the Das' party, but practically no such activity has as yet been undertaken by any other party.

17. *Political agitation and parties outside the Reforms Scheme.*—Reference has already been made to the effect of the non-co-operation movement on the constitution of the Council. Within the Council the Khilafat party as such, concerned as it is mainly with foreign affairs, has had little influence. The non-co-operation movement, however, has undoubtedly been reflected within the Councils in two ways—directly by resolutions moved either out of sympathy with the movement or in order to gain popularity in their constituencies ; and indirectly by resolutions moved to shew that the Legislative Council can take effective action on matters in regard to which the non-co-operators appeal to the public for direct action, e.g., the resolution requesting Government to stop the sale of country liquor.

The successful working of the Reform Scheme, and in particular the realization, when the Court Fees Bill was first introduced in March 1922, that the Council had the power of refusing taxation, resulted in a change of attitude towards the Council by a large section of the non-co-operation party. The feeling that the boycott of the Councils was a mistake has been steadily growing during the past year, and the pro-Council party now includes most of the more intelligent and advanced section of the extremist community. The whole of Berar adheres to this party, while in the Marathi and the more advanced Hindi district in the Central Provinces these views are making distinct headway. This party is again divided into the Tilak school of responsive co-operation, and the Das school of ' mending or ending ' the Councils. If we may judge from the history of non-co-operation in local bodies in the last year, it is unlikely that the Das party's policy would be given effect to or, if adopted, would remain unmodified for long. Early in 1922 it was decided by the non-co-operation party in this province that non-co-operators were to contest and capture all seats on local bodies, the intention being that local bodies should then take their orders from the Congress either direct or through a Congress Local Self-Government Board. A fair measure of success attended the effort to secure representation on municipal committees, but reports so far received indicate that in the recent elections for local boards a comparatively small proportion of successful candidates were non-co-operators. Actually the municipal committees with a non-co-operation majority differ but little in their working from other municipalities ; it is true that they commenced with a few demonstrations of their political views : for example resolutions

were passed to picket liquor shops, to support National schools to fly the National flag ; but in a very short time they generally settled down to normal municipal activities.

One marked feature has been the growth of selfish disruptive tendencies. With the introduction of a system of representative government, it was inevitable that the local demands of particular constituencies should come into greater prominence, but larger issues have come into prominence. The rivalry between Berar and the Central Provinces is more marked ; the latent jealousy between the northern Hindi-speaking districts and the southern Marathi-speaking districts has become prominent ; at times Muhammadan feeling has been aroused against the Hindus ; the anti-Brahman movement is growing considerably in strength.

### ASSAM.

Letter No. 870-C., dated the 2nd July 1923.

From—The Chief Secretary to the Government of Assam,

To—The Secretary to the Government of India, Home Department.

In reply to your letter no. D.-917, dated the 23rd April 1923, I am directed to submit a report on the working of the reformed constitution and its results in the province of Assam.

#### A.—THE EXECUTIVE GOVERNMENT.

##### (i) Allocation of funds to reserved and transferred subjects—

2. The Hon'ble Ministers have fully recognised the necessities of the financial position and no difficulty has so far arisen in the apportionment of funds between reserved and transferred departments by agreement. The allocation of funds has been as follows :—

Budget.				Reserved Departments.	Transferred Departments.	Total.
				Trs.	Trs.	Trs.
1921-22	..	..	..	1,99,77	57,01	2,56,78
1922-23	..	..	..	1,63,09	57,83	2,20,92
1923-24	..	..	..	1,61,50	54,92	2,16,82

The fact that the Public Works Department is in Assam a reserved department and that provision is made in it for works undertaken both for reserved and for transferred departments makes the allocation to 'transferred' seem less than is actually the case.

(ii) Reinforcement or readjustment of Secretariat and other Headquarters establishment necessitated by the Reforms—

3. Before the introduction of the Reforms there were, besides the Secretary in the Public Works Department, two Secretaries to the Chief

Commissioner. The creation of a separate Legislative Department, which was necessary under the new rules of business adopted in connexion with the Reforms, required the appointment of a third secretary, but as the Legal Remembrancer became Secretary to Government in the Legislative Department there was actually no increase in the number of superior officers employed in the Secretariat. According to the original distribution of work both ordinary secretaries dealt with transferred subjects, but as the Ministers preferred to work with a secretary unconnected with the Finance Department, the secretaries' work was readjusted so that all transferred subjects were dealt with by the secretary other than the secretary in the Finance Department. The sanctioned clerical staff of the Secretariat was increased by eleven hands, but some of this increase would probably have been necessary apart from the Reforms. Owing to the reduced activity in subjects such as education and local self-government caused by the lack of funds the sanctioned increase has in part been held in abeyance.

A staff of stenographers—one for each member of Government—was also attached to the new Members and Ministers, and is utilised also as the reporting staff for the Legislative Council.

The Legal Remembrancer and Secretary in the Legislative Department is also Secretary to the Legislative Council, and in that capacity has been provided with a small separate staff.

*(iii) Co-operation between the Executive Government and the Legislature with special reference to permanent or special Committees of the latter and the action taken in pursuance of their recommendations, and the use of Council Secretaries—*

4. A Committee of members of the Council is appointed annually by Government to advise them in connection with the framing of the budget. With this exception and that of the Committee of Public Accounts constituted under the Assam Legislative Council Rules, the non-official members of whom are elected by non-official members of Council, only one committee has been appointed. This was a small Retrenchment Committee, consisting of two members of Council with an official—not a member of Council—as President. It was appointed in response to a resolution passed by the Council recommending enquiries into the possibility of retrenchment in the various departments, and the scope of its enquiries was limited to particular appointments specially mentioned in the discussion. Several of its recommendations have been accepted by Government. The remainder are awaiting the recommendations of the Services Commission or (in the case of a recommendation for the abolition of the posts of Commissioners) the decision of higher authority. His Excellency the Governor has not considered it necessary to appoint either departmental Standing Committees or Council Secretaries. There are in Assam no public men of the leisured and monied classes, and few of the non-official members of Council live at or near Shillong. It is therefore not practicable in Assam to employ non-official members of Council in either of these ways in the ordinary work of administration without considerable expense and inconvenience.

*(iv) The Reforms and Local Self-Government—*

5. In Assam the process of emancipating local bodies from official control began before the introduction of the Reforms, and the changes which have occurred in consequence of the substitution of elected non-official for ex-officio Chairmen of local bodies have tended to obscure any effects which may have followed directly from the Reforms. Some—both officials and non-officials—complain of a deterioration in efficiency in the

administration of local bodies following on the change from official to non-official chairmanship. On the other hand it does appear to be the case that more interest is taken by non-officials in the problems of local self-government, that less reliance is placed on official guidance and that there is some attempt on the part of local bodies to work out their own salvation.

The Ministry of Local Self-Government has been responsible for the Assam Municipal Act—the most important measure yet tackled by the provincial Legislative Council. In other respects the want of money has made it impossible for this ministry to initiate any decided advance.

#### B.—THE LEGISLATURE.

##### (i) Government Legislation—

6. The following Government Acts have been passed during the time of the present Council :—

- The Assam Deputy President's Salary Act, 1921.
- The Assam General Clauses (Amendment) Act, 1922.
- The Assam Court Fees (Amendment) Act, 1922.
- The Assam Stamp (Amendment) Act, 1922.
- The Assam Municipal Act, 1923.

Two Government Bills, the Record-of-Rights (Sylhet) Bill, 1921, and the Landlord and Tenant Procedure (Amendment) Bill, 1922, have been defeated by vote of the Council.

Two other Government Bills, *viz.*, the Assam Primary Education Bill and the Assam Local Rates Bill, have been introduced and are still under the consideration of the Council.

The most important Act passed since the formation of the new Council is the Assam Municipal Act which was passed in March last. The fact that the Bill was in charge of a popular Minister and that the Government left the details of the measure entirely in the hands of the Council had probably the effect of largely disarming opposition. Moreover the Bill had been dealt with by a large and representative Select Committee which had revised it in some respects in the direction of making it more popular. The result was that the members of the Select Committee defended in Council the provisions of the Bill as revised by the Committee, and no important amendments were carried if opposed by the Minister in charge.

The Bill was altered in Select Committee under the following heads :—

- (a) substitution of control by Government for control by the Commissioner in certain matters ;
- (b) subjection of the rule-making power conferred on Government to the approval of the Council ;
- (c) inclusion of provision for the establishment by rule of communal representation on Municipal Boards ;
- (d) excision of the provision for the co-option of a proportion of members.

Before the Council the more important amendments fell under the following heads :—

- (a) further reduction of control on the part both of Government and of the Commissioner ;
- (b) prescription of a limit to taxation ;
- (c) provision for an appeal to the Civil Court in matters of taxation .



- (d) abolition of the provision for communal representation ;
- (e) omission of the clause providing for the appointment of officials as supernumerary members ;
- (f) reinsertion of the provision for co-option of members which had been excised by the Select Committee.

All these amendments were defeated.

An amendment providing for the insertion of a tax on persons as an alternative to the tax on holdings was pressed and being accepted by the Minister in charge was carried.

The Assam Council like all the others, Indian and Provincial, is generally opposed to any attempt to balance the accounts by the increase of revenue by means of enhanced taxation. In 1922, however, it passed without very serious opposition Bills providing for an increase in Stamps and Court Fees. The Council was no doubt influenced by the fact that similar Bills had been passed in Bengal and by the consideration that the increased charges would not affect the community at large but only those who had resort to the courts. The Bills were designed with the object of affecting the poorer class of litigants as little as possible, and further amendments in this direction were made while the Bills were under discussion. The Acts themselves call for no comment. They were modelled on those drafted for the Bengal Council with certain modifications.

Of the Bills which were defeated by adverse votes of the Council, the Record-of-Rights (Sylhet) Bill, 1921, was introduced with the object of providing the machinery for making a record-of-rights in the district of Sylhet and of recovering the whole or a portion of the cost from the landlords and tenants. This measure was urgently needed from the administrative point of view as a preliminary to up-to-date tenancy legislation for this district. It was received with uncompromising hostility by the landlords of Sylhet. The chief ground urged in the discussion in Council was that the expense was not justifiable in the state of the provincial finances, whilst another ground taken was that it was desirable to take up tenancy law for the province as a whole and not for one district only. The Bill was introduced without leave under the provisions of rule 18 of the Assam Legislative Council Rules, but when a motion to refer it to a Select Committee was moved, an amendment to the effect that a consideration of the Bill be postponed *sine die* was carried by 20 votes to 19, and the Government accepting the decision of the Council dropped the project.

The second unsuccessful Bill was a piece of emergency legislation designed to cope with the situation which had arisen in the Goalpara district where tenants, as the result of the activities of agitators, had refused to pay rent to their landlords. The provisions of the Bill were based on those of the Oudh Rent (Amendment) Act, 1921, and it was proposed to enact that in notified areas rent might be recovered as arrears of land revenue by the procedure prescribed in the Assam Land and Revenue Regulation, 1886. The Bill was introduced under the procedure provided by rule 18 and a motion was moved that the Bill be taken into consideration. An amendment " that the Bill be circulated for opinion " was however carried by 21 votes to 17. The opposition was in the interests of the tenants, the chief speakers against the Bill being pleaders. Objection was raised to the short time given to members to study the Bill, and stress was laid on the necessity for obtaining the opinions of the

persons affected. In the following session the Member in charge announced that it had been decided to drop the Bill as the emergency which it had been intended to deal with had passed away.

On the whole it can be said that, except in the case of the Record-of-Rights (Sylhet) Bill, the Council took a reasonable attitude towards Government legislation. In the case of the Landlord and Tenant Procedure (Amendment) Bill it cannot be said that the attitude of the majority of the members was prejudiced or unreasonable.

There have been no cases of the certification, return or reservation of Bills under sections 73-E. and 81-A. of the Government of India Act, or of the withholding of assent under section 81.

(ii) *Private Bills*—

7. Only one private Bill has so far been introduced. This is the Assam Juvenile Smoking Bill introduced by a Khasi Christian Member, who is an ardent prohibitionist as regards tobacco as well as opium and liquor. The Bill was introduced in the Council last September and was in the March session referred to a Select Committee. The Bill is modelled on similar Acts which have been passed in Bengal and the Punjab, but goes somewhat further. The mover intended it to apply to all juveniles up to the age of 18 and to students up to the age of 20, but the Select Committee reduced these figures to 16 and 18, respectively. The Bill is likely to be taken into consideration at the next session. A copy has been received of one other Bill designed to deal with the Water Hyacinth pest and this will be introduced at the next session. The object is to make it compulsory for the owner or occupier of land to destroy and eradicate the weed wherever it appears.

(ii) *Financial Business*—

8. A statement is annexed showing the demands for grants which have been refused wholly or partly by the Council. In view of the financial situation of the province during the last three years, it can hardly be denied that the Council has shown remarkable moderation in dealing with the demands of Government. The statement calls for little comment, but it will be seen that the grants for the Civil Police and the Assam Rifles suffered most.

The largest cut was the reduction of the demand for Rs. 1,74,000 for increasing the Armed Police Reserve to Rs. 87,000 in March 1922. The reduction of this demand gave both the Government and the Council an opportunity of reconsidering the position, with the result that at the September session of the same year the former were able to ask for a supplementary grant of only Rs. 43,000 in the place of the Rs. 87,000 which had been cut out, whilst the Council passed the demand for this reduced amount. There was a motion for reduction when the supplementary demand was presented, but it was withdrawn after discussion. In the case of the rejection of the demand for Rs. 50,000 for commencing the construction of a Central Jail at Jorhat the Member in Charge in view of the financial stringency accepted the motion for reduction. In the case of the rejection of the demand for Rs. 30,100 for the construction of a museum, and of the provision for the continuation of the fruit growing experiments carried on in Shillong, it must be admitted that in view of the state of the provincial finances the Council had justification for their action.

As regards motions for reduction which did not succeed, the most important were the attempts to reduce the provision for the salaries of Ministers which have been made in each year of the life of the Council.

In 1921 the motion for the reduction was defeated by 31 votes to 8, but in the following year the financial position having become worse there were 15 votes for reduction and 18 against. The Government bench voted against the reduction, but the representatives of the tea industry were in favour of it. This year the motion for reduction was again defeated (by 13 votes to 9), but this was largely due to that fact that His Excellency the Governor had announced that until the next general election he would not fill the vacancy which had occurred owing to the death of one Minister, and that the surviving Minister had undertaken to administer the departments formerly in charge of the deceased Minister in addition to his own. It was felt that in these circumstances it would be unfair to reduce the salary of the remaining Minister, and the tea planter members voted against the motion.

During the last two years the debates show that reaction has set in against the old feeling that Indians should receive the same remuneration as Europeans. It is acknowledged that the latter should receive higher emoluments because they are serving in a strange land and have to incur expenses which are not obligatory for the Indian. "Indianisation" of the services is strongly advocated but only on the condition that the salaries of Indians should be reduced.

The fact that there was practically no reduction of any demand for grants in the current year's budget was due to the recognition of the fact that retrenchment had been effected as far as possible, and several members expressed appreciation of the sweeping reductions which had been effected in the estimates of the Police Department.

The general attitude of the Council towards Government in financial matters is in accordance with the friendly relations which have always prevailed between the services and the public in Assam. A good many members seem to come to the Council fully primed by constituents interested in politics and utter bitter denunciations and criticisms of Government in the general debate on the budget; but when the demands for grants are put to the vote they are not difficult to convince when the Government are able to put forward a good explanation, and they seem genuinely anxious to avoid embarrassing Government by refusing supplies which are really needed. There has been no trace of an inclination to vote against a grant merely for the sake of annoying or embarrassing Government.

The Council has not taken any action in the direction of enforcing or extending its financial powers. In the last session a member gave notice of a motion for a nominal reduction of the provision under a minor head, the real intention being to challenge a non-voted item included in the provision, but the President disallowed the motion when the real intention became apparent.

In consequence of a resolution which had been passed in Council a Committee was appointed by Government in 1921 to advise whether retrenchment could be effected by the abolition of certain specified posts which had been specially mentioned in the course of the debate on the resolution. Its report was presented in 1922, and a number of its recommendations have been accepted by Government.

Proposals which would have, if adopted, the effect of increasing the permanent expenditure of the province are still frequent, and resolutions

are still passed urging the claims of different classes of Government servants to increased rates of pay. It is evident that the old idea still persists that the resources of Government are unlimited, and that it is the duty of the non-official member to get as much out of the public exchequer as possible for each and every section of the community.

(iv) *Resolutions and questions—*

9. Since the opening of the reformed Council notice of 163 resolutions has been received, of which 20 were disallowed and the rest entered on the list of business. Those entered on the list were either discussed or withdrawn without discussion, and no resolution had to be left over at the end of the session for want of time. The following statement shows the number of questions of which notice was given and the manner in which they were dealt with :—

Number of questions of which notice was given.	Number of questions disallowed.	Number of questions admitted.	Number of questions answered.	Number of questions which Government refused to answer.	
1921—	773	35	38	738	9
1922—	442	24	18	407*	7
1923—	227	50	77	170†	

\* Replies to 10 questions were given in 1923 and reply to one question was not given as the member concerned was absent.

† Replies to 7 questions were not given as the member who put the questions was absent.

Of the resolutions disallowed twelve were disallowed by the Governor under rule 22 (1), one of his own motion and the remaining eleven on the recommendation of the President. The resolution disallowed by the Governor of his own motion is of some interest as it was a recommendation to Government to increase the President's salary. His Excellency held that, as the power of fixing the President's salary is given by section 72-C of the Government of India Act to the Governor, the question is not one which is the concern of the local Government. The other resolutions disallowed under rule 22 (1) related to central subjects or to political questions which had no special connection with the interests of the province, and call for no comment. The remaining eight resolutions were disallowed by the President for non-compliance with the requirements of the standing orders.

The following were perhaps the most important resolutions brought forward :—

- (i) recommending the appointment of a Committee to report as to the economies which could be effected by the abolition of unnecessary appointments ;
- (ii) recommending legislation to make primary education free and compulsory ; (it was in consequence of this resolution that the Primary Education Bill already mentioned was drafted) ;
- (iii) recommending the separation of the executive and judicial ; (Government undertook to work out a scheme, but the financial position of the province and the increased expenditure involved prevented action being taken on the scheme when worked out) :

- (iv) recommending legislation to empower Local Boards to impose taxes on carts and carriages ; (a Bill is now in course of preparation with this object) ;
- (v) recommending the removal of the sex disqualification imposed by rule 7 (1), proviso 2 of the Assam Electoral Rules ; (this was withdrawn after an interesting debate, the sense of the Council being clearly unfavourable to the proposal).

A resolution was passed asking Government to lay before the Council at the commencement of each session a statement showing what action had been taken on the resolutions passed during the previous session. Government declined to take the action suggested, but decided, in the case of any resolution adopted by the Council, to inform the mover what action on it had been taken by Government or whether Government did not propose to take any action.

The right of interpellation was at first exercised to excess. In the session of 1921 notice was given of no less than 516 questions all of which were answered. In his prorogation speech on the 28th of September 1921, His Excellency Sir William Marris complained of the large number of questions, and drew attention to the great amount of work thereby thrown on Government officers. Since then there has been a great improvement, and the rules have been more strictly enforced by the Council Department. This year, following the practice introduced in Bombay and observed to some extent in Bengal, questions which are in fact recommendations to Government to take definite action and not requests for information have been disallowed. The tone of the questions was on the whole fair and reasonable, though recently one member sent in questions which were offensive. The wording of the questions was in many cases very defective, and it was frequently necessary for the office or the Secretary to correct mistakes in grammar or to revise the wording in order to make the point intelligible.

(v) *Miscellaneous*—

10. There has been no motion for the adjournment of the Council under rule 11 of the Assam Legislative Council Rules, nor has there been any proposal for the amendment of the standing orders. The rules and standing orders have been found to work well, and there have been no complaints of inconvenience on the part of non-official members. The reason perhaps is that the number of resolutions has hitherto been so small that there has never been any difficulty in getting through the whole list within the time allowed for non-official business. Some defects have been felt on the official side, but it has been considered that it would be unwise to raise the question of amending the standing orders until some non-official member makes a motion which will have the effect of bringing the whole matter up. For example the standing order reproduced from the rules of the Assam Council and not found in the standing orders of any other Council, that the Council reports should be published in the Assam Gazette, has been found inconvenient. Again under a standing order only two clear days' notice is required of amendments to Bills. This is insufficient, and in the case of an important Bill, such as the Municipal Bill, it is almost impossible for the Council Department or the administrative department concerned to deal with amendments at such short notice. The President has followed the ruling of the Deputy President of the Indian Legislative Assembly in interpreting the words "the meeting at which the Bill is to be considered" to mean the first day on which the Bill is to be considered.

An expert has been nominated under section 72-A (2), proviso (b), in only one instance. This was in the case of the Municipal Bill, when the Legal Remembrancer and Secretary in the Legislative Department was nominated as a member for a period of three months for the purpose of that Bill which he had drafted and with the complicated provisions of which he was well acquainted. As has already been stated there was no serious opposition to any of the provisions of the Bill, and consequently comparatively little advantage was derived from the assistance of the expert member.

✓(a) *The extent to which the Councils represent and react on current public opinion—*

11. Outside the educated part of the population it cannot be said that public opinion in a political sense exists in Assam, and individual members have usually been elected rather on personal than on political grounds. The Council, however, probably represents fairly correctly the opinion of one section of the educated, namely the moderate party. Generally speaking, it is doubtful whether the proceedings of the Council arouse much interest among the educated public outside the Bar Libraries, and its influence on current public opinion is probably at present not considerable. It should, however, be added that as a rule, the Muhammadan population of the province is united on matters affecting them as a class, and that in regard to such matters the Muhammadan members of the Council do represent Muhammadan public opinion.

✓ (b) *The extent to which and by what means relations have been maintained between members of the Councils and their constituencies—*

12. Members at times profess to attach importance to having an opportunity of ascertaining the views of their constituents, but in fact, although no doubt they have consulted individual supporters, they have so far made little or no attempt to maintain relations with their constituencies in the mass, to ascertain their views or to educate them in political matters. Political meetings have been left almost entirely to the anti-Government agitators, and so far as is known, no case has occurred of a member of Council addressing a public meeting of his constituents.

✓(c) *The formation on political lines of groups or parties within the Councils, and how far these coincide with or traverse purely communal lines of cleavage—*

13. The Council has suffered in one way by the abstention of the more extreme politicians from the first election, and the consequent return of members belonging—in so far as they can be said to belong to any political party—only to the moderate party. The only well marked lines of cleavage within the Council are either communal or local—between Hindus and Muhammadans and between residents of the Brahmaputra and of the Surma Valleys ; and these divisions show themselves only when the interests of the two communities or of the two areas are thought to clash. The small group of members representing the tea industry naturally hangs together, and more often than not supports the Government.

(d) *The institution of what may be broadly called conventions of procedure as between the Legislature and the Executive Government or the Governor, as, e.g., the grounds for the disallowance of resolutions and questions ; the appointment of Commissions and Committees and the scope of their enquiries ; and, within the Councils themselves, the institution and growth of a parliamentary practice and tradition—*

14. Arrangements for the conduct of Government business are made by the President in consultation with Government, and are accepted without question by the members of Council. It can hardly be said that any conventions of procedure have grown up in connection with the grounds for the disallowance of resolutions and questions. Recently the Government drew the attention of the President to the number of questions which were not requests for information but suggestions or recommendations to action, and such questions are now disallowed.

Owing perhaps chiefly to the smaller size of the Council and the Assam tradition of friendly relations between the executive and the people, the personal relations between the members of the Legislature and the members of the Executive Government are probably closer than in most other provinces. The Council had the advantage of commencing its life with a President, in the late Mr. J. C. Arbutnot, C.I.E., whose special qualities secured for him the universal respect of, and unquestioning obedience from, all members. A high tradition of dignity and decorum was thus established and seems likely to continue.

✓(e) *The institution, whether on the part of Government or of parties within the Councils, of any form of party organisation, the issue of whips, consultation as to the concerted attitude to be taken on particular measures, appointments or election to committees, the priority to be given to particular items of Council business and so forth—*

15. As has already been stated, there have hitherto been no definite parties. There has been consultation as to the concerted attitude to be taken on particular measures, but this has been occasional and unorganised and the groups thus co-operating have varied with the measures under discussion. The Council as a whole has consistently recognised the claim of different classes and communities to be represented on committees.

(f) *Prominent party leaders, their policies and adherents—*

16. Some members are naturally more prominent than others, but none of them have any special following, and it can hardly be said that any of them have any distinctive policy.

✓C.—THE CONSTITUENCIES AND THE PUBLIC.

(i) *The ascertained percentage of enfranchised persons to the total population, and the percentage of votes recorded in general or bye elections to the total number of voters on the register—*

17. The total population of the province is 7,606,230, and the number of enfranchised persons (202,440) represents a percentage on this of 2.66 only. If the population of the hill districts and frontier tracts, which are not directly represented by election, are excluded the percentage is 2.9. The number of votes recorded at the general election for general constituencies was 33,352 or 16.47 per cent. of the electorate. Only 21 however out of the 33 general constituencies were contested, and on the average between 24 and 25 per cent. of the electors for these 21 seats came to the poll. The highest proportion of polling was in the Hailakandi (non-Muhammadan) constituency where 60 per cent. of 998 voters polled. The next was in the Shillong urban constituency where the percentage was 49. These were small constituencies, and amongst the larger ones Dibrugarh (non-Muhammadan) shewed up best with a percentage of 41 on an electorate of 10,429. There have been seven bye-elections in general constituencies, six of them being contested; and at these seven bye-elections the percentage of voters who recorded their votes was 13.39.

(ii) *The interest evinced by the constituencies and the public in the work of the Councils—*

18. As might be expected from the state of political education amongst the masses and the personal grounds on which members are usually elected, the constituencies generally know and care little about the work of the Council. Even amongst the educated there is a lack of interest in its proceedings unless some matter affecting them personally is under discussion. Political interest has during the life time of the present Council been absorbed almost entirely by the Non-co-operation and Khilafat movements, and the Council has taken little direct part in the controversies arising therefrom.

(iii) *The extent to which the formation of political groups or parties in the Councils is reproduced in or derived from the constituencies—*

19. There are no parties. In so far as members fall into communal or local groups they reflect accurately the wishes of the constituencies, which are themselves based both on communal and on local divisions.

(iv) *Electoral organisation in the constituencies, political programmes, parties and party funds—*

20. So far there has been no electoral organisation in the constituencies, no political platform, no party funds or machinery. Candidates have been elected almost entirely on personal grounds, and have depended generally on their local influence and to some extent on the canvassing of their relatives and friends immediately before the election.

(v) *The influence of the Press on political and public opinion, and the promotion of organs of the Press supporting the view of particular groups or parties in the Councils—*

21. The Press in Assam is represented by a small number of weekly newspapers, usually in financial difficulties and taking their tone for the most part from the vernacular and anglo-vernacular Press of Bengal. The "Janasakti", a Bengali paper published at Sylhet and representing the extreme views of the Congress and Khilafat parties, is reported to have a good deal of influence; it is noteworthy that this paper devotes little attention to the proceedings of the Council. For the most part the influence of the local Press is small even amongst the educated section of the urban population. There has so far been practically no co-ordination between the activities of the Press and the views advocated in the Council.

#### ✓ D.—POLITICAL AGITATION AND PARTIES OUTSIDE THE REFORMS SCHEME.

22. The non-co-operation movement and the measures taken by Government to deal with it, the additional expenditure incurred in the preservation of law and order, the use of emergency enactments such as the Criminal Law Amendment Act (XIV of 1908) and the Seditious Meetings Act, and the treatment in jail of so-called 'political' prisoners naturally engaged a good deal of attention in Council. For the most part intervention on these subjects took the form of questions. Many of these were not outside the scope of a genuine desire for information; one or two were apparently directed to pointing out the failure of the non-co-operation movement; some certainly seemed to be aimed at advertising its successes or embarrassing Government or otherwise showed sympathy with the adherents of the movement.

A resolution was moved in March 1922 for the withdrawal of "repressive" measures and the release of political prisoners, but it secured little support and was withdrawn without being put to the vote. Supplies to meet the additional expenditure incurred in police operations in connexion with the agitation were voted with little opposition. The provision for a substantial increase of the armed police reserves which was included



in the budget for 1922-23 was indeed reduced by the Council by half ; but later in the year in circumstances which have already been explained the Council accepted a compromise and voted so much of the balance as Government considered to be absolutely necessary. Generally speaking, it may be said that the members with hardly an exception disapproved of the non-co-operation movement, and, although many of them were unhappy about the measures that the Government were compelled to take, there was a general recognition of the difficulties with which the Government were faced and an almost complete absence of attempts to add to these.

It is probable that most of the men of influence amongst the non-co-operation and Khilafat parties will attempt to enter the Council at the next election. How far the new candidates will succeed in displacing the present moderate members it is not easy to say. The position of some of the old stagers of the present and the old unreformed Councils is likely to be assailed by younger politicians of the moderate school as well as by members of the extremist party. The older and formerly the more influential Assamese dislike extremely the idea of canvassing for votes and the other necessary features of a contested election ; but the younger members of the present Council who have for the first time come to the front are likely to fight to the utmost to avoid being unseated. The "Swarajya" candidates will probably have at their disposal the whole of the local Congress and Khilafat organisations, and in addition a few of them are men of standing and local influence. Some of them at any rate will certainly find their way on to the new Council. How far their presence there will change the character of the proceedings it is not easy to say. They will form a compact party with a regular organisation, a definite policy and probably a definite programme.

The activities of the extreme parties have not been considerable on local bodies in Assam. Several municipal commissioners and a few members of local boards have been removed on conviction for offences connected with the agitation. The non-official members of one municipality resigned in a body in consequence of a disagreement between the Chairman and the Deputy Commissioner in connexion with the visit of Mr. Gandhi to the town in 1921. Mr. T. R. Phukan used his influence as Chairman of the Gauhati Municipality to promote *hartals* and generally to further the objects of the non-co-operation movement. Non-co-operators standing as such, however, have made no serious attempt to capture local bodies at the elections, and such as have stood have not been conspicuously successful.

*Motions for reduction of grants carried during 1923.*

Serial No.	Motions.	Opposed by Government.	Accepted by Government.	Result of division, if any.
1	That the lump provision of Rs. 1,200 under "26—Police (other than Assam Rifles)" made under the head 'village police' as miscellaneous expense be omitted.	..	Accepted.	

The demand for Rs. 18,58,000 for the administration of the head "22-General Administration" was reduced to Rs. 18,28,000 in view of the decision to keep one of the posts of Minister vacant for the remaining portion of the present term.

*Motions for reduction of grants carried during 1922.*

Serial No.	Motions.	Opposed by Government.	Accepted by Government.	Result of division, if any.
1	That the provision of Rs. 13,000 under "26—Police (Assam Rifles)" for recruiting charges be reduced to Rs. 2,000.  The motion was adopted in the following amended form :—  "That the provision of Rs. 13,000 for recruiting charges be reduced to Rs. 5,000.	..	..	..
2	That the provision of Rs. 50,000 under "25—Jails and Convict Settlements" for construction of a central jail at Jorhat be omitted.	..	Accepted.	
3	That the provision of Rs. 1,74,000 under "26—Police (other than Assam Rifles)" for increasing the Armed Police Reserve be reduced to half.  Out of the sum reduced Rs. 43,000 was restored by the consent of the Council.	Opposed ..	..	Carried by 20 votes to 17.
4	That the sum of Rs. 7,500 under "26—Police (other than Assam Rifles)" provided for Secret Service expenditure be reduced by Rs. 2,500.	Opposed ..	..	Carried by 20 votes to 14.
5	That the sum of Rs. 18,000 under "41—Civil Works" provided for Assam Allowance under 'construction' be omitted.	Opposed ..	..	Carried by 23 votes to 14.

No expenditure rejected by the Council was restored under the provisions of section 72-D of the Government of India Act.

## Motions for reduction of grants carried during 1921.

Serial No.	Motions.	Opposed by Government.	Accepted by Government.	Result of division, if any.
1	<p>That the lump provision of Rs. 80,000 under "22—General Administration" for increase in Governor's perquisites be reduced to Rs. 40,000</p> <p>This sum (Rs. 40,000) was subsequently added to the estimate under "31—Education" (Transferred).</p>	..	Accepted.	
2	<p>That the grant of Rs. 11,000 under "22—General Administration" for steamboat establishments for Commissioner, Assam Valley Division be omitted.</p> <p>This sum (Rs. 11,000) was subsequently added to the estimate under "41—Civil Works—Incharge of Public Works Officers" (Reserved) the Council having agreed to the launch being made over to the Public Works Department.</p>	Government left the question for decision by the Council. The motion was adopted.	..	..
3	That the provision of Rs. 22,128 under "26—Police (Assam Rifles)" for recruit boys and recruits be reduced by Rs. 10,000.	Opposed ..	..	Adopted. Ayes 21. Noes 19.
4	That the grant of Rs. 30,100 under "30—Scientific Deptts." for the construction of a provincial museum at Gauhati be omitted.	Opposed ..	..	Adopted. Ayes 19. Noes 17.
5	<p>That the grant of Rs. 14,062 under "34—Agriculture" for LaChaumiere Fruit Garden be omitted.</p> <p>The motion was adopted in the following amended form :—</p> <p>" That the grant of Rs. 14,062 for LaChaumiere Fruit Garden be reduced by Rs. 7,000 so as to give the Government a period of six months within which the garden is to be disposed of and it is no longer to be a charge on public revenues."</p>	..	..	..

Non expenditure rejected by the Council was restored under the provisions of section 72-D of the Government of India Act.

## GOVERNMENT OF ASSAM

Letter No. 1057-C., dated 21st August 1923.

From—The Chief Secretary to the Government of Assam,

To—The Secretary to the Government of India, Home Department.

In continuation of my letter No. 870-C., dated the 2nd July 1923, submitting a report on the working of the reformed constitution in Assam, and with special reference to paragraph 8 thereof, I am to report that a supplementary demand of Rs. 1,52,656 was submitted to the Legislative Council on the 14th August for resettlement operations in two of the temporarily settled districts of the Assam Valley. It was explained to the Council that the current settlement of these districts expired on the 31st March 1925 and the 31st March 1926, and that if the loss of revenue to which Government were legitimately entitled was to be avoided it was essentially necessary that the operations should start during the coming cold weather. The Council however refused to vote the demand. There can be no question but that the action of the Council was based entirely on the apprehension of Members that capital would be made by their opponents at the forthcoming elections of the fact that they had voted supplies for resettlement operations. In view of the financial position of the province and the serious interference which the postponement for one year of operations in these two districts would cause to the general programme of resettlement in the province, His Excellency the Governor considered it necessary to certify the expenditure under proviso (a), section 72 D (2) of the Government of India Act.