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COUNCIL OF STATE, 1923.



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COUNCIL OF STATE.

Thursday, the 25th January, 1923.

The Council assembled at Metcalfe House at Eleven of the Clock. The Honourable the President was in the Chair.

REPORT OF JOINT COMMITTEE ON THE WORKMEN'S COMPENSATION BILL.

The SECRETARY OF THE COUNCIL: Sir, I lay on the table the Report of the Joint Committee on the Bill to define the liability of employers in certain cases of suits for damages brought against them by workmen and to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident.

THE HINDU CEREMONIAL EMOLUMENTS BILL—REQUEST FOR POSTPONEMENT.

The HONOURABLE MR. V. G. KALE (Bombay: Non-Muhammadan): May I request, Sir, that the Bill in connection with Hindu Priests' Emoluments which was to have been taken up on the 31st should be taken up at some later date?

The HONOURABLE THE PRESIDENT: I should like the Honourable Member to give his reasons for wishing to postpone the consideration of this Bill. It is in the recollection of the Council that the debate on the Bill was postponed last session; and I was informed that Government had given time for it on the 31st.

The HONOURABLE MR. V. G. KALE: The reason why the consideration of the Bill was postponed was that most Members did not know exactly what the Bill was and I find that many of my Honourable colleagues have not yet arrived; I should therefore like that they should know the details of the Bill before it is taken into consideration.

The HONOURABLE THE PRESIDENT: Has the Honourable the Leader of the House anything to say on this?

The HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): I think it will be better, Sir, if my Honourable friend were to repeat his request at the next sitting; I will be then in a position to say what the views of the Government are with respect to this Bill.

The HONOURABLE THE PRESIDENT: The Bill, I understand, is down for the 31st.

The HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: It would be very difficult to find time for the Bill again because there is such a lot of work this Session.

The HONOURABLE THE PRESIDENT: I think the Honourable Member will see that Government have given time for this Bill and as the Honourable the Leader of the House says, he cannot expect the Government to

[The President.]

give him a second day. If he likes to take the risk of not bringing it up on the 31st and taking his chance later, it is for him to consider. It is quite obvious that I cannot require him to move his Bill if he does not wish to do so. These sorts of arrangements are generally made with the object of promoting the despatch of business in the House and just at present owing to legislation in another place there is a good deal of spare time here. I must leave it to the Honourable Member to say whether he is willing to take the risk or not. I think he must tell the House now whether he will move it or not.

The HONOURABLE MR. V. G. KALE: I think I should like to have it postponed.

RESOLUTION RE PURCHASE OF STORES IN ENGLAND.

The HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadan): Sir, I beg to move:

"That this Council recommends to the Governor General in Council to place on the Council table all the correspondence which has passed between the Government of India and the Secretary of State for India relating to the Resolution passed by this Council on 29th September, 1921, with regard to the purchase of stores in England."

Sir, it may be asked why, instead of asking a question to the Government to put the papers on the table, I am moving a Resolution on the subject, and I think it right to give my reasons for doing so. This question is a very important one, not only for the industrial development of the country but also for financial reasons which, I think, are paramount just now. I think, Sir, it is better that the House should be put in possession of the views of the Indian commercial community on the subject and also that Government should have an opportunity of explaining their position to the House on this crucial question. Before I say anything in support of this Resolution, may I with your permission, Sir, make a reference to the sad and untimely death of Sir William Meyer who was High Commissioner for India at the time of his death and whose services, as one of the ablest Finance Members India had ever had for a number of years, we all appreciate. His death, Sir, has removed a man who was a true friend of India, and if he had been living, the necessity for such a Resolution as this would probably not have arisen. It is because of his death, and because of the uncertainty as to who is going to fill his place that I thought it my duty to bring forward this Resolution.

In this connection I may mention, although it does not strictly arise out of this Resolution, that representations have been made to Government for appointing an Indian in the place of Sir William Meyer as High Commissioner. Many of us however feel that, whether an Indian or an Englishman is appointed to the post, so long as the High Commissioner is staying in England and is amenable to the influence of financiers and manufacturers in England, he is likely to be influenced to a certain extent by them; he will be more amenable to their influence than if he were staying in India and taking orders directly from the Government of India. I know the difficulties in the way of transferring him and his whole department here. We—the Indian Merchants Chamber and Bureau—had certain discussions with the Honourable Member in charge on the subject, and he placed before us the difficulties in the way of transferring the whole of the department to India just at present. I shall refer to them later on.

THE HONOURABLE THE PRESIDENT: I would remind the Honourable Member that this is certainly not exactly relevant to the subject-matter of the Resolution which he is moving. The Resolution asks that the correspondence which has passed between the Government of India and the Secretary of State with regard to the purchase of stores in England should be placed on the table. Now the Honourable Member is contending that the High Commissioner should reside in India. I think that is a matter outside the scope of this Resolution.

THE HONOURABLE MR. LALUBHAI SAMALDAS: I am sorry, Sir, if I strayed away from the subject. We want these papers to be placed on the table of this House so that we may know exactly what action the Government of India has taken in the matter and what reply the Secretary of State has given thereon, because we know that whenever orders are placed outside England, there have been questions asked in the House. Deputations from Sheffield have gone and visited the Secretary of State, but we in India have not got those facilities which the Sheffield manufacturers have. We unfortunately till now have no direct representation in the House of Commons, nor have we the facilities to approach the Secretary of State as the Sheffield manufacturers have. Therefore, we want to know what action the Secretary of State has taken in this matter, specially because we find that for various reasons the High Commissioner has been obliged to place orders in England at a higher price than was quoted by other countries. Various reasons have been given for doing so. One ground is that in some cases the delivery by the English manufacturers was quicker; another ground is that the lowest tenderer was not on the King's Roll, and there is yet another, which is rather funny in a way, that as the order had to be executed within the allotment of the year it had to be placed in England, that is, because the Finance Department cannot carry forward the allotment they had to place orders with English manufacturers although the tender was higher. Then there is also the question of special specifications. All these are very important questions, but we want that orders should, as far as possible, be placed in India by the Government of India, that the tenders should be in rupee currency and the delivery should be in India. The difficulties which the Honourable Member has placed before us . . .

THE HONOURABLE MR. C. A. INNES (Commerce and Industries Member): May I rise to a point of order, Sir? The Resolution asks us to lay on the table all the correspondence which has passed between the Government of India and the Secretary of State for India with regard to the purchase of stores in England. It has nothing to do with the purchase of stores in India. Our instructions related solely to the procedure to be adopted by the High Commissioner when he received orders from India. They did not relate to the question whether orders should be sent from India to England at all. I submit, Sir, that the Honourable Member is out of order.

THE HONOURABLE THE PRESIDENT: I think the Honourable Member is rather inclined to stray away from the main purpose of his Resolution which asks that all the correspondence which has passed between the Secretary of State and the Government of India should be laid on the table.

THE HONOURABLE MR. LALUBHAI SAMALDAS: I am sorry, Sir, if I have strayed away from the subject matter. Let me make it clear that I do not want to refer to orders placed in India for Indian goods. I am merely referring to orders placed in foreign countries and what I meant.

[Mr. Lalubhai Samaldas.]

was that orders for these goods should be placed from this country. I hope the Honourable Member will see that that at least was one of the questions raised in the Stores Purchase Resolution. I do not want to refer to the other question of placing orders in India. That is being considered by a small Committee called the Railway Industries Committee and I do not want to bring that question before the House at this stage. I may do so later on if there is any necessity for doing so, but for the present I am merely referring to orders placed in England by the High Commissioner for goods manufactured in England or other foreign countries. Sir, I want that the Government of India should place the orders for these goods from here direct, and not through an officer who is more likely to be under the influence of English manufacturers than he would be if he were residing in India. That is the sole reason why I want that orders should be placed here.

I will now refer only to one matter arising out of a statement that was laid on the table of the other House and a copy of which was supplied to my Chamber. Amongst other items orders for which were placed in England although quotations from other countries were lower, one is about pugree cloth. We cannot understand why the orders for pugree cloth should have gone to England. We in India thought that we could manufacture pugree cloth, but somehow the orders were placed in England. An explanation may be useful to remove any doubt in the minds of many of us as to why orders for an article that is usually manufactured in India were sent to England. As regards the larger question of organizing a complete Stores Purchase Department, I hope that the Government of India will see their way to do so as early as possible. As regards the final goal, I think the Secretary of State, the Government of India and the Indian mercantile community are at one. They all want that the orders should be placed in India by the Government of India through their special organisations. The difference between us is about the period within which this organization should be completed. If the Government of India really want to adopt this policy immediately, there ought not to be any difficulty in the way. They have started one branch for orders for piece-goods required by the Army Department, and if they are in earnest, they can do the same as regards other materials required by Railways and other Departments. I hope therefore that the Honourable Member in charge will in his reply give us the assurance that orders for all materials will be placed in India as far as possible.

The HONOURABLE MR. D. T. CHADWICK (Commerce Secretary): Sir, as a new Member speaking for the first time, I claim the indulgence of this House which I know it will extend to any one in my position. The debates in this House, I know, are maintained on a high level, and I trust that in time, the Members of this House will kindly educate me till I approach somewhere near the level consonant with its traditions.

First of all, I should like to say that we from the Government Benches associate ourselves very closely with the Honourable Member's kind references to Sir William Meyer. He worked for India with singleness of purpose literally till his death. His abilities and strength of character are well known, but still more, we treasure the memory of his kindness and thoughtfulness. May I say, Sir, that in him I personally lost a Chief whom I respected and loved?

Coming to the Resolution, I am rather in difficulties because the Honourable Member has covered an extremely wide field. In asking for the papers to be laid on the table of this House, the Honourable Member has also asked for a declaration of policy. This question of stores has frequently been debated, and it is perfectly well known to the House how it arose. Sir William Meyer with his usual frankness in his evidence before the Railway Commission mentioned perfectly openly that he was in certain circumstances giving a certain amount of preference to British manufacturers. Later the matter was thoroughly discussed and the result was the issue of the Government of India Resolution dated December 22nd, 1921. A copy of that has been laid on the table of the House, and, as far as I know, no real exception has been taken to the terms of those orders which definitely bind the High Commissioner with hoops of iron that he should deal with these tenders on strict business principles, that is, on the same principles on which any businessman would deal with them giving due weight both to the initial cost, to prompt delivery, to reliability and to the suitability of the firm which is tendering. Naturally one would have expected the matter to end there. Yet the Industries Department welcomes this Resolution because there still seems to be a feeling that, in spite of those instructions laid down, they had by some secret or underhand or unknown method whittled them away, that the Secretary of State or some other body or bodies had endeavoured to make those orders of no effect. I wish to say here as categorically as ever I possibly can that no instructions have been issued either officially or demi-officially, either secretly or privately, or by any other means, detracting from the orders which followed that Resolution of September 1921, and were issued in the following December.

Now, Sir, what about the request to lay on the table the papers relating to the correspondence with the Secretary of State, about that Resolution? The Resolution was come to by the Government of India and a copy was forwarded to the Secretary of State for his information. I am in a difficulty because there is nothing practically to put on the table. The House is in possession of all the information.

The next point the Honourable Member has raised is this interview with the Sheffield manufacturers. There was nothing wrong in the Sheffield manufacturers or any other manufacturers going to the Secretary of State. They had an interview and it was agreed, to begin with, that the details of that interview should be kept private. That is a perfectly common occurrence in the work of any Government and of any business. The information about the meeting was forwarded to the Government of India for their information. There was nothing whatever objectionable in the interview that took place. The full gist of what happened has already been communicated to the House in answer to a question and I think the Honourable Member is aware of it. I don't think he wishes me to read it out again. I assure him, and I hope he will accept my assurance, that there is nothing more to be said. I trust he will accept that. I am glad he does. And what was the result? The Government of India told the High Commissioner that they had seen the notes of this interview and they told him and also replied to the Secretary of State that they saw nothing therein which should cause them to alter in any way the orders which they had already issued. That in fact covers the whole of the request raised in this Resolution. I know there is a sort of feeling in some quarters—it would be interesting to know how it arose—that, if any orders are placed in England, it must be as a result of some occult or secret influence. That is ridiculous. Possibly that idea has arisen from

[Mr. D. T. Chadwick.]

the fact that England has been so long a manufacturing country or by the strident claims made by other competing countries that British manufacturers must be both more expensive and out-of-date. Well, I don't need to go into that. There is all the evidence of the war and the development that then took place, the inventiveness and resource then shown by the British manufacturers and labour to disprove that. As for prices, we all know that shareholders in many companies in England have been foregoing dividends, Directors and others have been reducing profits, and labour has been accepting lower wages in order that their goods may be sold at competitive rates. And everyone of you must know that British manufacturers can and do quote in many instances superior goods at very competitive prices. There is no basis for the suspicion I alluded to. I am glad to see the Honourable Member agrees that had Sir William Meyer continued as High Commissioner he would have had no anxiety whatever over this matter of stores. I do not think he need have any fear for his successors. Sir William Meyer started the tradition and that, with the orders already issued, is sufficient to guide and protect any High Commissioner in the future. They protect him completely. As for the other items mentioned, I hardly think they arise in this connection—for instance as to what happened to a particular order for pugri cloth. My information is that that question was raised by the Upper India Chamber of Commerce and it was pointed out to them that that exact cloth was not made in India, and that Chamber of Commerce was quite satisfied with the reply. Had my Honourable friend raised the point on the returns which he and his Chamber get every few months, he would have got exactly the same details.

The Honourable Member asked us also to lay down the papers, I suppose, about organising the Department in future. There is nothing to lay on the table, Sir. He himself says the matter is before the Railway Industries Committee. I do not think the Railway Industries Committee has as yet reported, so how can we have any correspondence with the Secretary of State? I submit, Sir, that there is really nothing to lay on the table and that as far as conditions to be observed by the High Commissioner in the purchase of stores the Government of India have not moved one inch from the position they took up in this Chamber in September 1921, and which they elaborated in their orders of December 1921.

THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): I just want to say one thing, Sir. As the name of Sir William Meyer has been mentioned, would it not be well to send a letter of condolence?

THE HONOURABLE THE PRESIDENT: If the House feels so disposed, the matter can be raised after the question time at any meeting.

THE HONOURABLE MR. LALUBHAI SAMALDAS: Sir, in view of the lucid explanation given by the Honourable Mr. Chadwick and of his assurance that there are no papers to be laid on the table, I cannot press him to lay on the table papers that do not exist, but the House will have felt that this debate has removed certain misapprehensions in the minds of many of my colleagues who are still under the impression that, though, as the Honourable Mr. Chadwick said, no official orders, private or demi-official, were issued, the High Commissioner, being under the influence—social influence if I may say so—of the manufacturers, may place orders with Englishmen. But, in view of what has fallen, I hope

that that misapprehension will disappear and I hope the new officer, whoever he may be, I personally hope he will be an Indian, will be able to carry on the traditions so well set by Sir William Meyer.

The HONOURABLE THE PRESIDENT: Do I understand that the Honourable Mr. Samaldas has asked permission to withdraw his Resolution or does he wish to put it to the vote?

The HONOURABLE MR. LALUBHAI SAMALDAS: It must be withdrawn, Sir, since there are no papers to lay on the table.

The Resolution was, by leave of the Council, withdrawn.

APPOINTMENT OF PUBLIC SERVICES COMMISSION.

The HONOURABLE SIR MALCOLM HAILEY (Home Member): Sir, before the next Resolution is moved, I pray for your permission to make a statement to the Council. Indeed, if I had not taken the opportunity of asking that permission, and of making such a statement, I should have felt that I lay under the imputation of discourtesy both to the Council and to the Honourable Member, the Mover of this Resolution.

The Council will remember that a short time ago, in answer to certain reports in the press that it was the intention of His Majesty's Government to appoint a Royal Commission on the public Services, we issued a communiqué stating that those remarks were unauthorised and inaccurate. That they were unauthorised is certain. That they were inaccurate in terms I shall shortly be able to convince the House for they referred in definite but incorrect terms to the scope of the work of the Commission, if appointed. Since then the matter has proceeded further, and I now have a definite announcement to make to the House that His Majesty's Government have decided on the appointment of such a Commission. It will be better, I think, that I should read to the House the exact terms of the announcement authorised by His Majesty's Government. If I may, I would invite a careful attention to the terms of the announcement since they define the scope of the Commission's inquiry and to some extent anticipate its terms of reference. This is the announcement:

"His Majesty's Government have decided to appoint a Royal Commission on the Services in India. The precise terms of reference to the Commission have not yet been definitely settled, but will be wide in their scope. It is contemplated that the Commission will be required, having general regard to the necessity of maintaining a standard of administration in conformity with the responsibilities of the Crown for the Government of India and to the declared policy of Parliament in respect of the increasing association of Indians in every branch of the administration and having particular regard to the experience now gained by the operation of the system of government established by the Government of India Act, to inquire into the organisation and the general conditions of service, financial and otherwise, of the superior Civil Services in India and the best methods of ensuring and maintaining the satisfactory recruitment of such numbers of Indians and Europeans respectively as may now be decided to be necessary in the light of the considerations above referred to."

That is the announcement, and I have only to add that it is not the intention of Government to ask the permission of the Secretary of State to publish any correspondence that may have taken place between us on this subject.

The HONOURABLE THE PRESIDENT: I allowed the Honourable the Home Member to make a statement to the House because it may have a

[The President.]

very material bearing on a Resolution which may be moved to-day. I think the House will agree with me that when the Government are prepared to make a statement giving the House information of this kind, such a statement should always be allowed.

RESOLUTION REGARDING THE INDIAN CIVIL AND OTHER IMPERIAL SERVICES.

The HONOURABLE MR. V. G. KALE (Bombay: Non-Muhammadan):
Sir, the Resolution which I have to move runs as follows:

"That this Council recommends to the Governor General in Council that he may be pleased to place on the table of the Council all the correspondence that has recently passed between the Government of India and the Secretary of State for India on the question of the improvement of the conditions and prospects of the Indian Civil Service and other Imperial Services, especially in connection with the appointment of a Commission to inquire into the matter."

The announcement which has just been made on behalf of Government in one way facilitates my task and in another increases my difficulties. We have just now been told that the Government of India will not be in a position to ask the Secretary of State for India for permission to publish the correspondence which has ensued between the Secretary of State and the Government of India. Sir, I do not see any sound reason why this permission should not be sought. On the contrary, I feel that there is every strong reason why this correspondence should be published. A Royal Commission is going to be appointed to inquire into the question of the recruitment, the organisation and the maintenance of the higher Civil Services in this country. Now, it may be asked "What was the necessity for the appointment of a Royal Commission"? This question has been discussed at great length in the press in England and in this country. Apart from the fact that a Royal Commission is a very costly affair, there is involved another consideration, namely, that a Commission which will make inquiries on a wide scale is sure to embitter racial and political feelings, especially in the present mood of the country. Sir, after all, what is the Royal Commission going to inquire into? Is it going to raise the whole question of the Public Services which is intimately associated with the Reforms? So far as I see, there are certain grievances of the Services which they want to see redressed. And, I may here remind Honourable Members of the debate that we had in this House in September last on a Resolution I moved on the Premier's speech. In the course of that debate it was made quite clear that we on this side of the House were prepared to agree that any legitimate grievances the Services had, should certainly be looked into, and if necessary, redressed. At the same time, it was made equally clear, first, that the process of Indianisation must go on with reasonable rapidity, and secondly, that no improvements in the conditions and prospects of the Services could be effected, which would be calculated to maintain intact the prestige, the functions and the powers of the Services, in the near future, if the Reforms were to be a real success. Subject to these conditions, I say, we were quite willing that the grievances should be inquired into. But there is another factor in the situation and that is the most important factor, namely, financial. I need hardly remind the House of the parlous situation in which the finances of the country stand at the present moment, and no reform with regard to the Services can be undertaken or can be

contemplated which is likely to add very seriously to the burden of expenditure and of taxation. Take the Civil Service. Is it not a fact that already important improvements have been made in the conditions and prospects of that Service? I think it is a fact which would be admitted by all that so far as the junior members of the Service are concerned, liberal increases in salary have already been granted. Then again, there have been increases made in the salaries of certain specific appointments. If I am correctly informed, the salaries of Commissioners in some provinces have been so raised. Then further, there is the consideration of the contribution that the members of the Service made to the Pension Fund. A remission of their contribution to this Fund is practically an addition to their salaries. Then there is the time scale applied to all members of the Service. This also means an addition to the emoluments of the Service. I also learn that in the case of certain high appointments increased pensions have been granted. (*The Honourable Sir Malcolm Hailey*: "No.") I am contradicted and I stand subject to correction in this matter. But my information is that for servants who have put in a service of 21 years, pensions have been increased, but if that is not correct, certainly I will not advance that argument. Then the leave rules have been liberalised and one serious grievance of the Service has been removed. Then there is the overseas allowance which also means a steady and substantial addition to the salaries. Then, in the case of many officers a consolidated travelling allowance means some addition to the salary. But in spite of all these items of improvement, it has been contended that on account of high prices which have prevailed in England and in India, a further improvement of salaries and emoluments has become necessary. But may I point out that prices have been declining both in England and in this country? Passages to England also have become cheaper and are likely to become cheaper still in the near future. There are, therefore, several weighty considerations on the one side which would certainly not encourage the idea of any substantial increases in Service salaries and emoluments. In the case of new entrants into the Imperial Services, in particular, I do not see why that question should be considered at all from either the financial or the political point of view. It will have to be admitted that candidates for the Indian Civil Service will have to take the country as it is and with the political situation as it will develop in the near future. They will have to make up their minds as to what the Reforms will bring and consequently that is not a consideration which can be taken into account in increasing the salaries. So that, we come back to the financial aspect.

THE HONOURABLE THE PRESIDENT: I do not wish to interfere unduly with the Honourable Member at this stage, but I must really ask him to approach more closely the actual subject of this Resolution, which is the publication of certain correspondence.

THE HONOURABLE MR. V. G. KALE: Sir, I wish that the correspondence between the Government of India and the Secretary of State should be published because I feel that all these considerations must have been present to the mind of the Government of India when they had been communicating with the Secretary of State. So much has been written and said about the famous O'Donnell circular issued by the Government of India. Critics have made that circular a peg to hang all their diatribes of the Government on, so that the correspondence, we feel certain, must have contained references to all these points before they arrived at their conclusions with regard to the terms of reference and the

[Mr. V. G. Kale.]

scope of inquiry by a Royal Commission. All the matters I have referred to, must have been investigated, and the Indian public will certainly like to know what attitude the Government of India have taken in this regard. I am aware, Sir, that it is exclusively in the power of the Secretary of State to regulate the conditions of recruitment and service, especially of the Imperial Services in India, but the Government of India, fortunately or unfortunately, occupy the position of a buffer. They have no doubt ultimately to be amenable to the control of the Secretary of State, but we can and must take hold of the Government of India and ask them to represent our views to the Secretary of State who, if he chooses, may ultimately decide these matters over the head of the Indian Government and the Indian public. I am confident that the Government of India must have placed all those views which Indian public opinion has from time to time emphasised, before the Secretary of State, and if the correspondence is published, the public will get an idea as to how the Secretary of State tried to meet the arguments on the other side. I contend, Sir, that the appointment of a Royal Commission must have been, if not opposed, discouraged by the Government of India. I have already dwelt on the question of the present conditions and prospects of the Imperial Services. The Government of India could have easily formulated their own views on the facts well known to them, and the Secretary of State might have taken such action as he thought fit upon them. No Commission of inquiry, and no Royal Commission in particular, was needed for this purpose and I am afraid the object of the appointment of a Royal Commission will not be fulfilled. The feelings in this country and also in England, which are already sore, the feelings of the friends of the Services and of their critics, will only be embittered and the situation is not likely to be improved by the appointment of a Royal Commission. These questions should have been decided certainly not without inquiry, but they could have been decided by such representations as the Government of India would have made after consulting the Local Governments and Indian public opinion, and then the Secretary of State should have taken action upon the representations of the Government. For these reasons, Sir, I wish that the correspondence between the Government of India and Secretary of State on the question of the present conditions and prospects of the Imperial Services should be placed upon the table of the House.

The HONOURABLE SIR MALCOLM HAILEY (Home Member): I do not propose to follow the Honourable Mr. Kale through the whole of his argument. His specific demand is that we should lay on the table of the House such correspondence as has taken place between us and the Secretary of State on the subject of the appointment of a Royal Commission. I shall deal only with the reasons which he advanced for the necessity of such a course. He has, in arguing his case, brought into discussion the necessity or otherwise of any improvement in the terms of pay and allowances of the Civil Services; I shall not follow him there, for debate on that point is not strictly germane to his motion. I note only that he admits, as other Members of this House have admitted in a previous discussion, that the Services are labouring under certain economic difficulties, and he fully concedes that those difficulties should have been the subject of an inquiry of some kind. The list he gives of recent improvements in pay of one Service, the Indian Civil Service, is a long one; but it is not so imposing in fact as it seems in recital, and he must allow me to inform

him that it has been calculated that the total increase in emoluments of that Service amounts altogether to something between 8 and 13 per cent., whereas, of course, the prices in India which affect the Services have risen certainly something over 65 per cent., and by some calculations to 75 or 85 per cent. But that is by the way, and I merely give it for the Honourable Member's information. The real question raised by him is whether that inquiry should have taken place on the part of the Government of India or through the agency of a Royal Commission. He asks us to lay the papers on the table because he is convinced that, if we did so, it would show that the Government of India had in its mind the many considerations which he has put forward against the appointment of a Commission. He proposes himself to be convinced that we have represented these to the Secretary of State; he is anxious to know what the Secretary of State said in reply, and why in spite of such considerations he has made up his mind that a Royal Commission should be appointed. I am afraid that I am rather too experienced a bird to fall into the net of Mr. Kale, charm he never so wisely. Mr. Kale's kind and sympathetic suggestions of the arguments which he is sure we adduced, cannot make me break that confidence which we always preserve as between the Secretary of State and ourselves equally in the case of assent or difference, and I will not tell him what were the discussions between the Secretary of State and ourselves, or even if such discussions took place at all. As a matter of fact, I do not think that the placing of papers on the table of the House would really add anything to the information of the Honourable Member, or give him the assistance he seeks in pursuing the argument that a Royal Commission is not the proper instrument for conducting such an inquiry. It might be satisfactory to him to see what we have had to say on the subject, and what the Secretary of State had had to say in reply; but, Sir, the essential facts are, first, that a Royal Commission has been decided on; and second, that the scope of its inquiry goes far beyond what Mr. Kale suggests. It does not deal merely with the questions of pay and conditions of service. He tells us that the House on a previous occasion agreed that it was necessary that any consideration of this question should take full account of the fact that the process of Indianisation must be continued without interference. But what are the terms of my announcement this morning? It is laid down in the preamble that the Commission is to take account of the declared policy of Parliament in respect of the increasing association of Indians in every branch of the administration. In considering that principle, the Commission will have to apply the experience we have already gained of the working of the Government of India Act, and it will finally be necessary for it to decide as a primary part of its recommendations what numbers of Indians and Europeans will be required in future in the light, first, of the major consideration arising out of the preamble to the Government of India Act and secondly, out of the particular application due to the experience we have gained of the working of that Act. Clearly and obviously, its scope goes very far beyond what the Honourable Mr. Kale suggested. In truth, I think that Mr. Kale and his friends would be well advised to welcome the Commission now that they know the terms on which it is to be appointed, and the liberal scope of its operations. They will realise that so far from their having to face an inquiry merely into the question whether the pay of this or that officer is sufficient, or whether increased emoluments should be given to this or that Service, they will now have an inquiry on the most liberal terms of reference, on such changes on the Services which are a necessary corollary to the introduction and the working of the Government of India Act. The

[Sir Malcolm Hailey.]

successful working of that Act and the progress of reforms depends on the maintenance of an administration on the lines laid down in the preamble to that Act. Many close observers have indeed expressed the opinion that that inquiry might well have taken place at the same time that Parliament was inquiring into the terms of our Reform Act. But if it has been delayed, it is all to the good, since it will not base its views on *a priori* considerations, but on experience actually gained of nearly three years' working of the Act. I must apologise if like Mr. Kale I have been led into straying somewhat beyond the immediate purpose of the Resolution. But I think I have made it clear to him that very little would be gained by pursuing his desire that the papers should be laid on the table, that it is far better that he and those of his friends who have started with an initial dislike to a Royal Commission, should accept the fact of its appointment on the terms announced as on the whole beneficial rather than otherwise. I suggest to him that he might withdraw his Resolution in view of what I have said as to the wide and liberal scope of the inquiry which will be undertaken by the Commission and of the essential necessity of such an inquiry if we are to pursue the path of reforms, with services so organized as to be in a position to aid in the consistent progress of such reforms.

The HONOURABLE SAIYID RAZA ALI (United Provinces East: Muham-madan): Sir, I entirely agree with my friend, the Honourable Mr. Kale, that it was not necessary in order to redress the grievances of the Imperial Services to have recourse to a Royal Commission. Those grievances, Sir, could very well have been removed and the question of pay, allowances and pension duly considered and if necessary the prospects of such pay, allowances and pension improved by the appointment of a mixed committee of official and non-official Members of this Council by the Government of India. In spite of all that our detractors might say, there is no doubt that on the whole the system of handling important questions through committees has worked during the past two years on the whole successfully, and there is no reason to doubt that in fact a Committee of the representatives of various Imperial Services and the representatives of the Indian Legislature would have been far more competent to deal with this problem than any Royal Commission. But, Sir, when I have said that

The HONOURABLE THE PRESIDENT: I would point out to the Honourable Member that this is not a discussion on the question whether a Royal Commission should or should not be appointed, but the issue is whether certain information be placed on the table of the House. No doubt the tendency has been for speakers on both sides of the House to go beyond the question, but the main point that should be kept before the House is the question of publication of papers.

The HONOURABLE SAIYID RAZA ALI: In fact, Sir, my remarks towards that point had just begun. As I was saying—but when I have said that I have not said all that I can say on this subject. It may be that the latter course was unfortunate. All the same, an announcement has been made that a Royal Commission is going to be appointed to inquire into this matter. It may be, Sir, that from our point of view such a Commission is unnecessary because there are other methods of dealing with the question. After all, we know the unfortunate fact, the accomplished fact, so far as we are concerned, is, that a Royal Commission is coming out to this country to make, I believe, full inquiries into this subject. That being so, I would suggest to my friend

12 Noon.

the Mover of this Resolution whether really any purpose that is near and dear to his heart would be served if the correspondence between the Secretary of State and the Government of India was published just on the eve of the Royal Commission entering on its labours. My Honourable friend went on to give a number of weighty considerations against the appointment of the Royal Commission and expressed the hope that the Government of India did put these considerations before the Secretary of State. Now I agree with my Honourable friend, and I have every reason to believe, that those weighty considerations were put before the Secretary of State by the Government of India. But if so, is the request to have the correspondence published, when we have every right to presume that weighty considerations against the appointment of the Commission were urged by the Government of India, a reasonable request? If the arguments advanced by my Honourable friend, with which I agree, are correct, the result would be this, that the publication of the correspondence would lead to disclosing differences of opinion between the Government of India on the one side and the Secretary of State on the other which would be conducive neither to the smooth working of the Commission nor to placing our point of view strongly before this Commission. I entirely agree that my friend was perfectly justified in moving this Resolution as it expressed the almost unanimous feeling of the Members of this House till the announcement had been made by the Honourable the Home Member, but as I have pointed out, as it is, fortunately or unfortunately a decision has been taken on the question, and therefore I would suggest whether my Honourable friend, the Mover, does not think that the proper procedure under the circumstances would be to withdraw his Resolution. By withdrawing the Resolution, of course, he does not weaken his point in any way. It would be open to all of us to place our view-point before the Commission; but to me it seems, Sir, that a request for the publication of the correspondence for the reasons given by the Honourable Mover himself is not a proper request after the announcement made by the Honourable Sir Malcolm Hailey.

The RIGHT HONOURABLE V. S. SRINIVASA SASTRI (Madras: Non-Muhammadan): Sir, it is a very difficult task to refrain from making any remarks on the necessity or otherwise of the Royal Commission, but I will try to obey your ruling, as far as possible. The fact that the terms of reference are very wide or will be very wide, as indicated in the statement made by the Honourable the Home Member, is very important. The objections to a Royal Commission are greatly weakened by that fact. Nevertheless, the appointment of the Commission is so much at variance with public sentiment in India that it might be helpful to publish the papers as requested by the Honourable the Mover of this Resolution. I am not by any means sure that along with the papers which will be submitted to the Royal Commission the papers now asked for would be published as a matter of course; perhaps they would be. Nevertheless, the point of the Honourable the Mover is of some significance in itself. The Honourable the Home Member took up the very natural position that he would not be justified in disclosing any differences that might have arisen between the Secretary of State and the Government of India in the course of that correspondence. Avowedly or otherwise, the mere publication would disclose these differences, and the Honourable the Home Member with admirable self-restraint resisted the temptation of enlisting the sympathy of the Indian public on the side of the Government of India. But the public of India have a somewhat different point of view

[Right Honourable V. S. Srinivasa Sastri.]
 from the Honourable the Home Member, because the development of the Indian constitution hereafter will necessitate a complete discrimination made between the Secretary of State for India and the Government of India in India.* We cannot afford to overlook that distinction any longer. It is of supreme significance to us that the Government of India should, as soon as possible, rise to its full stature as a Government over three hundred millions armed with almost unlimited authority, but crippled constitutionally, by having to consult a higher authority at the beginning, during the whole course, and at the end of any important measure, either of legislation or of administration. It is a thousand pities that the growth of the Government of India and its constitution should be delayed and hampered by the necessity of continued references to England, and we, who represent the public of India, have every right to ask on all possible occasions that the Government of India should be set fully upon its feet and should be able in a regular constitutional manner to set the wishes of the people of India above even the wishes of the Secretary of State in so far as their own views indicate that such course is proper. Why, Sir? This distinction, repudiated with just emphasis for his own part by the Honourable the Home Member between the Secretary of State for India and the Government of India, is itself recognised by the declaration of August, 1917. For it is there clearly stated, although in my view quite unnecessarily, it is there clearly stated that the future development of the Indian constitution depends on the satisfaction afforded by the progress here both to the authorities in England and to the authorities in India, thus recognising the distinction between the Government of India and the Secretary of State and even the co-ordination of the Government of India with the Secretary of State for India. But our interests lie somewhat deeper in this question. We desire, in expressing our disapprobation of the appointment of a Royal Commission, that that disapprobation should take effect, but it cannot take any effect if we beat the air and attack anybody and everybody indiscriminately. We have got to concentrate on the party which we consider to have gone the more decisively against the wishes of the Government of India, and we should like to know certainly what position the Government of India took up and how far the Secretary of State for India either overrode their decision or was in agreement with it. We cannot afford to let these facts lie under a veil. They must be exposed to the public gaze of India.

It has been, Sir, recently stated over and over again that the Secretary of State for India is trying to set at naught a principle which was asserted by the Joint Committee that sat on the Bill of 1919, to the effect that, where the legislative and executive authorities in India were in concurrence on any important subject, the Secretary of State should not as a rule interfere unless imperial interests were involved. We should like to know whether that principle has been upheld or has been given the go-by in the conduct of the negotiations regarding the Royal Commission. It is for that purpose largely and not for the purpose of inquiring into the necessity of the Royal Commission itself that we are concerned to ask that these papers be published. It is of importance to us to know whether this is also to be added to the list of cases in which the Secretary of State has set at naught that all-important principle of non-interference in cases of concurrence between the Legislature and the Executive in India. I am not, Sir, going into the other question of the Royal Commission itself. As you have just ruled, it is not for us to raise the merits

of the Royal Commission itself, and I do not do so, but I would rest my case for the publication of papers upon this ground that the public of India are interested in knowing how far in this particular matter the wishes of the people of India, as represented by the press and by public bodies who have given expression to their views—how far the wishes of the public of India have been represented in the negotiations either by the Government of India or by the Secretary of State.

The HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-Official): I originally sent in an amendment to this Resolution but I find that, as the Secretary of State has made up his mind to appoint a Commission, I do not wish to propose my amendment.

As regards the Resolution, I want to make a submission and that submission is that I think that, as a long correspondence has taken place between the Government of India and the Secretary of State, that is really a proper and a good reason why it should be laid before this House because we like to follow out the history of this transaction as to how it began, how it developed and how it has culminated in the appointment of the Royal Commission. To my knowledge there have been two Royal Commissions on this subject before and they went all over the country and made long inquiries but unfortunately the results were not anyway commensurate with the time and trouble spent over it. And this third Royal Commission, I have my doubts as to what it will accomplish, but my own idea was and still is that I should like to see on what grounds the Secretary of State thought fit to appoint it before the matter was discussed here or ripe for being discussed. So I support the Resolution, though I wish it may be withdrawn because it is not likely to lead to anything now.

The HONOURABLE MR. V. G. KALE: Sir, much that I had to say in reply, has already been anticipated by my Right Honourable friend on the right and therefore I will not detain the Council with any more remarks of my own. There is one thing, however, which fell from the Honourable the Home Member with respect to the character and scope of the Royal Commission, which according to his opinion might lead me to ask for leave to withdraw the Resolution. I was surprised and agreeably surprised to know from him that this Royal Commission has been necessitated by the desire of Government to find out how the Government of India Act is working and it is to be tested by our past experience—the experience that we have had during the last two years. I am glad to find that this argument has been seriously urged in favour of the Royal Commission. Sir, many appeals have been made to Government to inquire into the working of the Reforms Act.

The HONOURABLE SIR MALCOLM HAILEY: May I remind the Honourable Member, that what I said was, that it was necessary to test the working of the Government of India Act in respect of the Services. I did not say that the Government admitted that a Royal Commission was necessary at this moment in order to judge of the success or otherwise of the working of the Government of India Act generally.

The HONOURABLE MR. V. G. KALE: So, the Royal Commission is going, in the light of the experience of the last two years, in any case to examine the progress of Indianisation and the relation of the appointment of Indians in the various high services in connection with the working of the Reforms Act. If this same argument were to be applied in other fields, I am afraid Government will not accede to the request for similar inquiries. But that is the very reason which discourages me from withdrawing the Resolution.

[Mr. V. G. Kale.]

The Royal Commission is going, we are told, beyond the scope of the considerations I have advanced and that is the greater reason why we ought to know what has led to the widening of the scope of the Royal Commission. People in this country thought that the higher services had certain grievances and those grievances required redress but now we know that the scope of the Royal Commission is much wider than the mere redress of these service grievances. It might affect, I am afraid, the very foundation of the Reforms, for aught we know. That strengthens me in my desire to ask Government for the publication of the papers. I very much regret, Sir, that I do not feel myself in a position to withdraw my Resolution.

The HONOURABLE SIR MALCOLM HAILEY: I have already placed our position before the Council, Sir.

The HONOURABLE THE PRESIDENT: The question is:

"That this Council recommends to the Governor General in Council that he may be pleased to place on the table of the Council all the correspondence that has recently passed between the Government of India and the Secretary of State for India on the question of the improvement of the conditions and prospects of the Indian Civil Service and other Imperial Services, especially in connection with the appointment of a Commission to inquire into the matter."

The Council then divided as follows:

AYES—10.

Jaffer, Mr. I. H.
Kale, Mr. V. G.
Khaparde, Mr. G. S.
Lal Chand, Lieut.
Lalubhai Samaldas, Mr.

Nandy, Maharaja Sir Manindra.
Ram Saran Das, Mr.
Raza Ali, Mr.
Sinha, Mr. Sukhbir.
Srinivasa Sastri, Rt. Hon. V. S.

NOES—15.

Amin-ul-Islam, Mr.
Baker, Mr. C. M.
Barron, Mr. C. A.
Butler, Mr. M. S. D.
Chadwick, Mr. D. T.
Cook, Mr. E. M.
Crerar, Mr. J.
Forrest, Mr. H. T. S.

Froom, Sir Arthur.
Muzammil-ullah Khan, Nawab.
Sarma, Mr. B. N.
Shafi, Dr. Mian Sir Muhammad.
Tek Chand, Mr.
Thompson, Mr. J. P.
Zahir-ud-din, Mr.

The motion was negatived.

RESOLUTION RE CONDITIONS OF SERVICE OF FUTURE ENTRANTS TO I. C. S.

The HONOURABLE SAIYID RAZA ALI (United Provinces East: Muhammadan): Sir, I have a very strong desire indeed to move my Resolution*

* "This Council recommends to the Governor General in Council to recommend to the Secretary of State and His Majesty's Government the desirability of regulating the conditions of service, pay, allowances and pension of all persons admitted to the Indian Civil Service from a certain future date on the following lines:—

- (a) the pay of persons so recruited serving in any capacity, except when appointed to the office of Governor, shall be 25 per cent. less than the present scale of pay;
- (b) the pay of persons whose home is in any place in the United Kingdom of Great Britain and Ireland, so employed, shall be the same as that of a person mentioned in clause (a) above plus an overseas allowance of 25 per cent. per mensem and such passage concession as may be absolutely necessary; and
- (c) the persons so recruited, if serving in any of the transferred departments, shall be subordinate to the Minister in the same way as they were subordinate to the authority corresponding to the Minister before the Government of India Act, 1919, came into force."

But, if I were to do so, I believe I would be preaching one thing and practising another inasmuch as I advised my Honourable friend, Mr. Kale, to withdraw his Resolution. Mine of course is more complicated still. Therefore, Sir, in view of the announcement made by the Honourable Sir Malcolm Hailey, though I am personally inclined to move it, I think it safer to beg leave to withdraw the Resolution.

THE HONOURABLE THE PRESIDENT: There is no need for the Honourable Member to ask for leave to withdraw the Resolution if he does not move it. I must point out to him that he is not entitled to make a speech explaining why he does not wish to move a Resolution. If he moves a Resolution and afterwards wishes to withdraw it, then he must ask the leave of the Council to do so. If he does not wish to move he is only entitled to make a statement to that effect.

The Resolution having been withdrawn that disposes of the business on the list.

The Council then adjourned till Eleven of the Clock on Monday, the 29th January 1923.