

Thursday, 22nd January, 1925

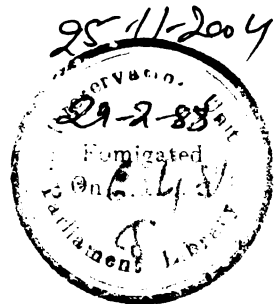
THE  
COUNCIL OF STATE DEBATES

Volume V

*(20th January to 26th March 1925)*

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FIFTH SESSION  
OF THE  
COUNCIL OF STATE, 1925



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# COUNCIL OF STATE.

*Thursday, the 22nd January, 1925.*

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The Council met in the Council Chamber at Metcalfe House at Eleven of the Clock. The Honourable the President (SIR HENRY MONCRIEFF SMITH, Kt., C.I.E.) took the Chair.

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The Honourable the President took the Oath standing.

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## MEMBERS SWORN:

His Excellency General Lord Rawlinson, G.C.B., G.C.S.I., G.C.V.O., K.C.M.G. (Commander-in-Chief); the Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur, K.C.I.E. (Education, Health and Lands Member); the Honourable Mr. D. T. Chadwick, C.S.I., C.I.E. (Secretary, Commerce); the Honourable Diwan Tek Chand, O.B.E. (Punjab: Nominated Official); the Honourable Lieut.-Col. S. B. A. Patterson, C.I.E. (Political Secretary); and the Honourable Sahibzada Aftab Ahmed Khan (United Provinces: Nominated Non-Official).

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## ANNOUNCEMENT BY THE HONOURABLE SIR HENRY MONCRIEFF SMITH OF HIS APPOINTMENT AS PRESIDENT OF THE COUNCIL.

THE HONOURABLE THE PRESIDENT: I have to announce to the Council that His Excellency the Governor General, in exercise of the power conferred upon him by sub-section (2) of section 68A of the Government of India Act, has appointed me to be President of this Council.

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(1) CONGRATULATIONS TO THE NEW PRESIDENT.

(2) WELCOME TO THE NEW LEADER OF THE HOUSE.

(3) CONGRATULATIONS TO MEMBERS WHO HAVE BEEN RECIPIENTS OF HONOURS.

THE HONOURABLE SIR NARASIMHA SARMA (Law Member): Sir, it is my proud privilege as Leader of the House to perform the pleasing task of extending to you on behalf of all sections of this House, both official and non-official, a cordial and hearty welcome as President of our august Chamber. I have been acquainted somewhat closely with you, Sir, for the last six or seven years, as an old non-official Member of the pre-reform Council, as an official Member of the pre-reform Council, as well as an official Member of the reformed Council, and therefore anything that may fall

[Sir Narasimha Sarma.]

from me I think may be considered to be the result of some careful observation of what I have been able to judge of our new and worthy President. Under a somewhat perhaps severe and austere exterior I am sure you conceal a very tender heart and a very genial personality, and I am sure that all sections of this House will soon find in you a friend, a co-operator and disciplinarian, though happily, constituted as we are, there is very little room for the display of a firm hand or the activities of a stern disciplinarian. You have the inestimable advantage of having been the *de facto* author of many of the Rules and the Standing Orders under which we have to conduct our deliberations here, and although I must confess that sometimes the author will find the interpretation of his work somewhat embarrassing, yet on the whole we shall have the advantage of rulings interpreted in the right way and in the right spirit. I may assure you on behalf of all sections of our cordial co-operation and we look forward to a very pleasant period of a five year rule under which this Council, which has already established its traditions as a sound political entity, will have so firmly entrenched its position that no one will be able to shake it from the firm foundations which have been laid by your distinguished predecessors as well as yourself. I once more extend a cordial welcome to you.

THE HONOURABLE SARDAR CHARANJIT SINGH (Punjab: Nominated Non-Official): Sir, on behalf of the Punjab Members as well as on my own behalf, I offer you a hearty welcome to the Chair of this House. Your long and distinguished connection with the Government of India makes you eminently worthy of the confidence which has been reposed in you by His Excellency the Viceroy in selecting you for this high office, and I feel sure that the honour and the dignity of this Council could not be placed in safer hands than yours. I wish you a most successful term of office.

THE HONOURABLE MR. PHIROZE C. SETHNA (Bombay: Non-Muhammadan): The Leader of the House has addressed the Council on behalf as he said of official as well as non-official Members, and yet if I desire to supplement his remarks and those of the Honourable Member who followed him, it is because I desire to refer to a particular point of view in regard to the appointment to the Presidentship of the Council of State. Under the Reforms the President of the Assembly and the Presidents of the Provincial Councils are appointed by Government for only the first four years. After the first four years the election rests with those particular bodies themselves, and one such election has already taken place this week. In the case of the Council of State, however, the President is always a nominee of the Governor General. It is therefore incumbent upon Government to make the selection of one who will be universally respected and looked up to. This, Sir, we rejoice to find has again been done in the case of your appointment. In this connection, I am reminded of the five essentials prescribed by Delane, that famous editor of the *London Times* who looked upon these requisites as absolutely necessary in any one who was appointed the Speaker of the House, and your position as President is akin to that of the Speaker of the House of Commons. The five requisites are, first, an unperturbable good temper, tact and patience, secondly, a previous legal training if possible, thirdly, absence of bitter partisanship in his previous political career, fourthly, the possession of innate gentlemanly feelings which involuntarily command respect and deference, and, lastly, personal dignity in voice and manner. These attributes

we know, you possess in a marked degree and in addition many others, which we are confident will enable you to make as successful a President of this Council as undoubtedly your two predecessors have been.

THE HONOURABLE SIR ARTHUR FROMM (Bombay Chamber of Commerce): Sir, on behalf of the non-official Europeans of this Council I rise to endorse what has fallen from the lips of the previous speakers. When I read in the Government Gazette the announcement of your appointment as President of this Council, there was one feeling uppermost in my mind and I think that feeling must have equally been uppermost in the minds of all of us here, and that was that His Excellency could not have made a better choice. The Leader of the House, Sir, has referred to your austere exterior. Well, Sir, that may be so, but personally it has never frightened me very much. Whenever I have wanted advice on legislative matters it has been freely given in the most pleasant manner. I feel I am voicing the feelings of all of us here in extending to you a very very hearty welcome.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): On behalf of myself and my friends from Bengal I desire to associate myself very thoroughly with the new Leader of the House to whom by the way we extend a welcome in his changed capacity. He has discovered austerity and severity in you, and I am glad that those virtues still continue in this somewhat degenerating world. We shall be none the worse for a little austerity and severity now and again so long as the tender heart to which he has referred is there. While I congratulate the Council on acquiring you as President, I deeply sympathise with the Legislative Department which will sorely miss you. His Excellency the Viceroy the other day referred to your unique experiences in both the Houses, and I am sure behind that experience is the larger and more valuable experience of the Department which has helped in shaping out the rules under which we conduct our business. That will be of the greatest assistance to us in such work as you may be able to get for the Council of State. At the present moment we are not overburdened with work, and it is up to the President and the Leader, I believe, to get us more of that work which will enable us to give a better account of ourselves before we go out at the end of the five years fast approaching their close. His Excellency expressed the hope, which we fully share, that you will be able to win the confidence of this House and that relations which subsisted between the House and the previous Presidents will continue and grow from more to more.

THE HONOURABLE LALA SUKHBIR SINHA (United Provinces Northern: Non-Muhammadan): It is with the greatest pleasure that I associate myself with what has fallen from the lips of my Honourable friends in this Council in welcoming you as President. I have been associated with you for a long time and you possess all the ability and qualifications required for a President of this Council. I am more happy to have you as President because you are a member of the Civil Service of my Province, and we are all very happy and very proud to have you as President of this Council. With these few words I welcome you, Sir, and wish you all success in this Council.

THE HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-Official): On behalf of my Province, which is a joint province of the Central Provinces and Berar, I offer my humble welcome to you as President of this Council. My friend sitting on my right compared your position with that of the Speaker of the House of Commons. I would compare it with that

[Mr. G. S. Khaparde.]

of the Lord Chancellor, that is the President of the House of Lords. We are elderly statesmen here I believe, and we correspond to the House of Lords, and it is only proper that, as the House of Lords is presided over by one of the greatest lawyers, the Chair of this House should be occupied by one who has great experience in framing laws and administering them also. Reference has been made to sternness, but I like a Magistrate who strikes terror in the minds of wrong doers. The Magistrate must be a kind man but he must strike terror all the same. We have all received the greatest assistance from you, and I trust that the Council will be the better for it. I humbly again welcome you on behalf of my Province.

THE HONOURABLE MR. YAMIN KHAN (United Provinces West: Muham-madan): I join the previous speakers in cordially welcoming you as President of this House. I only add one word and that is, that His Excellency the Governor General could not have made a better selection than he has.

THE HONOURABLE THE PRESIDENT: I have been greatly touched and am deeply grateful for the warm welcome which the House, led by the Honourable Sir Narasimha Sarma, has extended to me to-day. I feel that His Excellency the Governor General has placed on my shoulders a burden of great responsibility. A new President must necessarily view his duties with misgiving and anxiety. Happily in my case there are circumstances which I think encourage me to regard those apprehensions somewhat less seriously than possibly other persons in my place might do. My anxieties are much mitigated by the fact that I am coming to a place where I may say practically every Member is an old and personal friend of my own. (Applause). I have been associated with this House since its inauguration. In fact I was appointed Secretary of this Council before His Royal Highness the Duke of Connaught formally inaugurated the reformed Indian Legislature. I was one of its original Members and, though circumstances took me to another place, I am glad to say and proud to say that I have not lost any of my old friends. I hope that with the assistance of the House, without which I can do nothing, I shall be able to maintain the traditions so ably established by my distinguished predecessors. Sir Montagu Butler informed me that he much regretted that circumstances prevented him from taking a formal farewell of this Council, and he has sent me a letter which I think I might read to the Council. It runs:

“DEAR MR. PRESIDENT,

When you meet the Council of State I shall be grateful if you will convey to the Members my deep regret that circumstances have prevented me from taking leave of them in person and thanking them for the support given me during my term of office. It will ever be a proud memory with me to have been President of the Council.”

I am sure the Council shares the regret that they too were prevented from saying good-bye to Sir Montagu Butler, and I feel sure that I voice the unanimous sense of Honourable Members in this House when I say that the Council of State wishes Sir Montagu Butler all success and prosperity in the high office to which His Majesty the King has called him. (Applause).

I should like to associate myself and I think the House as a whole with the Honourable Sir Deva Prasad Sarvadhikary in the welcome that he extended to our new Leader, the Honourable Sir Narasimha Sarma. Sir Narasimha Sarma has reminded you that we have known one another for

a long time and I need not go over that ground. His long experience of this House I am sure justifies a feeling of confidence that we shall be ably led under his guidance.

Before we come to the business of the day I think there is one other matter that the House would like me to mention, namely, the honours which have been recently conferred upon Members of the Council. My Honourable friend Sir Maneckji Dadabhoy is, I regret to say, prevented by business from being in his place to-day, but the House I am sure was delighted to see that His Majesty the King had appointed him a Knight Commander of the Most Eminent Order of the Indian Empire. It is not the first time or the second time that Sir Maneckji's name has appeared in the Honours List, but I think we can feel on this occasion that the honour so recently conferred upon him was mainly, if not wholly, a recognition of the great public services which he has rendered in this place. Perhaps we cannot say exactly the same thing of the Knighthood conferred on the Honourable Sir Charles MacWatt or of the C. S. I. conferred on Mr. Chadwick, not that I am intending to belittle their services to this House; but they are officials and naturally any honour conferred upon them must be based to some extent on their public services in an official capacity.

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## MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

### PANEL OF CHAIRMEN.

THE HONOURABLE THE PRESIDENT: I have a Message from His Excellency the Governor General.

(The Council received the Message standing.)

The order of the Governor General is as follows—

*"In pursuance of the provisions of sub-section (2) of section 63-A. of the Government of India Act I, Rufus Daniel, Earl of Reading, hereby nominate the following Members of the Council of State to be on the Panel of Chairmen of the said Council of State :—*

*In the first place, the Honourable Sir Maneckji Byramji Dadabhoy; in the second place, the Honourable Sir Zulfiqar Ali Khan; in the third place, the Honourable Sir Arthur Henry Froom; and, lastly, the Honourable Mr. Lalubhai Samaldas.*

(Sd.) *READING,*

*Viceroy and Governor General."*

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## COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT: Under Order 76 of the Council of State Standing Orders I am required at the commencement of the Session to constitute a Committee on Petitions consisting of a Chairman and four Members. The following Honourable Members have at my request kindly consented to preside over and serve on the Committee. I hereby accordingly have much pleasure in nominating as Chairman of the Committee the Honourable Sir Leslie Miller, and as Members, the Honourable Sir Deva Prasad Sarvadhikary, the Honourable Sardar Jogendra Singh, the Honourable Mr. Karandikar and the Honourable Sriyut Chandradhar Barua.

## QUESTIONS AND ANSWERS.

### ALLEGED THEFT OF TWO PARCELS OF GOLD AT CAWNPORE RAILWAY STATION.

1. THE HONOURABLE MR. HAROON JAFFER: Will Government be pleased to state:—

(a) the facts relating to the reported theft of two parcels of gold at the Cawnpore station of the Oudh and Rohilkhand Railway in November last?

(b) Has the stolen property been found?

THE HONOURABLE MR. D. T. CHADWICK: (a) Government understand that the two parcels referred to arrived at Cawnpore from Victoria Terminus on 9th November, 1924 at 5.45 hours. They were placed in the strong room provided for the storage of valuable goods. At about 23 hours on the same date when the watchman on duty was being relieved, the relieving watchman noticed that the door of the room was not secured, the lock being missing. On the packages in the strong room being checked, the two parcels were found to be short. The matter was promptly reported to the police, who are investigating the case.

(b) Government understand that there is no trace so far.

### CONTRIBUTIONS MADE BY GOVERNMENT TOWARDS THE RELIEF OF DISTRESS CAUSED BY FLOODS.

2. THE HONOURABLE MR. HAROON JAFFER: Will Government be pleased to state how much money has been contributed by them to the various districts of India which have been ravaged by floods during the past few months?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: No contribution from Central Revenues has so far been made to any flood affected Province. The application of the Government of Madras for such a grant is under consideration. The Government of the United Provinces have intimated their intention of applying for a loan from the Government of India, if necessary, while the Government of Madras have already been granted a loan of Rs. 20 lakhs to finance their Provincial Loans Account. I may mention that grants of Rs. 1½ lakhs, 30,000 and 45,000 have been made from the Indian Peoples' Famine Trust to relieve distress caused by floods in Madras, Bombay and the Punjab, respectively.

### DISCOVERY OF A FIELD OF NATURAL CEMENT IN SIND.

3. THE HONOURABLE MR. HAROON JAFFER: Will Government be pleased to state—

(a) whether they have seen the announcement of the discovery in Sind near Karachi of a field of natural cement, and

(b) if so, will they please state whether they intend taking any action towards assisting the discoverer to explore the possibilities,

(c) if not, why not?

THE HONOURABLE MR. A. H. LEY: (a) No. (b) and (c) do not arise.



ORIYA INHABITANTS OF MADRAS.

4. THE HONOURABLE MR. HAROON JAFFER: (a) Will Government be pleased to give the names of the two officers nominated by the Madras Government to make a detailed inquiry under the directions of the Government of India into the attitude of the Oriya inhabitants of Madras?

(b) and also state the main points of this inquiry?

THE HONOURABLE MR. J. CRERAR: The Honourable Member is referred to the Home Department Resolution No. F.669-22-Public, dated the 1st October 1924, a copy of which will be forwarded to him by the Home Department.

EXPENSES OF SIR SEYMOUR TRITTON.

5. THE HONOURABLE MR. HAROON JAFFER: Will Government be pleased to state:—

(a) whether all the expenses of Sir Seymour Tritton, who is coming out to India at the request of the Chief Commissioner of Railways, are to be paid by Government?

(b) and whether he is receiving any honorarium for the advice he gives?

(c) if so, how much?

THE HONOURABLE MR. D. T. CHADWICK: (a) No. The cost of Sir Seymour's visit will be divided between Government and the various railways in proportion to the time devoted to each interest.

(b) and (c). Yes. He will receive a fee of 2,000 guineas for his visit.

REFUSAL OF A PASSPORT TO DR. SUDHINDRA BOSE, LECTURER IN THE STATE UNIVERSITY OF IOWA.

6. THE HONOURABLE MR. HAROON JAFFER: Have Government refused to grant a passport to Dr. Sudhindra Bose, Lecturer in the State University of Iowa? If so, why?

THE HONOURABLE MR. J. CRERAR: I invite the Honourable Member's attention to the replies given by the Honourable the Home Member to questions on this subject in the Legislative Assembly on the 10th January, 1922, and 15th January, 1923. Dr. Bose was, when the visâ was refused, an American citizen. His status has since been changed as a result of the decision of the Supreme Court of the United States of America in the case United States of America *versus* Bhagat Singh Thind, and His Britannic Majesty's Ambassador at Washington was informed in May of last year that Dr. Bose might be granted permission to return to India.

PAYMENT OF ROYALTY BY THE PIONEER MAGNESIA WORKS AT KHARAGHODA.

7. THE HONOURABLE MR. HAROON JAFFER: Will Government be pleased to state:—

(a) whether it is a fact that the Government of India receive the royalty paid by the Pioneer Magnesia Works at Kharaghoda for bitters used by that Company which operates solely in the Bombay Presidency?

(b) if so, will Government please state how much money they have received from these royalties during the past three years?

THE HONOURABLE MR. A. C. McWATTERS: (a) Yes.

(b) The amount of royalty recovered during the last three years is as follows:—

Year.	Rs.
1921-22 . . . . .	31,396
1922-23 . . . . .	16,375
1923-24 . . . . .	1,364

#### ESTABLISHMENT OF A MOSLEM CENTRE IN LONDON.

8. THE HONOURABLE MR. HAROON JAFFER: (1) Is it a fact that there is a movement in England to establish a Moslem centre in London and that it has been suggested that the British Government should grant a site and £50,000?

(2) Will Government be pleased to state whether they have received any communication from any source on the subject, and what reply has been given to such communication, if any?

THE HONOURABLE MR. J. CRERAR: (1) Government have no information on the subject.

(2) No communication has been received.

#### DEPUTATION OF OFFICIAL REPRESENTATIVES TO THE ECONOMIC CONFERENCE AT BENARES.

9. THE HONOURABLE MR. HAROON JAFFER: Will Government be pleased to state:—

(a) whether they sent any official representatives to the Indian Economic Association's annual Conference at Benares in January?

(b) and also whether they intend taking any action along the lines suggested by that Conference?

THE HONOURABLE MR. D. T. CHADWICK: (a) The Government of India did not send any official representatives to the Conference.

(b) The Government have not seen the final report of the Conference and cannot say how far the discussions coincide with their views.

#### AGREEMENT RELATING TO THE SUPPLY OF OPIUM TO CEYLON.

10. THE HONOURABLE MR. HAROON JAFFER: Will Government be pleased to state the terms on which they have renewed the agreement with the Government of Ceylon for the direct supply of opium at a fixed price to Ceylon for a further period of three years?

THE HONOURABLE MR. A. C. McWATTERS: The rate is Rs. 4,000 per chest. The other conditions are contained in the form of agreement, a copy of which is laid on the table.

AGREEMENT between the Government of India and the Government of ..... regarding direct supplies of opium from India.

1. The Government of ..... agrees to take the whole or substantially the whole of its requirements from India.

2. The Agreement is to come into force on the .....

3. The Agreement is to be in force for ..... years. The question of renewal will be the subject of further negotiations between the two Governments at a later period; such negotiations to be concluded by the end of ..... or, by mutual consent, at a later date.

4. The Agreement may be terminated by giving ..... years' notice if it is found to work unfairly towards either party.

5. The price of opium supplied under this Agreement shall be Rupees ..... Thousand per chest. But if the Government of India, subsequently to the introduction of these arrangements, should arrange for direct sales to another Government on the basis of a lower price than Rs ..... per chest, the same reduced price shall be applied to sales to the Government of ..... with effect from the date on which it first becomes operative in the case of the other customer.

6. The Government of ..... is under no obligation to take a minimum quantity of raw opium.

7. The requirements for any year shall be intimated by the Government of ..... before the 15th September in the preceding year.

8. Each year's notification of the number of chests required for the succeeding year will be accompanied by a certificate by the Government of ..... (in such form as may from time to time be prescribed) stating that the import of the amounts notified is approved by the Government of ..... and is required for legitimate purposes.

9. A fixed amount shall be supplied month by month, six months' notice being given of any increase or decrease.

10. The Government of ..... agrees to intimate to the Government of India the causes of any large variation in the quantity taken.

11. Details arising out of the Agreement to be settled between the Government of India and the Government of .....

#### INSTALLATION OF WIRELESS DIRECTION FINDING STATIONS AT THE CHIEF PORTS OF INDIA.

11. THE HONOURABLE MR. HAROON JAFFER: Will Government be pleased to state whether they have any intention of installing wireless direction finding stations at the chief ports of the country to assist ships which are in danger of being lost during thick fogs or heavy monsoon storms?

THE HONOURABLE MR. A. H. LEY: It is proposed to erect a direction finding station at Bombay to give bearings to ships and arrangements have already been made for Diamond Island to carry out trials with certain ships which are themselves fitted with direction finding apparatus. Government do not propose to erect direction finding stations at other ports, until further experience has been gained.

#### RECENT ARCHÆOLOGICAL DISCOVERIES IN THE PUNJAB AND SIND.

12. THE HONOURABLE MR. HAROON JAFFER: (a) Will Government please state the reasons why the Director General of Archæology did not publish an account of the recent discoveries in the Punjab and Sind in the press of India before sending it to an English paper?

(b) Is it a fact that the Archæology Department refused to provide local papers with copies of photographs which were first published in England, even though the Indian papers offered to pay for them?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: (a) By publishing the account of the recent discoveries in Sind and in the Punjab first in the *Illustrated London News*, the Director-General of Archæology desired to bring the discoveries to the notice of archæologists in England and in other countries and thus get their help in determining their age and cultural affinities.

(b) No request for copies of photographs referred to was received by the Director-General of Archæology.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Is there any foundation for the suggestion that the Director-General had, as a matter of fact, laid an embargo upon the publication of any information regarding these discoveries in India before they had been published in England?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: I am not aware, Sir.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Will the Honourable Member please inquire and inform the House?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: I shall.

#### CONTRIBUTIONS TO ORGANIZATIONS FOR COMBATING LEPROSY.

13. THE HONOURABLE MR. HAROON JAFFER: Will Government please state:—

(a) whether any assistance, financial or otherwise, is being given to the various medical and social workers who are visiting India with a view to combating the leper evil?

(b) if so, in what way?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: It is not quite clear to which medical or social workers the Honourable Member is referring. Government have not rendered any financial assistance to any individual of this description, as none was asked for, but all the information furnished by Local Governments in regard to the prevalence of leprosy and its relief has been placed at the disposal of the permanent Secretary of the British Empire Leprosy Relief Association, who is at present on a visit to this country, by the organising Secretary of the Indian Red Cross Society.

#### IMPORT OF ARTIFICIAL GHEE.

14. THE HONOURABLE LALA SUKHBIR SINHA: Will Government be pleased to state:—

(a) whether it is a fact that artificial ghee is now being imported in large quantities into India from other countries?

(b) if it is so, in what quantity such ghee has been imported during the last calendar year?

(c) what firms import this ghee into India and from what countries?

(d) of what chemicals is this ghee manufactured?

(e) is it sold as pure animal ghee in the market or as manufactured ghee?

THE HONOURABLE MR. D. T. CHADWICK: (a) and (b). Government understand that certain substitutes for ghee are being imported into India. The quantities are not believed to be large, but the Government have no exact figures as imports of this article are not separately recorded.

(c) Government have not complete information as to the firms importing these articles.

(d) and (e). Government have seen analyses of one of these articles. These show that the article is a pure vegetable product unmixed with animal fat. It is manufactured by a firm in Holland and is not described or sold by the importers as ghee.

NATAL BOROUGHS ORDINANCE.

15. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state what action they have taken in view of the assent given by the Governor General of South Africa to the Natal Boroughs Ordinance?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: The Honourable Member is referred to the statement made on the subject by His Excellency the Viceroy on the occasion of the opening of the Indian Legislature on the 20th January.

REMOVAL OF DISABILITIES ON INDIANS IN QUEENSLAND AND WESTERN AUSTRALIA.

16. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state whether the Governments of Queensland and Western Australia have removed the disabilities to which Indians are subjected as regards franchise, eligibility to old age pensions, etc., and if not, what further action they intend to take in the matter?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: The Government of India have no information on the subject but will make inquiries.

PROSECUTIONS FOR POLITICAL OFFENCES.

17. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to lay on the table a statement shewing the number of prosecutions instituted since January, 1923, in each province for offences of a political nature or committed out of political motives, the number of convictions secured and the number of acquittals?

THE HONOURABLE MR. J. CRERAR: The information asked for by the Honourable Member involves a classification of criminal offences on the basis of motive which is not recognised by the criminal law. I regret that I am unable to undertake a classification on that basis.

RECRUITMENT FOR THE INDIAN TERRITORIAL FORCE.

18. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state what steps the different Provincial Governments have taken to promote recruitment to the Territorial Force?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The Government of India are not in possession of the information desired by the Honourable Member, nor would it be worth while, in their opinion, to inquire just now from Local Governments, as the question of recruitment for the Territorial Force and the part to be played by the Local Governments in connexion therewith have been dealt with by the Auxiliary and Territorial Force Committee whose report, it is hoped, will shortly be available.

LEADER OF THE INDIAN DELEGATION TO THE ASSEMBLY OF THE LEAGUE OF NATIONS IN 1925.

19. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state whether it is proposed to appoint an Indian to be the leader of the Indian Delegation to the Assembly of the League of Nations for the year 1925?

THE HONOURABLE SIR NARASIMHA SARMA: The personnel of the Indian Delegation to the Assembly of the League of Nations for the year 1925 has not yet been considered.

#### RECOMMENDATIONS OF THE INDIAN BAR COMMITTEE.

20. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state what steps the High Courts of Bombay and Calcutta have taken to give effect to the recommendations of the Indian Bar Committee?

THE HONOURABLE MR. J. CRERAR: Certain rules framed by the Calcutta High Court were published with the Home Department Notification No. F.442—24-Judl., dated the 5th September, 1924, and they have some further rules under consideration. The Government of India have no information as to the rules framed by the Bombay High Court to give effect to the recommendations of the Indian Bar Committee.

#### \* RECOMMENDATIONS OF THE INDIAN MERCANTILE MARINE COMMITTEE.

21. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state what action they have taken so far on the recommendations of the Indian Mercantile Committee?

THE HONOURABLE MR. D. T. CHADWICK: The Report is under consideration by the Government of India, and no decision has as yet been reached on the various recommendations made by the Committee.

#### SHARE OF THE GOVERNMENT OF BOMBAY IN THE INCOME-TAX.

22. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state what action they have taken or propose to take in response to the demand of the Bombay Government that they should be given a share of the Income-tax?

THE HONOURABLE MR. A. C. McWATTERS: The Government of India were unable to accept the proposal, and the Secretary of State who was referred to agreed with them. I would invite the Honourable Member's attention to the correspondence between the Government of India and the Secretary of State, which was published with the Government of India's Notification No. 2418-F., dated the 6th December 1922.

#### OFFICERS IN THE EMPLOY OF THE VARIOUS PORT TRUSTS.

23. THE HONOURABLE MR. PHIROZE C. SETHNA: With reference to the statement shewing the number of officers in the employ of the Bombay, Calcutta, Karachi, Madras and Rangoon Port Trusts, which was placed on the table on the 23rd March 1921, will Government be pleased to state if this statement was brought up to one and the same date in respect of each of these Port Trusts, and if so, what was such date? If the dates were different, will Government be pleased to give them in respect of each Port Trust?

THE HONOURABLE MR. D. T. CHADWICK: The statement in question was prepared from information supplied by the Local Governments at the end of February, 1921 and the beginning of March, 1921, and it may be assumed that the figures relate to conditions at that period.

**NUMBER OF INDIAN OFFICERS IN THE EMPLOY OF THE VARIOUS PORT TRUSTS.**

**24. THE HONOURABLE MR. PHIROZE C. SETHNA:** Will Government be pleased to give in the form of a tabular statement, showing pilots separately if they are included therein:—

- (1) the total number of officers at present in the employ of the Bombay, Calcutta, Karachi, Madras, Rangoon, Chittagong and Aden Port Trusts, respectively, whose maximum scheduled salaries per mensem are—
  - (a) from Rs. 500 to Rs. 1,000,
  - (b) from Rs. 1,000 to Rs. 1,500, and
  - (c) over Rs. 1,500,
- (2) the number of Indian officers in each of the above divisions in the different Port Trusts,
- (3) increase, if any, since the statement laid on the table by Government on the 23rd March, 1921, in the number of Indian officers in the different divisions mentioned in (1) above in the Bombay, Calcutta, Madras, Karachi and Rangoon Port Trusts and also increase, if any, in the Chittagong and Aden Port Trusts since the 1st January, 1921,
- (4) the date or dates up to which the statement is prepared in respect of each Port Trust

**THE HONOURABLE MR. D. T. CHADWICK:** The information asked for is being collected and will be communicated to the Honourable Member.

**NUMBER OF INDIAN TRUSTEES ON THE DIFFERENT PORT TRUSTS.**

**25. THE HONOURABLE MR. PHIROZE C. SETHNA:** (a) Will Government be pleased to state if the different Port Trust Acts have been amended in accordance with the views of Government expressed by the Honourable Mr. H. A. F. Lindsay in his speech in the Council of State on the 20th January, 1922, to the effect that the number of Indian Trustees on the different Port Trusts be strengthened. If so, will Government be pleased to state what amendments have been passed and in which Port Trusts, Acts?

(b) Will Government give the total number of Port Trustees at the different Port Trusts on the 1st January, 1925 and the number of non-official Indians amongst such Trustees on the different Boards?

(c) Will Government state if any Indian who is an official is a Trustee at any one or more of the seven Port Trusts, and if so, how many and where?

**THE HONOURABLE MR. D. T. CHADWICK:** (a) The Bombay, Madras and Karachi Port Trust Acts have already been amended to permit of an increase in the number of Indian Trustees. The amendments to the Calcutta and Rangoon Port Trust Acts are under consideration by the Local Governments concerned. The Government of India do not consider an amendment necessary of the Aden Port Trust Act, where conditions are peculiar and all the Trustees are nominated by Government.

(b) and (c). The information is being collected and will be communicated to the Honourable Member.

## CUSTOMS DUTIES ON POSTAL ARTICLES.

26. THE HONOURABLE LALA SUKHBIR SINHA: Will Government be pleased to state:

- (1) whether they have received a representation from Messrs. Kartar Narain and Brothers, 33, George Town, Allahabad, dated 14th December, 1924, on the subject of assessment of customs duty, on five insured parcels despatched by Messrs. John Bull Pen Co., London, to their address and, if so, what they have done or propose to do in the matter;
- (2) what is the procedure of assessment of customs duty on articles received by post from London;
- (3) is it a fact that according to London Post Office Rules the sender of a parcel is required to make for customs purposes a declaration of the nature and value of the contents generally called the customs declaration and despatch note;
- (4) is any customs duty chargeable on articles of advertisement which are presented free by merchants to customers or to influential persons. If so, at what rate?

THE HONOURABLE MR. A. C. McWATTERS: (1) Yes. Messrs. Kartar Narain and Brothers have been asked to follow the procedure laid down in sections 188 and 191 of the Sea Customs Act for the submission of appeals by persons deeming themselves aggrieved by any decision or order passed by an officer of Customs under the Act.

(2) The transmission of dutiable articles by the foreign letter post is prohibited; but letter packets suspected to contain such articles are opened and examined by the Customs appraisers for the purpose of levying duty. Postal parcels are covered by a declaration from the sender as to the nature and value of their contents, and ordinarily the duty is assessed by reference to these details. Parcels in respect of which the accuracy of the details given by the sender is open to any doubt are opened and assessed after examination of the contents. Customs duty is not assessed on the value given by the sender in the declaration form, but is levied on the "real value" as defined in section 30 of the Sea Customs Act, unless, under the tariff Schedule, the article is liable to a specific duty or assessment on a tariff valuation.

(3) Yes.

(4) Yes: at the same rates as would be applicable to similar goods otherwise imported.

THE HONOURABLE MR. PHIROZE C. SETHNA: Are Government aware that letters received by the English mail on which customs duty is leviable are hardly ever delivered on the day of their arrival, that sometimes there is a delay of two or three days and even longer, and that in consequence the commercial public are greatly inconvenienced?

THE HONOURABLE MR. A. C. McWATTERS: I am not aware of any representations having been made. If the Honourable Member will make a representation on the subject I will have it inquired into.

THE HONOURABLE MR. PHIROZE C. SETHNA: Thank you.



DECISIONS OF THE RECENT CONFERENCE OF FINANCE MEMBERS.

27. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state what decisions were arrived at at the recent Conference of the Finance Members of the Government of India and the Provincial Governments?

THE HONOURABLE MR. A. C. McWATTERS: The discussions were private and informal and the conclusions, where any were arrived at, were provisional and subject to confirmation by the Local Governments, so that the proceedings cannot be published.

PROPOSED INSURANCE LEGISLATION.

28. THE HONOURABLE MR. PHIROZE C. SETHNA: (a) What is the latest date by which the report of the Departmental Committee appointed by the Board of Trade to suggest amendments to the English Assurance Companies Act of 1909, pending consideration of which legislation in India has been postponed, is likely to be published?

(b) Is there any prospect of the contemplated legislation being introduced at the Autumn Session of the Indian Legislature?

THE HONOURABLE MR. D. T. CHADWICK: (a) The Government of India have been informed that the report of the Departmental Committee on the English Assurance Companies Act of 1909 is expected to be completed in March 1925.

(b) Yes, Sir, that is the hope and intention of Government.

INCOME-TAX ON PROFITS PAYABLE TO POLICY HOLDERS BY LIFE INSURANCE COMPANIES.

29. THE HONOURABLE MR. PHIROZE C. SETHNA: (i) Are Government aware—

(a) that the Income-tax authorities treat profits payable to policy holders by Life Insurance Companies as taxable income;

(b) that an amendment has been made since 1923 to section 16 of the Finance Act of Great Britain whereby such profits are no longer treated as taxable income?

(ii) Do Government intend to introduce a similar amendment in the Indian Income-tax Act?

THE HONOURABLE MR. A. C. McWATTERS: (i) (a) and (b). The answer is in the affirmative.

(ii) The Government will consider the proposal.

INCREASE IN THE NUMBER OF INDIAN JUDGES.

30. THE HONOURABLE MR. PHIROZE C. SETHNA: (1) With reference to the Honourable Mr. S. P. O'Donnell's statement in his speech on 22nd February, 1922, on the Resolution for increasing the number of

Indian Judges that if so desired, Local Governments and High Courts would be consulted regarding the whole question, will Government be pleased to state—

(a) which bodies have been consulted;

(b) which have replied;

(2) Will Government please lay on the table any opinions which have been received?

THE HONOURABLE MR. J. CRERAR: (1) (a) All Local Governments and Administrations and the Calcutta High Court. The Local Governments consulted the High Courts in their respective jurisdictions and certain public bodies and associations.

(b) All those consulted.

(2) I regret that I am unable to lay copies of the opinions on the table. I note, however, that they have been considered by the Government of India and their decision in the matter was announced in the reply given by Sir Malcolm Hailey on the 5th February, 1924, to Sir Hari Singh Gour's question No. 169, in the Legislative Assembly to which I invite the Honourable Member's attention. I may add that the number of Indian Judges in these Courts has since increased to 35·2 per cent. of the total strength.

#### NUMBER OF ENGLISH AND INDIAN JUDGES OF HIGH COURTS, CHIEF COURTS AND JUDICIAL COMMISSIONERS' COURTS.

31. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government please lay on the table a tabular statement showing the number of English and Indian Judges (including Chief Justices) in the different High Courts, Chief Courts and Judicial Commissioners' Courts as at 1st January, 1922 and 1st January, 1925?

THE HONOURABLE MR. J. CRERAR: The number of English and Indian Judges including the Chief Justice and Additional Judges in the Calcutta High Court, both on the 1st January, 1922, and on the 1st January, 1925, was 11 and 5, respectively.

The Government of India are not directly concerned with other High and Chief Courts and Courts of Judicial Commissioners, information in regard to which may be obtained from the Local Governments concerned, or from Provincial Civil Lists.

#### PUBLICATION OF THE REPORT OF THE COLONIES COMMITTEE.

32. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state when the report of the Colonies Committee will be published and what action they have taken or intend to take on the report?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: No report has been received from the Colonies Committee as such. Two members have submitted a memorandum and its publication is under the consideration of the Government of India. As regards the concluding portion of the Honourable Member's question the position is that, until the results of representations made by the Colonies Committee which are still awaited

are known, no necessity for further action arises. With reference to the results of the Committee's representations regarding Kenya which were announced by Mr. Thomas in the House of Commons on August 7th, 1924, the attitude of the Government of India is as stated by the Honourable Sir Narasimha Sarma in reply to question\* No. 342 asked by the Honourable Sir Deva Prasad Sarvadhikary in this House on the 3rd September, 1924.

REPORT OF THE INDIAN TERRITORIAL AND AUXILIARY FORCE COMMITTEE.

33. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state whether the Indian Territorial and Auxiliary Force Committee has concluded its inquiry, and, if so, when its report will be published?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The Committee propose to reassemble on the 23rd January, that is to-morrow, to consider their report. The report will be published as soon as possible after it has been adopted by the Committee, and, in order to minimise delay, the draft report has already been set up in type.

TREATMENT OF INDIANS OVERSEAS.

34. THE HONOURABLE MR. R. P. KARANDIKAR: (a) Have Government seen the Resolution adopted at the 39th Indian National Congress held at Belgaum during the Christmas of 1924 on the subject of Indians overseas?

(b) Will Government be pleased to place on the table the correspondence, if any, which has passed with the Union of South Africa, either directly or through the Colonial Secretary or the Secretary of State for India or both referring to the Ordinance of the Natal Provincial Legislature to which reference is made in the Resolution?

(c) What is the agreement of 1914 to which reference is made in the Resolution?

(d) Has the Kenya question reached any solution? If so, what is that solution?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: (a) The reply is in the affirmative.

(b) Since the matter is still the subject of representations, Government regret that they are unable to comply with the Honourable Member's request.

(c) Government have no knowledge of what agreement the framers of the Resolution had in mind, but presume that the reference is to what is called the Smuts-Gandhi agreement.

(d) Government have nothing to add to the statement made on the subject by His Excellency the Viceroy on the occasion of the opening of the Indian Legislature on the 20th January.

THE HONOURABLE MR. R. P. KARANDIKAR: In reference to the answer to (c) of the question, will Government be pleased to make inquiry about the agreement of 1914?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: We have the matter already under investigation.

\* Vide p. 920 of Vol. IV, Part III of the Council of State Debates.

### DRAFT BILL FOR THE CONSTITUTION OF THE COMMONWEALTH OF INDIA.

35. THE HONOURABLE MR. R. P. KARANDIKAR: (a) Are Government aware that the National Convention held at Bombay last December has issued the draft of a Bill for submission to the British Parliament that it may be passed into an Act to constitute the Commonwealth of India?

(b) Have the deliberations of the Reforms Committee arrived at a stage when the public may know their result?

(c) Have the Government had the Bill above referred to under their consideration or placed the same before the Reforms Committee for their consideration either?

THE HONOURABLE MR. J. CRERAR: (a) Government have not seen the Bill referred to by the Honourable Member.

(b) The Reforms Inquiry Committee concluded its work on the 3rd December 1924, and the report is at present under the consideration of Government.

(c) No.

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### GOVERNOR GENERAL'S ASSENT TO BILLS.

THE SECRETARY OF THE COUNCIL: Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the following Bills:—

The Indian Motor Vehicles (Amendment) Act, 1924.

The Indian Post Office (Amendment) Act, 1924.

The Imperial Bank of India (Amendment) Act, 1924.

The Indian Criminal Law Amendment Act, 1924.

The Land Customs Act, 1924.

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### BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

THE SECRETARY OF THE COUNCIL: Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table a copy of the Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908, which was passed by the Legislative Assembly at its meeting held on the 23rd September, 1924.

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### TRIBUTES TO THE MEMORY OF THE LATE MR. EDWIN SAMUEL MONTAGU.

THE HONOURABLE MR. PHIROZE C. SETHNA: (Bombay: Non-Muhammadan): As this is the first occasion when this Council is sitting after we have heard the sad news of the death of one of our former Secretaries of State for India, I request that permission may be given us to offer a few remarks on the death of the Right Honourable Edwin Samuel Montagu.

**THE HONOURABLE THE PRESIDENT:** The Honourable Member may continue.

**THE HONOURABLE MR. PHIROZE C. SETHNA:** The sad and premature death of Mr. Montagu is one of those tragedies which fill all thinking men with grief and bring home to them the profound mystery of life. Mr. Montagu's distinguished public and political career is known to every Member of this House. Distinguishing himself at Cambridge where he rose to be the President of the Union, he entered Parliament at the early age of 27. Within four years of his joining the House of Commons he rose to the position of Under Secretary of State for India, and in the very first year of office the first budget speech, which he made in 1910, marked him out as a man of very superior talents who would soon attain to Cabinet rank. This expectation was realised within only a few years.

Mr. Montagu had the good fortune to receive his early training under so sagacious a leader as Lord Morley. He received his experience under him in the matter of controlling and guiding the administration of this country. In 1917, when Mr. Austen Chamberlain resigned the Secretaryship of State for India, Mr. Montagu was appointed to that position. He filled that office for five years, until March, 1922, when an unfortunate development of events compelled him to resign his office. A general election followed, the election which led to the shortlived accession to office of the Labour Party. Mr. Montagu lost his seat and his political career suffered eclipse. It was hoped that it would not be long before he would re-enter the House and again take his rank amongst the foremost politicians of the day. It was however ordained otherwise and the sad news of his death cast a gloom over the country.

Indian politicians of all schools of thought have expressed their sorrow on his death and have paid their tributes of appreciation to his sterling qualities as a statesman and to the eminent services which the late Mr. Montagu rendered to the cause of India's freedom. Mr. Montagu's constitutional reforms, of which he was joint author with the former Viceroy, Lord Chelmsford, did not meet with universal approval and satisfaction. No reforms ever can. Unfortunately their smooth working was thwarted by events over which he had had no control. Nevertheless there is general recognition, at any rate in this country, of Mr. Montagu's noble spirit, his generous impulse, his wise and sound statesmanship and of his desire to help India to the best of his ability and in every direction possible. There is recognition also of the pains which he never failed to take to understand the Indian view point on all the difficult problems he had to tackle, recognition of his devotion to, and the courage with which he championed, the interests of India in the Councils of the Empire.

Since the transfer of India to the Crown, the office of Secretary of State for India has been held by no less than 25 British statesmen, some of whom have been men of conspicuous ability and have rendered devoted service to the State, but from the Indian standpoint no one amongst them understood or tried to understand the soul of modern India so well and so deeply and felt such an irresistible fascination for its many varied and complex problems as did Mr. Montagu. He believed in the conception of glory as he called it and called it rightly of the British Commonwealth of Nations. It was the ambition of his life to emulate the example of two British statesmen, Lord Durham and Sir Henry Campbell-Bannerman, and he tried to do for India what these two men succeeded in doing for Canada and for South Africa, respectively.

[Mr. Phiroze C. Sethna.]

Mr. Montagu was a wise and far seeing statesman. He built his policy on the eternal principles of justice and righteousness irrespective of any considerations of race, colour or creed. This is no conventional phraseology, nor the language of hyperbole. It is what we regard as solid and honest truth. A vast heterogenous and far flung Empire like the British could hardly be maintained and knit together except by moral forces or what is now a common expression by soul force and by the unflinching pursual of a policy of justice and righteousness. This was Mr. Montagu's endeavour to pursue and he did so in all matters. Whether it was the Turkish question or whether it was the question of Indians abroad, he consistently and courageously championed the cause of the Indian people. In fact it was his ardent advocacy of the Indian Muhammadan point of view on the Turkish question which brought on his head the hostility of the die-hards and cost him both his position and his political career. It is but meet therefore that we should regret the passing away of so great a man the like of whom we shall never look upon again. His name will be writ large and writ imperishably in the history of the relations of England and India, and it is but right that this the senior Council of the Indian Legislature should record its sense of sorrow at the passing away of so great a friend of India.

THE HONOURABLE SARDAR CHARANJIT SINGH (Punjab: Nominated Non-Official): Sir, on behalf of my Province and on my own behalf I associate myself with the tribute which has been paid to the memory of the late Mr. Montagu. There has been all over India genuine sorrow and a profound sense of the loss at his death, which has been accompanied by such tragic circumstances of suddenness. I had the privilege of his acquaintance and of his friendship since 1911, and from my own personal knowledge I can fully endorse what has been said about the great services rendered by him. He was a man of brilliant parts, full of imagination, full of sympathy, and he has left behind him the memory of one who served, with an unstinted measure of devotion, his generation and his country. His name will go down in the annals of history as one of the greatest Secretaries of State India has ever had. By his death India has lost a true and proved friend and the Empire one of its distinguished and gifted statesmen.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, it is but right that in this House which came into existence as a result of the Reforms Scheme we should voice the sense of loss to the country at the death of so distinguished an author of that scheme. That he was able to go considerably beyond what his chief, Lord Morley, had agreed, to put the reforms on the right lines, was in itself a great achievement. If Lord Morley, when he had the chance and the opportunity, had done what Lord Chelmsford and Mr. Montagu attempted later on, the progress of Indian reforms would have been far more advanced and assured and bare experimenting in self-government would not have now commenced. Sir, this is not the time to judge of the net result of those achievements. The Act has just been subjected to careful scrutiny from certain points of view by a Committee, and we are well within view of the report of that committee. We shall therefore have to suspend judgment for the present; but it is not by the quantum of results that these achievements are judged in history. The earnestness of desire to do justice, the anxiety to do the right which was the great motive

that lay behind Mr. Montagu's exertions must have the fullest possible credit, but it has in certain quarters been grudgingly given. It has been a matter of controversy whether Mr. Montagu started or conceived the scheme that we now see in work or whether Mr. Austen Chamberlain had begun what remained for Mr. Montagu to complete. Apportionment of credit in that direction is not a matter that need detain us at the present moment, but when the opportunity came Mr. Montagu tried to do the very best that could possibly be done for India, and that is his claim to India's gratitude, which India in the fullest possible measure is prepared to accord.

12 Noon. In the expression of that gratitude the Government of this country has not been behind hand. As we know, a very generous tribute was paid by the Government of India after Mr. Montagu's death. One claim, and a great claim, of Mr. Montagu to India's gratitude will always be from the historical point of view the explosion of the fiction about the conqueror and the conquered which had long subsisted. It was given its death-blow by Mr. Montagu in Parliament. In India the British Indian connection was a case of partnership from the very beginning, and that is what he publicly voiced for the first time in Parliament and that was the honourable basis of his Reform Scheme. That will always be to my mind one of the greatest claims of Mr. Montagu to our gratitude, and we render it ungrudgingly.

THE HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-official): Sir, I wish to say a few words on this matter because, though I never expected it, it did happen that when the Government of India Act was being drafted I had a good deal, or something at any rate, to do with Mr. Montagu, and we discussed many matters together which have since become law. I always found that the late Mr. Montagu was quite in sympathy with our views, and in fact if it had been left entirely to him he would have given more than was given in the Act. The result of that Act has been referred to here, and that result illustrates an old proposition that a spring does not start up when the pressure is greatest; when the pressure is lessened a little then the spring goes off. So this Act for the first time really speaking planted the feet of India on the road to self-government. Without it the feelings which have been generated would not have found expression as they have done in the last four years. And I think that in judging Mr. Montagu historians will claim it as a triumph for him that he for the first time in the history of India planted the feet of the people on the road to responsible government. I have already on one occasion in this Council had an opportunity of speaking on the subject that I saw myself how Mr. Montagu worked night and day on his great work. In Parliament not only was he pressing our claims, but replying to his opponents who maintained that too much was being given. I believe that he worked to the limit of human endurance. In the morning he discussed with us; afterwards he debated the matter in Parliament often till midnight; and when the debate closed on the last day it was nearly 2 o'clock in the morning. Always preserving his good humour he turned over difficulties with a joke. I never saw so much tact and so much cleverness displayed in a Parliamentary debate. About the same time there was a debate on the Irish question, and it was conducted in a very different way to that in which the Government of India Act was discussed. I can bear this testimony to Mr. Montagu's greatness, to his great industry, to his real desire to do good. In the last speech he made there is one sentence I remember. He said, "I am proud of this day,

[Mr. G. S. Khaparde.]

because I have been able to lay this Act on the Statute-book". A gentleman sitting behind me exclaimed that he had written his name in the history of India for all time to come, and that has come to pass, and future historians will always represent the beginning of responsible government in India as from the time of the passing of that Act of 1919. So I really feel it something like a personal loss that Mr. Montagu has gone. With these words, Sir, I humbly associate myself with what has been proposed by my Honourable friend Mr. Sethna.

THE HONOURABLE SAHIBZADA AFTAB AHMED KHAN (United Provinces: Nominated Non-official): Sir, although I find myself in the position of the most junior Member of this House, as I had the honour of working with Mr. Montagu during the last important period of his term of office, I cannot help saying a few words with regard to the work which he achieved during his life. It is my belief that the service which Mr. Montagu rendered, not only to India, but to his own country and to the British Empire, has not been fully appreciated either here or there. I think the time will come when future generations both in India and in England will set a right value upon the work which Mr. Montagu did both for India and for his Empire. I have always thought that Mr. Montagu was born to serve India and through India to serve the Empire. It seemed to me when I used to see his anxiety, his earnestness, his thorough engrossment in his great ideal, that Mr. Montagu was not only Secretary of State for India, he was not only a friend of India, he was the lover of India; he had his heart in it. I know the difficulties he had to face in order to bring his scheme to completion and to success. I know the great art which he showed in carrying all his colleagues with him. He had, as I have said, his heart in it and he was gifted with remarkable ability, with real tact and with great patience, which enabled him to steer this most difficult scheme through both the India Office and through Parliament. I have said that in India his services have really not been fully appreciated, but the time will come when they will be appreciated. With these few words I entirely associate myself with the Honourable Mr. Sethna with regard to the service which Mr. Montagu has rendered both to India and to the Empire.

THE HONOURABLE SIR NARASIMHA SARMA (Law Member): Sir, I esteem it a very great privilege to associate myself as Leader with the appreciatory and laudatory remarks which have fallen from the non-official benches about the career of a distinguished and brilliant statesman, the late Mr. Montagu. His sudden demise at a very early age came as a very painful shock to all of us, to every Member of the Government, and His Excellency the Viceroy has given expression to the profound sense of sorrow which the whole of India, official and non-official, felt when they heard the news of the melancholy death of Mr. Montagu. It is but fitting that this House, which owes its existence, which owes its privileges, which owes its constitution largely to Mr. Montagu, should place on record its sense of the deep loss in the passing away of the author of its being, of its fortunes. My acquaintance with the late Mr. Montagu, I mean personal acquaintance, was very meagre indeed. I saw a little of him when he came to India in connection with the reforms inquiry. But as a non-official Member of the Viceroy's Legislative Council at the time when the reforms had not come into being, as one who knew what was going on, as one who approached him on behalf of the non-official community, as one who has had opportunities of going through the records of these days, I cannot help giving expression to my admiration of the



marvellous industry, perseverance, love of his task, which the late Mr. Montagu brought to bear upon his endeavour to bring the East and the West together, to place India on firm feet, so that her advance in constitutional development might proceed on sound and healthy lines, so that the different parts of the Empire might be bound and chained together more firmly, more soundly, than ever they could have been under the previously existing constitution. He had a brilliant imagination, marvellous tact, perseverance, capacity for hard work: and the combination of all these characteristics, assisted by the temper of the times, enabled him to pass through both Houses of Parliament a measure which, howsoever it might have been viewed by the different sections of the community, is bound to place the Empire on a firm and solid basis. Those who have had some opportunities of going through the records of those times must give expression, I think, to his keen appreciation of the difficulties of the task which the officials were bound to meet with when they had to face the new constitution. He tried his level best to smooth their difficulties, to improve their prospects and position, and if only all officials could see what he had attempted to do, I am sure they would appreciate in a fuller measure than perhaps some of them do what he felt the services had been doing for India, the selfless devotion, the untiring energy which the officials had been bringing to bear upon the daily task of administration. I am sorry the Right Honourable Srinivasa Sastri, whose ill-health has deprived the House of his services, is not here to give us an idea of how profoundly Mr. Montagu loved India, cherished India, and endeavoured to elevate her status in the eyes of the rest of the Empire and of the other nations of the world. I think all the Honourable gentlemen present here will agree with me when I say that the House is sorry in having lost the services of Mr. Sastri. Sir, I have only one more word to say, and that is that by his selfless, self-sacrificing life, Mr. Montagu brought India nearer to the heart of the Empire than would otherwise have been possible. As the Honourable Sahibzada Aftab Ahmed Khan has truly remarked, neither India nor the rest of the Empire appreciates fully the services he has rendered to the Empire, to India, or to humanity. The Muhammadan world is particularly beholden to him; and in espousing the cause of the East he has tried to bring the East and the West together. I know how hard he laboured to impress upon the self-governing Dominions the desirability, the necessity of appreciating the difficulties of India in order that India may be indissolubly connected with the rest of the Empire. Humanity in general, and India in particular, always appreciates the endeavours, successful or unsuccessful, of those who wish to elevate the position of weak and suffering humanity. Mr. Montagu might have temporarily lost by espousing the cause of the East and by espousing the cause of India, but we may rest assured that in trying to elevate the status, the position, of 300 millions of His Majesty's subjects, in trying to bring the East and the West together, in trying to consolidate the Empire, he had, in a crowded life, within a few years been able to achieve far more for the Empire and for humanity than many brilliant statesmen whose services are, perhaps temporarily, more keenly and widely appreciated than Mr. Montagu's. I am sure, Sir, I express the sense of the deep loss which this House and every Member of it feel in the premature death of a true lover of humanity, of a man who effaced himself for the sake of a noble cause.

**THE HONOURABLE THE PRESIDENT:** I think that it is the unanimous desire of the House that I should communicate to the proper quarter the

[The President.]

sentiments to which expression has just been given and I take it that I shall best give effect to that desire if I make it my business to see that a copy of to-day's proceedings with particular reference to the speeches which have just been made is communicated to His Majesty's Secretary of State for India. That will be done.

THE HONOURABLE SIR NARASIMHA SARMA: Might I suggest that a copy may also be communicated to his widow if it be proper form to do so?

THE HONOURABLE THE PRESIDENT: My intention was that it should be communicated through His Majesty's Secretary of State for India.

### RESOLUTION *RE* ADMISSION OF INDIAN STUDENTS TO THE UNIVERSITY OFFICERS' TRAINING CORPS.

THE HONOURABLE MR. PHIROZE C. SETHNA: I beg to move:

"That this Council recommends to the Governor-General in Council that he be pleased to urge upon the Home Government, that effect should be given to the recommendation of the Committee on Indian students (otherwise called the Lytton Committee) that the existing bar upon the admission of Indian students to the University Officers' Training Corps should be removed."

The House will remember that in 1921 the then Secretary of State for India, Mr. Montagu, had appointed a Committee for the purpose of reporting and making representations on various subjects relating to the education and the well-being of Indian students in the United Kingdom and in foreign countries. That Committee was presided over by the then Under Secretary of State for India, Lord Lytton, now Governor of Bengal, and one of the members of that Committee was our Honourable Colleague Sir Deva Prasad Sarvadhikary.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: And there is another (pointing to the Honourable Shahibzada Aftab Ahmed Khan).

THE HONOURABLE MR. PHIROZE C. SETHNA: I stand corrected. There are two. There is also the Honourable Sahibzada Aftab Ahmed Khan. The Committee made several recommendations and amongst them was one which forms the subject-matter of my Resolution. The question which my Resolution raises was carefully gone into by this Committee, and after the pros and cons were studied, after the examination of Indian and European witnesses, the Committee came deliberately to the conclusion that the existing bar against the admission of Indian students into the University Officers' Training Corps attached to the different Universities in the United Kingdom should be removed. I might explain at the outset that this disability was imposed by none of the Universities concerned. It was the result of an Order of the Army Council, an Order passed,—strange as it may seem, such is the irony of things—immediately after the Great War. One of the Indian witnesses, Mr. Malik, stated to the Committee that he was given a British commission and that his relations with his brother officers were most cordial and no objection was taken to him, and yet when after the War he returned to his studies admission was denied him to the University Training Corps of the University to which he belonged.

From the evidence which one reads and which is attached to the Committee's report one finds that there are only two objections to the admission of Indian students to these Corps.

The first is that these Corps are intended for the training of young men who might apply for commissions in the British Army and that they could not be thrown open to those who are non-eligible for the position or unlikely ever to apply for them. The answer to this objection is that there are in the Universities in the United Kingdom students hailing from different parts of the Empire, from Canada, from Australia and from elsewhere, who have hardly any intention of holding commissions in the British Army, and yet they are all admitted to these Corps, in fact no objection is ever taken to them. It will be said that these men might in abnormal circumstances apply for commissions such as in the event of a great war. The same argument might as well be advanced in favour of Indian students. The second objection is to the effect that if Indian students were allowed to enter these Corps, perhaps it would affect adversely the recruitment of British students. This point was also considered by the Committee very fully, and the answer which they gave was what I propose to read in their own words, which is as follows:

"We believe that the apprehensions which are felt with regard to the result of admitting Indians to the University Corps are mistaken. We have made careful inquiries on the matter not only from the Indian students, but also from the Officers' Training Corps authorities and from representatives of the British students, and we believe that at some centres the officers in charge of the Corps would be glad to try the experiment of admitting a small number of specially selected Indians and that their admission would not be distasteful to British students. We are informed that there is no bar to the admission of Indians to the Cadet Corps at the Public Schools, and that even where these units have taken part in field days and shared camps with University Corps, no objection has ever been raised with regard to the Indian Cadets."

Now, Sir, the whole question resolves itself into this opposition which has been offered by the Army Council, and it is this opposition which requires to be removed, but to be more precise, it is not so much the objections as I think the apprehensions and prejudices which are felt by the Army Council, and my object therefore in bringing forward this Resolution is to see that this bar is removed and the Government of India approach the Home Government for that purpose.

While speaking on this subject, I cannot resist the temptation of a passing reference to the growing desire on the part of the Indian public to take a keener interest in the matter of the defence of India by themselves. I may remind the House of a Resolution which I brought forward here about two years ago in regard to compulsory military training and service. For obvious reasons that Resolution was not pressed to a division. But it is a consoling fact to know that since then and even before, the desire for military training in the country has become more insistent and it is asked for in several quarters. Sir, the Indian Territorial Force has proved a success. In answer to a question which I put this morning, His Excellency the Commander-in-Chief informed us that the special Committee which is sitting to consider the question of improving not only the Indian Auxiliary Force but the Indian Territorial Force is to meet again to-morrow and that its report is soon expected. I do hope that the recommendations which will be found in that report will be of a character which will not only tend to increase the present maximum number from 20,000 to more, but include the many improvements which have been suggested by so responsible a body as the Universities Conference which was held in May last.

[Mr. Phiroze C. Sethna.]

Resolutions have been introduced in the different Universities of this country recommending military service in the case of physically fit undergraduates. In most cases they have met with the same fate as did my Resolution in regard to compulsory military service in this House. But there is one University, however, which appears to be far-seeing in this matter and which has recorded its verdict in its favour. University Corps have already filled the maximum number which they are entitled to fill, with the result that applications from the new Nagpur University and from the Karachi College for having their own units have had to be refused. Notice of a Resolution has been given by my Honourable friend Raja Sir Rampal Singh to consider this question. I hope that this Resolution will be put before the House at an early date, and as a result of it there will be an improvement in these forces and also an increase in their numbers.

All these are very auspicious signs showing that the circumstances call for not only vigorous but sympathetic action on the part of the Government to give training to those who want it in the different branches of the Army. We have now reached the stage in the development of political events in this country when the problem of shifting the burden of defence to Indian shoulders themselves is as important as the problem of any further constitutional advance. In fact both are equally important and equally insistent. The issue that I have raised in my Resolution is perhaps a limited one and forms part of the greater issue. But because of that the issue which I have brought forward ought not to be under-estimated, and I do hope that the grievances under which Indian students suffer will be redressed and redressed as soon as possible. Sir, I do feel that this grievance requires to be redressed for another important reason and that is, that the existing bar is apt to produce political effects of an insidious and far-reaching character. We cannot forget that these Indian students who are now reading in the English Universities are the very men who within the next few years will be the persons principally concerned in the relations between Great Britain and this country, and it is therefore very necessary that their attitude towards the British Raj should be of a kind that we should like it to be and which it cannot be if they return to this country with a sense of injustice rankling in their breasts,—done to them whilst studying at the English Universities. It is therefore that I appeal to Government once again to make a further representation to the Home Government, and see that the War Council do their best to remove, and to remove as speedily as possible, the grievance which has caused and is causing great bitterness in the minds of Indian students reading in the United Kingdom.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I think perhaps it will save the time of the House if I rise at this early stage of the debate to say on the part of Government that we are prepared to accept the Resolution put forward by the Honourable Mr. Sethna. I may say that steps have already been taken more than once to urge the question on lines which the Honourable Member has suggested, and we are quite prepared again to approach the Secretary of State and once more to put forward much on the same lines that the Honourable Member has indicated in his speech, the case of Indian students at the Universities in England. I do not think it will be necessary for me in these circumstances to follow the Honourable Member into some of the somewhat irrelevant arguments that he has given to the House. But I should like to say this, that we recognise that we have a good case and, notwithstanding the fact that

a despatch has already been sent Home upon this subject and a good deal of correspondence has taken place in connection with it, we are prepared again to approach the Secretary of State and to forward for his information a record of not only the Honourable Member's speech, but any other speeches that may be made to-day in connection with it.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): I very warmly welcome His Excellency's acceptance of the Resolution, and in doing so I desire to bear the strongest possible testimony to support the Government here and the Secretary of State, at the time, Mr. Montagu, gave to the Lytton Committee with regard to this question in England. Mr. Montagu had made a personal affair of it and had been interviewing people in the War Office or whatever the correct description of that office might be and had been telling them plainly that one of the biggest mistakes that office was making was in setting up this bar which neither the Universities nor the British students themselves wanted. Sir, one never likes to speak of one's own committee but by some dispensation of Providence Indian members of the Lytton Committee are fast gravitating up to Delhi and the recommendations of the Committee ought to begin to bear belated fruit. Here are Sahibzada Aftab Ahmad Khan and myself representing the Committee in this House and in the other House are Dr. Datta and Dewan Bahadur Ramachandra Rao. All the Indian members had the fullest possible support from their colleagues in England in this matter and also from the Secretary of State, and yet they did not succeed in getting their point of view accepted by the military authorities. I do not want to labour that point now. I welcome once again the acceptance by His Excellency of this Resolution, which I am afraid will not do so much good unless the military authorities in England are helpful. The case of Malik has been referred to. Several other Indian students, who either got commissions or served in the ranks, did good war service, and some of them gave their lives in the French trenches. I desire to say one or two words in regard to the development of the Calcutta University Corps and the other organisations which are receiving very sympathetic consideration at the hands of His Excellency the Commander-in-Chief. If well handled these bodies will partially solve the problems that the Resolution seeks to cover. And the Dehra Dun experiments ought also to be helpful. I desire to dissociate myself entirely from what some of my Liberal friends said at the recent Conference at Lucknow regarding what is being done at Dehra Dun about which they happen to know nothing. Some of us had the privilege through His Excellency's courtesy to see the great work that is being attempted there. If work along that line goes on and if this bar in England is removed against students from India, a great step will have been taken with regard to the Indianising of the Army upon which we have set our heart.

THE HONOURABLE MR. PHIROZE C. SETHNA (Bombay: Non-Muhammadan): Sir, I am exceedingly thankful to His Excellency the Commander-in-Chief not only for accepting the Resolution, but for informing the House that he has anticipated us and that a despatch has already gone to the Home Government. There was however one remark which His Excellency made, namely, that he considered some portion of my speech irrelevant. I regret His Excellency did not choose to point out where the irrelevancy was. I would have welcomed his strictures and admitted the irrelevancy if he had satisfied me it was so, or would have replied to the charge. However, Sir, I will not pursue the point. In common with

[Mr. Phiroze C. Sethna.]

my friend Sir Deva Prasad Sarvadhikary, and I am sure the Members of the House, I am very grateful to the Government for the manner in which they have taken up this matter and trust they will not rest content until they have prevailed upon the Army Council to withdraw this disqualification upon Indian students.

THE HONOURABLE THE PRESIDENT: The question is that the following Resolution be adopted:

“ That this Council recommends to the Governor General in Council that he be pleased to urge upon the Home Government that effect should be given to the recommendation of the Committee on Indian students (otherwise called the Lytton Committee) that the existing bar upon the admission of Indian students to the University Officers' Training Corps should be removed.”

“ The motion was adopted.

#### RESOLUTION *RE* IMPORT OF CINEMA FILMS, ETC.

THE HONOURABLE MR. HAROON JAFFER (Bombay Presidency: Muhammadan): It is with the greatest pleasure that I rise to move the following Resolution:—

“ That this Council recommends to the Governor General in Council that, in place of the various existing provincial boards, a single salaried board be appointed for the whole of India to regulate the import into India of cinema films, and to exercise a stricter control over cinemas generally.”

My sole idea in moving this Resolution is to do good. I have come to the conclusion that some such action as is suggested in this Resolution should be taken in view of the altogether erroneous impression made on the Indian mind of the social life of England, America, and other Western lands by many of the cinema films permitted to be shown throughout India, an impression which is decidedly inimical to the interests of the country in general. Nor is my idea that of an isolated individual. Only a week after I had turned in this Resolution to be moved in this House, I read in the daily press a cable from England which stated that a well-known Bishop, who is intimately acquainted with India, was speaking at a large Conference at Wembley, and, in the course of his remarks on the harm being done by the cinema in India, he said:

“ The majority of the films, which are chiefly from America, are of sensational and daring murders, crimes, and divorces, and, on the whole, degrade the white woman in the eyes of the Indians.”

In moving this Resolution, I do not wish to make any charges against or reflections on the various provincial boards which have done good work for some time along the lines of cinema censorship. And in order that I might not be accused of commencing such a campaign, I will refrain from using figures relating to the work of any one board, but will content myself with dealing altogether with generalities and main principles based on the iron logic of experience and fact.

The main objection I have to the present method of censorship is that sufficient importance is not placed on the fundamental difference of outlook of the crowds which see the films. A picture which would be perfectly harmless in Europe, where all the circumstances would be understood and all the humour or sarcasm immediately recognised, might be of great harm in India, where these essential points would not be readily seen. To cite an illustration. At the present time there is showing in India a remarkably realistic film depicting life in Europe at about the time of the French Revolution. To those who know the historical back-

ground, the scenes in the film are not likely to create a strange impression regarding the social life of those days; but to those who have not a sufficient knowledge of the actual conditions of those days and who do not even realise that the film is depicting scenes which supposedly happened more than a century ago, that picture, with all its magnificence, would produce some surprising impressions. As it is, the film has no catch line at the beginning to indicate that the scenes which it was portraying were, in reality, acted in the days when even Europe was steeped in barbarism; whereas some such announcement, or the date of the story placed in a prominent place, would do much to prevent wrong and harmful impressions of Western life and customs being taken away by those who see the picture without the necessary knowledge of history to place it in its right setting. It would be easy for such a censorship board as suggested in this Resolution to remedy such defects as these, not by prohibiting the film altogether, but by prefacing its appearance on the screen with a short explanatory note giving the real historical setting, or detailing the main object of the picture in showing up certain vices or crimes.

As a matter of fact, it would almost appear that certain of the American producers cater especially for such countries as India and Japan, and make films which they would never dare to release in America or England. Such producers seem to have made a special study of what scenes and situations will most appeal to audiences on this side of the world and these films are shipped out to the Orient by the dozen. I believe it is also true that any films which are so suggestive as to come under the ban of the censorship board of America are silently packed up to places like India, where, up to the present, the authorities have not been so strict in these matters.

In other words pictures may be either constructive or destructive; they may teach an ideal or shatter an ideal in a bare hour. There is no need for me to give you statistics showing the effect a certain class of film has had in England and America on the juvenile mind and how it is filling the prisons and reformatories with boys and girls who learned to steal and shoot and forge "at the movies"; but I do wish to repeat that equally harmful effects and results are being seen in India as the sequel to certain films which do not allow for the different view point of the spectators. What is not considered wrong in England might be considered highly indiscreet in India, even as certain Indian manners and customs appear peculiar to many English people. It all depends upon the view point, and if that view point is not made clear at the beginning of a film, then there is every possibility that the aim of the picture might be very much misunderstood, no matter how innocent that film might have appeared to the producers and to an English audience.

It has seemed to many critics of the moving pictures that there are more destructive films than constructive ones, especially as far as India is concerned. But I do not believe that that is the case. There are better pictures being made to-day than ever, due largely to the co-operation of the producers with the public. The films of to-day are certainly finer than those of yesterday, more perfect in detail and workmanship, more splendid in their effect upon the minds and morals of those who see them. It is not fair or sensible in these days, therefore, to stand on one side and say, "All pictures are worthless, and I will keep away from them." Doing that is giving the bad picture producers a whole seer of encouragement. It is, ostrich-like, covering the eyes and ears only. Mere disapproval never remedied any defect. Reforms have never been effected in a negative way. That is.

[Mr. Haroon Jaffer.]

why I have brought forward this Resolution, asking for the establishment of a permanent and competent and well-paid censorship board to regulate the flow of cinema films into this country, not to ban fifty per cent. of them, nor even five per cent. unless absolutely necessary, but rather that it might suggest introductory catch lines of explanation at the beginning of films which are likely to be misunderstood or create an impression which would be a false one if the film were seen from the correct historical or social or religious view point. This would, I know, be a new and novel kind of censorship, but I firmly believe it would be one which would be productive of very much good to India at a comparatively negligible cost. It should consist, of course, of men who have studied and who know India, who can quickly realise what effect any particular situation or scene would or might have on the Indian mind, and who would be able to insert here and there an explanatory catch line which would prevent the arising of false impressions. And their work would also consist of being adamant on the total exclusion of films which were in themselves decidedly harmful. After a little while the producers in America would willingly co-operate with the ideas put forward by this board, whilst the firm stand taken by India's Legislature on this very important matter would show very plainly that we are determined neither to have the white races misrepresented nor to permit our own race to be contaminated with any more of the vices of Western civilisation.

No one is satisfied with the amount and kind of legislation existing at the present time regarding cinemas, and an improvement would be welcome all over India. One member of the Madras Board of Cinema Censorship, indeed, has, from his experience in that work, come to hold very strong views on the need of reform, but so far has been unable to get the Local Government to move very far, except to issue orders to its officers to exercise a more rigorous control over the exhibition and importation of films ; whilst those directly concerned in this question of censorship have written to me of late stating that they will welcome any reform for the whole of India which will make the matter an Imperial and not a Provincial one.

Hence I feel convinced that not only have I the support of social leaders outside this Honourable House, but that I shall also have the support of every Member of this House so that this Resolution will be accepted by Government.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, though I must oppose the Resolution moved by the Honourable Khan Bahadur on grounds which I shall subsequently briefly indicate to the House and the validity of which I must leave to the judgment of the House, I have nevertheless listened to the remarks which have fallen from the Honourable Member with much attention and a very considerable measure of sympathy. The Honourable Member has brought to the notice of the House what is undoubtedly a matter of very great importance. The rapid development of the cinema industry, not only in India but throughout the world, has everywhere had consequences causing anxiety to all those who, like the Honourable Member himself, feel a keen responsibility for public morals and particularly for the interests of all those who are liable to be unduly impressed by cinema exhibitions. The problem is a great problem and must therefore be approached seriously ; and I am equally sensible of the fact that in India more particularly there are very grave grounds of anxiety not only to those who, like the Honourable Member himself, are interested in the



matter from the point of view of philanthropy and social reform, but also to Government. My objection is not that the Honourable Member has either overstated the problem or that he has invited the attention of the House to a matter which is not very well worthy of its attention. My objection is on entirely different grounds ; and I think before I go a little more largely into the administrative difficulties which arise, the Honourable gentleman will appreciate that I, at any rate as a European, must naturally, like all other Europeans in India, be extremely sensitive to the gross misrepresentations of Western morals, of Western culture and Western civilization which have not infrequently found their way into cinema exhibitions. I hope, then, I have made it quite clear that I appreciate the importance of this problem, and that indeed as a Government officer, and a European officer of Government, I have very special reasons for appreciating the importance of the problem. But there are some considerations, practical considerations, which I must lay before the House. The Honourable Member very frankly said that he proposed mainly to deal in generalities. He would have assisted me a great deal more, Sir, in expounding my attitude towards this case, if he had descended a little from generalities to detail—to the question whether the expedients which he has recommended to the House are really the expedients best calculated to attain the objects which we all hold in common. Censorship of every kind is always difficult to administer with promptitude and efficiency, with due regard to the susceptibilities of the public, to the objects which the censorship itself propounds, to the interests of industries which may be involved, and to an infinity of considerations of that kind. Indeed I may say that of all bodies exercising public functions there is hardly one which is more exposed and more subjected to censure than the censorship. I have had too much to do with censorship of many kinds for my own comfort and peace of mind. I have realized in a very hard school what its difficulties are.

Now, Sir, I do not intend to detain the House very long, but I would invite the attention of Honourable Members, and indeed I think I must invite the attention of my Honourable friend, first of all, to the constitutional and legal aspects of his proposition. From the legal point of view the situation is this. By the Act of 1919 this Legislature, the Indian Legislature enacted that where an " authority " was constituted consisting of a board of two or more persons, then not more than one-half of the members of the censorship should be persons in the service of Government; that is to say, the Legislature provided in the most express terms that there must be a large non-official element on these boards. Now, Sir, whether the Legislature was right or wrong on that point, the intention in doing so was, first of all to mitigate the rigours, or what might otherwise have been regarded as the rigours, of a purely official censorship; and, secondly, the intention was to attain precisely one of the objects which the Honourable Member himself has so strongly in mind. He alluded to the great difficulties, the inconveniences, which have arisen from the fact that films are exhibited in India which produce impressions upon the Indian mind totally different from the impressions which they produce on the minds of a Western audience. Sir, the object of the Legislature in providing for a non-official element on these boards was precisely to enable the Executive Government to have some authority to interpret to them the effect on the Indian minds of such importations from Western countries.

That is briefly the legal aspect of the question. The Honourable

1 P.M.  
Member's object could not be attained without an amendment on this particular point of the existing law.

[Mr. J. Crerar.]

Secondly, there is the constitutional aspect of this matter. By the Schedule attached to the Devolution Rules the control of cinematographs, like dramatic performances, was advisedly made a provincial subject, and the Honourable Member's object, at any rate his specific proposal, could not be effected without the withdrawal from the control of Provincial Governments of this particular subject and its being constituted a central subject. Whether the Honourable Member will find a large body of opinion to support him in that measure and whether it would not be regarded as a retrograde measure, I think I must leave it to him to substantiate.

Then, Sir, I come to a point of view which we cannot disregard, the interest of the trade itself. It is an important trade in India and it is now recovering after a period of some depression. The manufacture of films may quite conceivably become an important indigenous industry. That I do not know, but quite apart from the question of the manufacture of films in India, the exhibition of films in India is undoubtedly an important industry, largely in the hands of Indian capital and of Indian promoters. Well, if I construe the Honourable Member's proposition correctly, he proposes to institute a central board of censorship which shall be wholly stipendiary and official. If I interpret him rightly, that central board will have a central headquarters, presumably the headquarters of the Government of India. That would mean that the importers of films—and films are imported into India mainly at Bombay and Calcutta and to a less extent at Rangoon—would be subjected to the very great expense, to the very great delay, and to the very great annoyance of having to submit all their productions to a central board sitting in Delhi. Perhaps the Honourable Member will reply that he had no intention that the central board should sit in Delhi. He may say that he intended to have a central authority which will operate in Bombay, Calcutta and other places where films are imported. If he has had that in mind it seems to me that the central board loses all its centrality. We have already boards there constituted for the purpose, and I really do not see what will be gained by these boards being constituted Government of India boards instead of Provincial boards, unless the real intention is to convert them from boards which are partly non-official in their constitution to boards which are wholly official in their constitution. On that point the Honourable Member has not fully explained his intentions and it is very important that he should do so. Now, I have briefly explained the reasons why these boards originally were given a very considerable non-official element. The Honourable Member has refrained from any criticism of these boards, though I am bound to say that if he had any important criticisms to make, it would have been much more convenient to me if he had delivered himself of those criticisms now. I understand that he does not criticise the boards as at present constituted but urges that they should be purely official and stipendiary. Regarding the matter solely from the point of view of promptitude and efficiency, I am disposed to agree that advantage might be gained by making those boards purely official and purely stipendiary. But there are other considerations which must be borne in mind. I have already indicated them and I have not heard anything from the Honourable Member which meets these difficulties. I will give one or two instances from practical experience to show why it was that, in the first instance, the Government of India believed that there must be decentralisation for the purpose of efficient censorship. Films have been imported into India, apart from those which produce a different impression upon a Western mind from that upon an Eastern mind,

regarding which different points of view may be taken in different parts of India itself. A film was imported into Bombay dealing with the life of Buddha. It was certified by the Bombay board, it was performed in Calcutta and in several provinces of India proper, without any objection whatsoever. It was taken to Burma, and in Burma, the film, in itself inoffensive from the point of view of a Hindu or a Mussalman or a Christian, was regarded as offensive to Buddhist religious susceptibilities. Another case that came within my knowledge is this. A film was imported into India representing a Spanish bull fight. It was produced in Bombay, it was produced in Calcutta. No objection was taken. But it was produced I think, in Delhi or the United Provinces—I am not sure which—where the exhibition of cattle being subjected to what was thought improper and cruel treatment produced very strong resentment. I instance these two cases to show that even within India itself there are provincial points of view with regard to films, and it was partly in order that the provincial point of view should be properly considered that the matter has been placed within the discretion of the provincial authorities.

Now, Sir, I have spoken somewhat critically of the arguments used by the Honourable Member, but my intention was by no means simply to be critical but to lay the matter fully before the House. When one is dealing with a large problem of this kind which impinges not only on the interests of the administration but also very largely upon the convenience and the natural rights of the public one must tread warily. Does the Honourable Member really intend to impress upon us that we must stiffen up the censorship of cinema films to such a degree as to allow nothing to be put forward except what might be allowed by an educational authority to appear in a children's school book? I have not the slightest desire to minimise the difficulties and the apprehensions which the Honourable Member has expressed, but I do think that we must exercise a cautious judgment and a sense of proportion in the canons of censorship which we set up by law. In this matter there are many things which impinge, as I say, on public opinion and we must leave a very great deal to public opinion.

Now, Sir, I have indicated some of the difficulties which lie in the way of accepting the Honourable Member's Resolution, and though Government are very sympathetically disposed towards the general intentions of his Resolution, we cannot possibly accept it unless he is in a position to assure us that these difficulties can be solved and until he is in a position to provide us with a solution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): I rise to support the Resolution which has been so ably moved by my friend the Honourable Khan Bahadur Haroon Jaffer. The Honourable the Home Secretary has put forward certain objections in the way of his accepting the Resolution. As far as I have been able to follow him I think the instances which he has quoted necessitate the constitution of a Central Board rather than favour the present provincial boards. The growth of the cinema industry in India and the popularity which the cinema theatres have achieved and the attention which it has generally received from the public make it paramount upon the Government to see that the religious feelings of no community are injured by the exhibition of certain films. If a central board is appointed and principles are laid down, I think we shall have a much better success than we have at present. From what I see in the Punjab even the illiterate people who go and attend the cinemas are, I am surprised to find, quite able to follow the long plots in just the same way as a literate person will and

[Lala Ram Saran Das.]

thus the importation or manufacture of cinema films which injure the religious or popular feelings of the people deserve the consideration of the Government in the way in which the Honourable Mover of this Resolution wants. By the constitution of a central board a uniform policy can be expected. The Honourable Mr. Crerar has himself admitted that a film which was not objected to in Bombay and Calcutta was the film which gave much offence and hurt the religious feelings of Burma. When we have a central board such things will not happen. Mr. Crerar says that different provinces look at films from different aspects. We ought to lay down the principle that for a certain province such and such sort of films ought not to be allowed. Another difficulty which the Honourable Mr. Crerar referred to is as regards the location of the board. I do not think it will be at all necessary to locate the board at the headquarters of the Government of India. It may be conveniently located in Bombay or in Calcutta and, as long as the principle and the rules laid down are observed, the question of location becomes immaterial. With these few words, I support the Resolution.

THE HONOURABLE MR. PHIROZE C. SETHNA (Bombay: Non-Muhammadan): India is not so much a country as a continent, and indeed it will be very hard if there is going to be one central board which would disallow films throughout the continent which might be acceptable in many provinces and be objected to in some one or other. The Honourable Mr. Crerar has given us an instance in point. The film regarding Buddha was acceptable throughout all India except in Burma. The film showing a Spanish bull fight was acceptable everywhere except in the U. P. That is a stronger reason for not having a central board but having provincial boards. Again, the Honourable Member's Resolution casts, as it were, a reflection on the provincial boards. I do not think he has any instances to show in which a particular film has been passed by the board in a particular province, which has been objected to by the province itself. That being so there is greater reason for allowing the provincial boards to continue as they are. In addition to the many arguments advanced by the Honourable Mr. Crerar there is one more which I would like to place before the House. The Honourable Mr. Haroon Jaffer desires that there should be a central board. If there is a central board, the expense will have to be borne by the Central Government. Why should the Central Government be saddled with this cost which is at present rightly borne by the Provincial Governments? That is one additional reason?

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay: Non-Muhammadan): I sympathise with the Mover of the Resolution and I do not think there was any intention to cast any slur upon the existing boards in the provinces. What he feels is also what we feel in these matters. Cinema representations are a part of education. It has been a matter of complaint almost all over India that the student world is drawn away from the right path by the kind of cinema representations that are open to them. It is time for us to look into the matter more closely. I am reminded of the discussion that followed the Resolution which was moved by the Honourable Mr. Crerar last Session, on the 11th March 1924, in regard to the importation of obscene literature in connection with the ratification of an International Convention. This is a Resolution similar to that and if it is objectionable to have a central board which would travel over the whole of India or parts of India that does not mean that there should

be no central board here to regulate the superintendence of this cinema representation in India. Representations made by the inhabitants of one province are often carried to others and I do really think there must be a central body. As to whether that central body should be salaried, that is a matter for the Government to consider. In view of the obstacles raised by the Honourable Mr. Crerar based on the construction of the section which refers to the constitution of the board, I think an endeavour may be made to have a proper amendment of the Act. There is the other objection undoubtedly that if the whole board is salaried, it would not carry the people with the recommendations of the board. For instance, popular views may be quite separate from the salaried view as people might put it, but the object of the present Resolution seems to be to draw closer attention to the subject, and if it is possible to find any means of accepting this Resolution in one form or another, it might be more desirable, instead of the whole motion being lost on a technical ground.

THE HONOURABLE PANDIT SHAM BIHARI MISRA (United Provinces: Nominated Official): Sir, in these days of decentralization I am rather surprised to see non-official Members advocating a policy of centralization. From the arguments advanced by both official and non-official Benches it appears to me that conclusions of a different nature have been drawn from the same arguments. The Honourable Mr. Crerar has clearly pointed out that in certain instances a film was not objected to in some provinces but was objected to in another, and therefore there need not be a centralized board but provincial boards were sufficient. From the same arguments the conclusion has been drawn that there should be a centralized board. It appears to me, Sir, quite clear that if in the case of the same film there were no objections in two or three provinces but there was an objection in another province, the clear conclusion is that there should be separate provincial boards rather than one centralized board for the whole of India. One central board cannot be expected to know the view points of the various provinces so well as the various provincial boards would know. To my mind, Sir, the provincial boards should be quite sufficient to deal with the problem, and we need not insist upon centralization in this respect. I oppose the Resolution.

THE HONOURABLE SAHIBZADA AFTAB AHMED KHAN (United Provinces: Nominated Non-official): I am sorry I was not here when the Honourable Mover proposed his Resolution, but from what I have heard since I came it seems to me that there is one aspect of the question which has been rather misunderstood. I do not think there is any question of centralization or decentralization, but it is important to devise some means of not injuring the religious feelings of people of any province. A very important object might be served by having some body on which representatives from all provinces may be present; but before they permit the exhibition of any film in any part of India, the views of the different provinces should be consulted, so that the film may not be exhibited in a province in which offence may be given. Two instances were given by the Home Secretary, in both of which objection was taken after the offence had been given to religious feeling. I suppose that is a very important aspect of the question. I do not know what may be the proper procedure, or whether there is any legal obstacle in the way or not; but it is important that before any film is permitted to be exhibited in any part of India that the representatives of the different provinces should be consulted as to whether it will give any offence to religious feeling.

[Sahibzada Aftab Ahmed Khan.]

There is another aspect. A film which was shown in Burma exhibited Buddha the founder of Buddhism. Burma being Buddhist objection was taken. Similarly films may be exhibited in other provinces and cause offence to a section of the people; *e.g.*, the Buddhist film exhibited in the United Provinces may cause offence there to Buddhists as well, in the same way as films affecting Hindus and Muhammadans in all provinces. So that it is very important to prevent the exhibition of films in any province where it is likely to give offence. To prohibit them after the offence has been given is not very helpful.

THE HONOURABLE SIR ARTHUR FROMM (Bombay Chamber of Commerce): Sir, I entirely sympathise with the reasons which induced my Honourable friend to bring forward this Resolution, but I would like to bring the House back to only one aspect of it, and that is, the aspect of interference. I do not think that we here should accept a Resolution which would in fact be one of censure on the Provincial Governments. And surely the Provincial Governments, Bengal, Bombay, Madras and the other provinces in this country, are capable of looking after their own affairs, such as the passing of cinema films. If they are not capable of looking after a matter of that kind, I really do not know of what they would be capable.

THE HONOURABLE MR. HAROON JAFFER: Sir, the chief difficulty placed in my way by the Honourable Mr. Crerar is a legal difficulty. Instead of pointing to me to remedy the defect I think it would have been better if the Government had accepted this Resolution and come forward with an amending Bill to remove that defect. The Trade Mark and Patents offices are situated in Calcutta for the benefit of the whole of India. Similarly, I think this board, the proposed central board, could be placed at Calcutta or Bombay instead of at Delhi. My friend the Honourable Mr. Karandikar has replied to some of the other objections raised and it is not necessary for me to repeat them. I have brought a social evil to the notice of the Government of India and it is up to them to remedy it. I think the obstacles placed in the way are not insurmountable. With these words, Sir, I put my Resolution to the vote of the Council.

THE HONOURABLE MR. J. CRERAR: Sir, I for my part also do not propose to detain the House very long at this stage, but I must reply to one or two observations which have been made and I must complain of the omission of other observations which I invited and which have not been made. It has been stated by my Honourable Friend Mr. Karandikar that I objected merely on a technical ground to this Resolution. It has been alleged by the Honourable Mover himself that I objected merely on a legal ground. Now I ask the fair judgment of the House whether that really is the case. Did I take legal and technical grounds in explaining to the House what I conceive to be the difficulties in the way of this motion? However, I think there are one or two genuine points of misapprehension which it would be well for me, before the House pronounces on this question, to endeavour to remove. The Honourable Sahibzada used expressions which suggested to me that he thought that the existing law did not provide effective measures for safeguarding against such matters as injury to the religious susceptibilities of any community or of the people of any province. Now if Honourable Members will only examine the law in the matter they would see that there are ample and even drastic powers

residing in the Local Governments and their officers. The District Magistrate of any district in India, if a film is produced within his jurisdiction which has caused or is likely to cause injury to religious susceptibilities, can of his own motion forthwith suspend the certificate of that film, and that film cannot be exhibited until the Local Government have passed final orders in the matter. Now I think that is enough to remove any misapprehension as to whether we do have an adequate machinery. The next question is, whether that machinery is adequately operated. The Honourable Member did not specifically criticize any particular action of any particular provincial board. Possibly he refrained from doing so because he had not the material for doing so, and in any case I should like on behalf of Government, in spite of the many criticisms which are and always will be levelled at any system of censorship you may possibly devise, to acknowledge the onerous and frequently exceedingly inconvenient services rendered by the non-official members of these boards. And I do very strongly appreciate the testimony, which is evidently implied in the Honourable Member's Resolution and in the speeches of the Honourable gentlemen who have supported it, to the intelligence, the efficiency and the integrity of official agencies when applied to difficult and delicate matters of this kind.

I have only one word more to say and it is this. The Government of India and the Local Governments—and the Government of India I mention more particularly, not because I impute any lukewarmness in this matter to the Local Governments but because I happen to be more fully cognizant of what the Government of India have contemplated and are doing in the matter—are very much alive indeed to the importance of this question and of securing that the censorship is properly conducted, having regard to all the other interests which have to be considered. My position then is briefly this. We cannot accept the proposition in the form which the Honourable Member has moved it. I have explained the reasons, and I deny that they are merely technical. The difficulties are of a much greater comprehensiveness than that. We have recently, in a general review of the whole question, called the attention of Local Governments to the directions in which, under the existing Act, by the existing machinery, improvements can be attained. I will not weary the House with details of the points to which we have drawn the specific attention of Local Governments. The question is a somewhat technical one and, in order to convince the House that we have really gone into the matter in great detail, I should have to go into the matter myself in great detail—but I must ask the House to accept the assurance that that is the case. My position then, briefly is this. The Honourable Member must convince us that he can suggest to us practical solutions of the undoubted grave difficulties which subsist in his proposals. In the meantime, until we are presented with such solutions or discover them ourselves, we propose to urge every improvement possible within the limits and by the means provided by the law as it stands.

**THE HONOURABLE THE PRESIDENT:** The question is that the following Resolution be adopted:

“That this Council recommends to the Governor General in Council that, in place of the various existing provincial boards, a single salaried board be appointed for the whole of India to regulate the import into India of cinema films, and to exercise a stricter control over cinemas generally.”

**THE HONOURABLE MR. HAROON JAFFER:** I would like to say a word, Sir . . . .

**THE HONOURABLE THE PRESIDENT:** The Honourable Member has no further right of reply.

The Resolution was negatived.

### CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

**THE HONOURABLE THE PRESIDENT:** Can the Honourable Mr. Chadwick tell us whether his motion is likely to give rise to any controversy? If not, it will be unnecessary to adjourn the House for luncheon.

**THE HONOURABLE MR. D. T. CHADWICK** (Commerce Secretary): I hope not, Sir.

Sir, I beg to move :

“ That this Council do proceed to elect in such manner as may be approved by the Honourable the President, a panel consisting of 8 members from which 6 shall be selected to serve on the Central Advisory Council for Railways, as provided for in clause 6 of the Resolution adopted by the Legislative Assembly on the 20th September, 1924, on the subject of separation of Railway Finance.”

I will only detain the House for a moment. The House will probably remember that in accordance with the recommendation of the Acworth Committee a Railway Finance Committee was appointed, the Members being nominated by Government. A little later a few others were added to that Committee, also nominated by Government, and the Committee was constituted into a Central Advisory Council for Railways. It is now proposed to reconstitute that Central Advisory Council on the lines of the Advisory Councils which are attached to the various Departments, wherein the members are nominated from panels elected by the Legislature. That is all that is proposed in this Resolution. The House will be asked, if the House approves of this Resolution, to arrange to elect a panel of 8 Members from whom 6 Members will be selected to serve on the Central Advisory Council for Railways.

The motion was adopted.

**THE HONOURABLE THE PRESIDENT:** With reference to the motion just adopted by the House, I have to say that nominations of candidates for the panel should be handed in to the Secretary of the Council by the hour of noon on Monday next, the 26th, and that the election, if necessary, will take place on the following day, Tuesday, the 27th.

Has the Leader of the House any information to give to the House as to the future course of business?

### STATEMENT OF BUSINESS.

**THE HONOURABLE SIR NARASIMHA SARMA** (Law Member): Sir, at the meeting to be held on the 27th instant any Bills which may in the meantime have been passed in another place will be laid on the table. The Honourable Mr. Crerar will move that the amendments made by the Legislative Assembly in the Provident Funds Bill, as passed by the Council of State, be taken into consideration, and thereafter certain amendments to those amendments will be moved. The further course of official business will depend upon developments elsewhere.

The Council then adjourned till Eleven of the Clock on Tuesday, the 27th January, 1925.