

Thursday, 10th March, 1927

**THE
COUNCIL OF STATE DEBATES**

VOLUME I, 1927

(8th February 1927 to 29th March 1927)

**THIRD SESSION
OF THE
SECOND COUNCIL OF STATE, 1927**



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COUNCIL OF STATE.

Thursday, 10th March, 1927.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTION AND ANSWER.

ASSISTED EMIGRATION OF INDIANS IN SOUTH AFRICA TO COUNTRIES OTHER THAN INDIA.

THE HONOURABLE SIR S. R. M. ANNAMALAI CHETTIYAR: Sir, the question of which I gave notice yesterday is this:

(a) Are Government aware that there is some apprehension in India regarding the exact intention of the provision in the recent agreement on the Indian question in South Africa that the Union Government will organise a scheme of assisted emigration to countries other than India?

(b) Will they be pleased to state what the exact implications of this provision in the agreement are?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR: (a) Yes.

(b) The phrase "other countries" is intended to cover emigration to Ceylon and Malaya, to which countries emigration from India is already allowed, and to enable the Union Government to meet applications from Indians born in Mauritius and elsewhere who wish to return to their place of birth. If at some future date the Union Government decide to afford facilities for emigration to other countries, they will doubtless consult the Government of India.

REPEALING AND AMENDING BILL.

THE HONOURABLE MR. S. R. DAS (Law Member): Sir, I move that the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration.

I do not think I need take up the time of the House at any length with regard to this measure. I explained it at some length at the time of introduction and the Statement of Objects and Reasons fully explains the amendments made which are more or less of a verbal and consequential nature. Most of these amendments are for the purpose of including the Royal Air Force where certain provisions relate to the Army and Navy. Sir, I move.

The motion was adopted.

Clauses 2, 3, and 4 were added to the Bill.

The First and Second Schedules were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. S. R. DAS: Sir, I move that the Bill be passed.

The motion was adopted.

SEA CUSTOMS (AMENDMENT) BILL.

THE HONOURABLE MR. A. F. L. BRAYNE (Finance Secretary): Sir, I move that the Bill further to amend the Sea Customs Act, 1878, for a certain purpose, be taken into consideration.

Under the law as it stands at present a rebate of customs duty on goods which have been damaged or deteriorated at the time of entry is only allowed when the duty is charged *ad valorem*, but this is not done where specific duties are levied. Now, there is a tendency for specific duties to take the place of *ad valorem* duties, with the result, for example, that certain articles, such as sugar, paper and matches, which are liable to deterioration, have lost the concession of rebate of customs duty on account of damage or deterioration. The purpose of this amendment is to secure to Government the power to grant rebate in certain cases where specific duties are charged. Sir, I move.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. F. L. BRAYNE: Sir, I move that the Bill be passed.

The motion was adopted.

INDIAN LIMITATION (AMENDMENT) BILL.

THE HONOURABLE MR. S. R. DAS (Law Member): Sir, I move that the Bill further to amend the Indian Limitation Act, 1908, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

This Bill seeks to amend Article 182 of the Limitation Act. Under that Article as it at present stands the period of limitation for a second application for execution begins to run from the date of the previous application. This Bill seeks to make that date not the date of the application but the date of the final order passed on the previous application. Sir, I move.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 2 do stand part of the Bill."

THE HONOURABLE MR. S. R. DAS: Sir, I move as an amendment:

“ That in clause 2:

- (i) after the figures ‘ 182 ’, the letter and brackets ‘ (a) ’ be inserted; and
- (ii) after the words ‘ shall be substituted ’ the following be added, namely:

“ and

(b) for clause 6 of the same entry the following shall be substituted, namely:

‘ 6. (in respect of any amount, recovered by execution of the decree or order, which the decree-holder has been directed to refund by a decree passed in a suit for such refund) the date of such last-mentioned decree or, in the case of an appeal therefrom, the date of the final decree of the Appellate Court or of the withdrawal of the appeal.’ ”

I may mention to this House that I am moving this amendment by reason of an amendment that was moved when this Bill was in the other House and which was withdrawn on my undertaking to look into the matter and agreeing to move the amendment in this House. The matter stands in this way. As the House has noticed, the original Bill sought to amend Article 182 by making the date of limitation run from the date of the final order and not from the date of application. It was pointed out that there may be cases, and in fact a case did occur in the Madras High Court, where after the final order a suit was brought to set aside the order and in which a decree was subsequently made ordering the person who had executed the decree to refund monies which he had obtained in execution, with the result that three years having passed from the date of the final decree in execution he could not proceed any further with the execution of his decree. This amendment is intended to remove that difficulty, that is to say, if after an application for execution a decree-holder obtains relief and if subsequently by reason of a decree in a subsequent suit he is asked to refund the amount realised in execution, he should still have time from the date of the subsequent decree to apply for execution in respect of the decree which he had previously obtained. Sir, I move.

THE HONOURABLE SIR MANECKJI DADABHOY, (Central Provinces: Nominated Non-Official): I do not propose to oppose this amendment in any way. I am not sure as regards the word “ final ”. I do not know if my Honourable friend prefers the word “ final ” to the word “ last ” order. I am not sure whether the word “ final ” is not likely to lead to some complexity and confusion in connection with the determination of what “ final ” means. The Honourable Member has probably considered the matter.

THE HONOURABLE MR. S. R. DAS: We have considered the matter. It was brought to our notice in the other House. “ Final ” means the final court of appeal—the decree made by the final court of appeal whichever that may be.

The motion was adopted.

Clause 2, as amended, was added to the Bill.

THE HONOURABLE THE PRESIDENT: The question is:

“ That clause 1 do stand part of the Bill.”

THE HONOURABLE MR. S. R. DAS: I move as an amendment:

“ That in sub-clause (1) of clause 1, for the word ‘ Amendment ’ the words ‘ Second Amendment ’ be substituted.”

[Mr. S. R. Das.]

This has arisen from the fact that we had omitted to notice when the Bill was first printed that this is the second amendment to the Limitation Act. It is merely a formal matter.

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. S. R. DAS: I move that the Bill, as passed by the Legislative Assembly and amended by the Council of State, be passed.

The motion was adopted.

RESOLUTION RE DAILY ALLOWANCE OF MEMBERS OF THE COUNCIL OF STATE.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): I beg to move the following Resolution which stands in my name:

"This Council recommends to the Governor General in Council to take early steps to give effect to the following recommendations of the Committee appointed to inquire into the privileges and status of Members of the Council of State:

- (1) that Members should be permitted to draw daily allowance for a period of three days' residence before and after the meeting of the Council, instead of the existing period of 7 days;
- (2) that, in the case of non-official Members, a daily allowance at half the daily rate admissible during a Session should be paid for days occupied in travelling to and fro from the place of sitting of the Council, provided that the same privilege is extended to the Members of the Legislative Assembly; and
- (3) that a member, who is a resident of the place in which the Council is sitting, should be made eligible for daily allowance for days on which he attended a sitting of the House or of a Committee of which he is a member."

I shall very briefly state the history of this Resolution. On the 15th February, 1926, my Honourable friend Dr. Rama Rau moved a Resolution in this House to the following effect:

"That this Council recommends to the Governor General in Council to amend the rules relating to the travelling and daily allowances admissible to Members of this Council in such manner as:

- (a) to reduce the period preceding the commencement and following the termination of a Session for which daily allowance may be drawn from seven to three days; and
- (b) to deprive non-official Members of the Council of State of their existing option of reserving a first class railway compartment for their personal use and drawing the actual cost of reserving the compartment in lieu of travelling allowance of 1 3/5ths of a first class fare."

To that Resolution I moved an amendment in the following words:

"That this Council recommends to the Governor General in Council that the Members of this Council be placed on the same footing as the Members of the Legislative Assembly in the matter of honours, emoluments and allowances."

After the Resolution was debated upon for a sufficiently long time Mr. K. C. Roy, who was then a Member of this Council, felt that matters like

this should in the initial stage be discussed in a Committee instead of in the open House. On that ground he moved that the discussion be adjourned *sine die* with a view to bring up a proper motion for the appointment of a Committee. That motion was adopted unanimously by this House and later on, on the 8th March, Mr. K. C. Roy moved a Resolution for the appointment of a Committee. Originally it was understood that the Honourable Dr. Rama Rau should make the motion for the appointment of the Committee but, unfortunately for reasons which it is unnecessary to state here, neither Dr. Rama Rau nor myself was able to take part in the proceedings of the 8th March. Therefore, my friend Mr. K. C. Roy moved the following Resolution :

"That this Council do appoint a Committee under the Chairmanship of the Honourable the President and consisting of the Honourable Sir Muhammad Habibullah, the Honourable Mr. S. R. Das, the Honourable Mr. Crerar, the Honourable Sir Arthur Froom, the Honourable Mr. Khaparde, the Honourable Raja Sir Rampal Singh, the Honourable Colonel Nawab Sir Umar Hayat Khan, the Honourable Mr. Ramadas Pantulu, the Honourable Dr. U. Rama Rau and myself to inquire into the privileges and status of Members of this Council and to make recommendations."

This Committee met some time after Mr. K. C. Roy ceased to be a Member of this House, that is on the 30th August, 1926. You will find from the paper placed in your hands, which contains the recommendations of that Committee, that the Honourable Sir Muhammad Habibullah, the Honourable Mr. S. R. Das, the Honourable Mr. J. Crerar, the Honourable Sir Arthur Froom, the Honourable Colonel Nawab Sir Umar Hayat Khan, the Honourable Sir Dinshaw Wacha and myself were the members who attended the committee. Various proposals were placed before the Committee which related to the privileges of Members of this House. I have confined my Resolution to the three matters on which there was a practically unanimous agreement among the members of the Committee. The recommendations of that Committee which are embodied in paragraphs 4, 5 and 8 of the Report now form the subject-matter of my Resolution. Paragraph 4 runs thus :

"The Honourable Mr. Ramadas Pantulu suggested that Members should only be permitted to draw daily allowance for 3 days' residence before and after meetings of the Council instead of for 7 days as at present. The Committee decided unanimously to suggest to the Council to recommend to the Government to reduce the existing period of 7 days to 3 days provided that a majority of the non-official Members of the Council are of that opinion."

This forms the first clause of my Resolution. The second clause of the Resolution is embodied in paragraph 5 of the Committee's recommendations :

"The Committee unanimously decided to suggest to the Council to recommend to Government that in the case of non-official Members a daily allowance of half the daily rate admissible during a Session should be paid for the days occupied in travelling to and from the place of sitting of the Council.

provided :

- (a) that the same privilege is extended to Members of the Assembly; and
- (b) that the proposal meets with the approval of a majority of the non-official Members of the Council."

That forms the second part of my Resolution. The third clause of my Resolution is embodied in paragraph 8. My Honourable friend Sir Arthur Froom suggested to the Council that Members who are residents of Delhi

[Mr. V. Ramadas Pantulu.]

or Simla, when they attend meetings of the Council or meetings of committees thereof, should be also entitled to daily allowance. The Committee's recommendation is to be found in that paragraph :

"The Honourable Sir Arthur Froom proposed that a Member who is a resident of the place in which the Council is sitting should be entitled to receive daily allowance. The Committee decided to suggest to the Council to recommend to Government that in such cases a Member should be made eligible for daily allowance for days on which he attends a sitting of the House or of a Committee of which he is a member."

Various other proposals were negatived by the Committee and I have not thought fit to bring them up again for discussion in this House. In the normal course Mr. K. C. Roy should have taken charge of this Resolution, and in his absence I have done so. I do not wish to say anything with regard to the merits of these clauses, because they relate to matters which affect all non-official Members personally. They know exactly what is best for them. It is not for me to say what is best for them. They will consider their own interest in this matter as well as the interests of the tax-payer from whose pocket the allowances are paid. They have to consider both interests, and their decision will be judged by the country as the decision of responsible legislators who are dealing with their own allowances. I trust they will be fully alive to their sense of responsibility in this matter. On the first occasion when I moved my amendment, I stated how the position stood with regard to the various Legislatures in the Empire and how the Members of the second Chambers were treated elsewhere with regard to the allowances they got and so on. I have made a fairly full statement of the position of second Chambers in other countries and it is unnecessary to repeat it again. We have now these three definite proposals. Without taking more time of the House, Sir, I would request you to put these three clauses separately. I found in the course of my conversations with some of my colleagues outside the Council that, while they were prepared to accept some of the clauses, they were not agreeable to others. I cannot say what the collective opinion of non-official Members as a body will be, but I know there are at least some who are only willing to accept some parts of the Resolution. Therefore, I think it will conduce to the convenience of non-official Members if you are pleased to put these clauses separately. With these words, Sir, I move my Resolution.

THE HONOURABLE MR. S. R. DAS (Law Member): Sir, I propose to leave this motion to be voted on by the non-official Members of the House. No official Member of the House will vote on this Resolution. I think the House will agree that this is a matter which should be decided entirely by the non-official Members, but I think I ought to indicate to the House the view that the Government take with regard to these recommendations. So far as the first recommendation is concerned, if this House passes it the Government have no objection. So far as the second recommendation is concerned, the position as the Government view it is this. The Members of this House are entitled to reserve a compartment. If they reserve a compartment they are entitled to the actual cost of the reservation but are not at present entitled to any incidental expenses, and I take it that the second recommendation is with a view to allow them those incidental expenses in the way of half the daily rate. The Government would have no objection to that provided

this House passes that recommendation, but so far as the other House is concerned, the position is that they are now entitled to a fare and three-fifths. The fare represents the actual expense of travelling and the three-fifths are intended to cover their incidental expenses. The Government think that it would not be fair that they should have three-fifths of the fare *plus* half halting charges as incidental expenses. If the other House as an alternative asked for one fare *plus* half halting charges I do not think the Government would have any objection, but they think that since they are already getting three-fifths for their incidental expenses it would not be right to add to that half halting charges. So far as the third recommendation is concerned, what the Government feel is this. They have no objection to this provided the House passes it, but they feel that there is no reason why the Delhi or the Simla Members of the Legislative Assembly should not have the same privilege as the Delhi Members of this House. As it is worded with reference to Members of this House resident in Delhi, the Government feel that this third recommendation ought really to be extended to Members of the other House also. With this expression of the views of the Government, I leave it to the non-official Members to decide on this Resolution.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative): Sir, I beg to propose the following amendment to this Resolution:

"In clause (2) the words 'provided that the same privilege is extended to Members of the Legislative Assembly' be omitted, and those words may be added at the end of clause (3)."

These are the amendments which I would propose. As to the first clause I am opposing it. I oppose it, roughly speaking, on three grounds. One ground is that the position in which we are now, that is, getting 7 days' extra allowance here, was not created by us. That position was created by Government, and having got it I do not see any reason why we should be deprived of it. There is really no ground to deprive us of it. From the economy point of view it will save very little, so little as to be negligible in a budget of crores, for this saving can hardly come to thousands and may even amount only to hundreds. So economically speaking, it is what we might call cheese-paring economy, which is not likely to commend itself to any reasonable person. Then if you consider it from the point of view of efficiency I think that by depriving us of four days' allowance will not increase our efficiency. It would certainly decrease our efficiency. (*An Honourable Member*: "How?") How? I will tell you. Those people who live in Calcutta, Madras and Bombay and other large cities have large libraries at their disposal. They can get books and look up references whenever they want. But people like me who live in the mufassil have not those facilities. There is hardly a library within 200 miles of us, and such as there are consist generally of novels, tales and dramas. You could not possibly get a book of reference and reports, etc. I have to come here for that purpose and I come a few days earlier and go to the office, and what might take me two days to find, the clerk in charge very obligingly gives it to me in a few minutes. It saves my time and I am able to read and study. In the mufassil this difficulty has always been felt, and I have consequently always come as far as I was able, a week in advance of the first meeting of this Council. So, if you do that, it will impair efficiency, it will not make for efficiency. (*The Honourable Sir Maneckji Dadabhoy*: "You do not require a library after the Session is closed".) This means that after the Session is closed, I have got to

[Mr. G. S. Khaparde.]

return the books. (Laughter). There is something to be done. I have collected a large number of books, and they have to be sorted and then to be made over there—so ultimately there is work to do. (Laughter). Lastly, there is a great point in this, and it is a very useful thing and I look upon it in the same way as when in a budget debate you ask a person to effect a reduction of one rupee in the allowance of any person. That rupee really means nothing, and I do not think the officer is poorer for losing that rupee, but it implies a certain amount of censure. We have had this all this time: why is it being sought to take it away? What have we done that we should be deprived of it? I never asked for it, it was granted to me by law, and that law was framed by the Government of India and approved of by the proper authorities. I have been discharging my duties to the best of my ability, and why is it sought to take it away now? On what ground? It implies a slur, and I resent that slur which is sought to be cast on me. Further, what I say is that it does not save much, it saves so little that it is practically negligible. So taking it all together, it works against my sentiments: the position is created by law, it is given to me by law, and why should I surrender it for nothing? There is no earthly reason. I may or may not be entitled to it, but if the Government give it to me and I am put in possession of it, I shall object and will fight it out if you want to take it away. On these grounds, therefore, I object to the first clause which seeks to remove the allowance which is granted at present one week before the Council begins and one week after it ends. I need not say much on the second amendment because the Honourable the Law Member has indicated the view of the Government, and as it happens, I happen to agree with that view that the words should be taken out of clause 2 and added at the end of clause 3. So I commend my amendment to the House with these remarks.

THE HONOURABLE THE PRESIDENT: I am not quite clear from the Honourable Mr. Khaparde's closing remarks as to what he intends to do. I did not understand the Honourable the Law Member to suggest that the proviso should not apply to clause (2) at all but that it should apply to clause (3). I understood him to say that the Government view was that it should equally apply to clauses (2) and (3). I think that, as the Honourable Member has drafted his amendment, the proviso will not apply to clause (2) but it will apply to clause (3)?

THE HONOURABLE MR. G. S. KHAPARDE: That is my view of the matter. It does not apply to clause (2) because they already get an allowance, and it would be in the nature of giving them a second allowance. They get a berth, then they get their three-fifths allowance for incidental expenses, and in addition to that, we shall be paying them so much more.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That in item (2) the words 'provided that the same privilege is extended to the Members of the Legislative Assembly' be omitted, and that the same words be added at the end of item (3)."

I may inform the Council that I intend to do as suggested by the Honourable Mover of this Resolution and to put the Resolution finally in three parts. There is therefore nothing to prevent Honourable Members indicating their view on the Resolution as a whole with the amendments proposed by the Honourable Mr. Khaparde.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhamadan): It seems to me, Sir, that there is some confusion in the mind of the Honourable the Mover if in paragraph (2) he refers to non-official Members and in paragraphs (1) and (3) he refers to Members, by which he must mean both non-official and official Members. I shall therefore be obliged to the Honourable Member if he will indicate whether in paragraphs (1) and (3) he also means non-official Members and if he proposes to introduce the word 'non-official' before the word 'Members.'

THE HONOURABLE MR. V. RAMADAS PANTULU: It is meant to apply to non-official Members. There is no confusion. I agree that there are good reasons to confine them to non-official Members.

THE HONOURABLE SIR PHIROZE SETHNA: Will the Resolution be so amended, Sir?

THE HONOURABLE THE PRESIDENT: I think it would probably be more satisfactory if an amendment were formally moved and that word were inserted.

THE HONOURABLE SIR PHIROZE SETHNA: I move:

"That where the word 'Member' is used in paragraphs (1) and (3) the word 'Member' be preceded by the word 'non-official'."

I understand that the Honourable Mover accepts that?

THE HONOURABLE MR. V. RAMADAS PANTULU: I accept it.

THE HONOURABLE THE PRESIDENT: Further amendment moved:

"That in item (1) for the word 'Members' the words 'non-official Members' be substituted, and that in item (3) for the words 'that a Member' the words 'that a non-official Member' be substituted."

THE HONOURABLE SIR PHIROZE SETHNA: Sir, my attention is drawn by an Honourable Member to the fact that official Members do at present get the benefit of seven days' allowance. May I know if that is so, Sir? (*An Honourable Member from the Official Benches: "They do".*) In that case, may I be permitted to have my amendment relate only to paragraph (3) and not to (1). Will you permit me to do that, Sir?

THE HONOURABLE THE PRESIDENT: The Honourable Member desires to amend item (3) only and not item (1). Has the Honourable Member leave to withdraw his amendment to item (1)?

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

THE HONOURABLE SIR PHIROZE SETHNA: Sir part (1) of the Resolution suggests a reduction, and my Honourable friend, the Law Member, readily agrees to the same. With regard to part (2), the Honourable the Law Member has suggested that giving this right would mean placing the Members of the Assembly at an advantage inasmuch as in addition to the three-fifths extra first class fare which they get to-day for incidental expenses, they will, if this part of the Resolution is passed, also get half the daily rate for the days they travel. As regards part (3) the Honourable the Law Member has agreed to Members residing at Delhi or Simla getting the concession asked for in the Resolution. I am inclined to agree with my Honourable friend, Mr. Khaparde, that there

[Sir Phiroze Sethna.]

should be no cheese-paring in this matter, for after all the reduction contemplated in No. (1) will amount to very little. It would have been of great importance if the Committee which went into this question had also informed us how many Members do avail themselves of this privilege and to what extent. I am inclined to think that perhaps not more than one-tenth of the Members, if that, come here seven days before the Session commences or remain here for seven days after it is over. Speaking for myself, I do not think that I have at any time come here, or at Simla even, one day before or stayed even one day after the Session is over, and I am now in the seventh year of my Membership of this Council and I would not be surprised if the majority of the Members do more or less the same. However, Sir, what I want to press upon the notice of Government is that the Government of this country, so far as payment to Members is concerned, is let off very cheap and they should not grudge any slight increase as is suggested in part (2).

Nowhere in the Empire are Members paid as little as they are in this country. I am obliged to an Honourable Minister of the Union of South Africa for a statement prepared by the South African Branch of the Empire Parliamentary Association of payments made to Members of the different Parliaments in 1923. Since then, some changes have been made. I propose to read out the particulars from this statement and also to quote what changes have been made to my knowledge since 1925.

In *England* the House of Lords Members get no salary.

House of Commons. £400 per annum for expenses (if oath has been taken). Up to 1923 there was no travelling allowance, but we know that since then Members of the House of Commons are allowed first class railway fares from and to their constituencies.

In the *Dominion of Canada* for every Session exceeding 50 days a sessional allowance of 4,000 dollars which is equivalent to Rs. 12,000. Member must attend on at least three-quarter of the days upon which House sits. Allowance for fewer days, 25 dollars per day, which is Rs. 75 per day. Deduction of 25 dollars per day for absence 15 days: Provided that deduction shall be made for every day's absence during the last two weeks of Session. Indemnity in case of illness only when Member within 10 miles of place where Session is held. As regards travelling, they have free transportation on production of Certificate of Membership. More than that, there are travelling and other privileges to wives and families. Free transportation and the privilege of using the Parliamentary Restaurant and Library when accompanying Members to Ottawa. Further still, there is a staff of stenographers at State expense for use of Members.

Next, the *Commonwealth of Australia*. Allowance of £1,000 per annum. (No deduction for absence). Free railway passes. Wife allowed one free trip per annum from home to temporary seat of Government and return. Again, lady typists at Government expense. (Laughter).

Union of South Africa.—On the date when this paper was prepared, they were paid £400. To-day both the senators and the members of the Assembly are paid alike £700 per annum. A deduction of £6 per day for days of absence in excess of 15 days.

Free Railway Pass, senators Half Rates paid by sea from residence to Cape Town, and return, once each Session. The railway pass entitles them to travel over the whole Union and as often as they like. Again, so far as privileges to wives and families are concerned, free railway transport (senators Half rates by sea) for members of household living with and dependent upon Members, with free transport for baggage and one servant, from residence to Cape Town and return, once each Session by direct route. The reservation is made in the case of the family of a Member of the House of Assembly that, with certain specified exceptions, they must travel with such Member to get free transport, but this does not apply in the case of Senator's families.

More still, there are eleven Ministers in the Government of the Union of South Africa. Once a Minister, that member is allowed a free pass for the rest of his life to travel on the railways throughout the Union. If by accident one happens to be a Minister for say, even a month, he can claim that privilege for the rest of his life.

New Zealand. The honorarium to Members of the Legislative Council is £315, and that of the Members of the House of Representatives £450 per annum. No payment for days absent in excess of 14.

Free railway pass (gold and enamel), during membership. Ex-Members of House of Representatives of 9 years or more service receive, by courtesy of the Government, life passes renewed year by year. Free Ferry Boat Pass between Wellington and Lyttleton given by New Zealand State Company. £1 per day allowance to Members going to and from Session, once each way.

Wives receive complimentary railway pass year by year. Unmarried members of member's family travel to seat of Parliament during Sessions at half rates. Wives and families during Session get half rates on Ferry Boats between Wellington and Lyttleton. (N. Z. S. Coy.). Further, there is a room comfortably furnished set apart in Parliament building for wives and daughters of Members. Lastly.

Newfoundland. Members of the Legislative Council get 125 dollars and those of the House of Assembly 500 dollars. A gold dollar is equal to about three rupees. No deductions for absence. Free railway passes.

I hope my Honourable friend, Mr. Das, is convinced, that as compared to the rest of the Empire the Government of India bears next to no expense in the matter of payments to Honourable Members. In the first place Government ought to recognise that Members coming here certainly make a great sacrifice of time and money. I do not know whether Mr. Khaparde has moved an amendment about No. 1.

THE HONOURABLE MR. S. R. DAS: He is opposing it.

THE HONOURABLE SIR PHIROZE SETHNA: I am glad that it has been decided to put the three parts of the Resolution separately and I shall vote for or against each one of these parts as they are put up to the House.

THE HONOURABLE MR. S. R. DAS: May I make an explanation, Sir? I should like to make it quite clear that the Government do not want to

[Mr. S. B. Das.]

reduce at all, but if this House desires to reduce the allowance of Members, Government have no objection.

THE HONOURABLE MR. V. RAMADAS PANTULU: Sir, two of the most senior representatives in the House, Mr. Khaparde and Sir Phiroze Sethna, have placed their views before this House and it is not for me, one of the junior members, to improve upon what they said. But one or two arguments advanced by them against the first clause I have to meet. With regard to the argument about efficiency, I must say that very few here are convinced that efficiency requires seven days' stay after the Council is over and a week's stay before the Council starts. I do not think that preparation for the work of the Council requires seven days' stay here. Some of us do know what work is done here; I think the work here is not as heavy as the work in the other House. I am prepared to say that. Some Members of this House think that the quality of our work is better than that of the other House; even supposing it is so, the quantity is certainly not greater. I do not think you require more than three days. As for slur, it is no slur to have three days' allowance instead of seven days' allowance. I do not see where the question of slur comes in. It is a question of free choice. Government have made it quite clear that unless we agree they will not reduce the allowance. I only ask my Honourable friends to decide the question for themselves, and it is only if they all agree that three days' allowance is reasonable, that Government will make the reduction. If the Government decides against our wishes, I agree that there would be a slur. I do not propose that we should permit Government to do anything against our own wishes. I am the last man to do it. At the same time the Members of this Council ought to be fair and reasonable to the tax-payers from whose pocket the money comes.

With regard to Sir Phiroze Sethna's very interesting and vivid description of amenities enjoyed by legislators in other countries, I am afraid we have not established our claim to them. Of course when we deserve to get all that and when we do the work Parliaments of self-governing countries do, I dare say we may legislate for ourselves. Then our finances will be in our hands. We need not then go to my friends the Honourable Mr. McWatters or the Honourable Mr. Brayne to prepare memoranda as to the effect of a ratio of 1s. 6d. or 1s. 4d. on our allowances to discover what additional expenditure has to be incurred by the Government of India; nor to the Honourable Mr. Corbett to suggest suitable changes in the railway accommodation for the Members. Everything will be in our hands then and it will be for us to legislate. The analogies of other countries are very misleading and the Finance Department will certainly say that the Government of India is too poor to bear such heavy expenditure. I will leave it there. Sir, as you have already promised to put these clauses one by one, I hope that the non-official portion of the House will indicate its opinion on each one of them. I am entirely in the hands of non-official Members. I sponsored this Resolution because it embodied the unanimous recommendations of the Committee appointed by this House. In the absence of Mr. Roy I felt bound to bring up the matter before the House. With these words, I leave the question to be voted upon by the House.

THE HONOURABLE THE PRESIDENT: I propose to put the Resolution in four parts, the Preamble and the three clauses.

The question is :

" That the following words stand part of the Resolution :

' This Council recommends to the Governor General in Council to take early steps to give effect to the following recommendations of the Committee appointed to inquire into the privileges and status of Members of the Council of State ' : "

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is :

" That item (1) do stand part of the Resolution."

The Council divided.

AYES—7.

Froom, The Honourable Sir Arthur.
Mahendra Prasad, The Honourable
Mr.
Mukherji, The Honourable Srijut
Lokenath.
Ramadas Pantulu, The Honourable
Mr. V.

Rama Rau, The Honourable Rao
Sabib Dr. U.
Sett, The Honourable Rai Bahadur
Nalininath.
Sinha, The Honourable Mr.
Anugraha Narayan.

NOES—15.

Akbar Khan, The Honourable Major
Nawab Mahomed.
Bell, The Honourable Sir John.
Charanjit Singh, The Honourable
Sardar.
Golam Mustafa Chaudhury, The
Honourable Maulvi.
Khaparde, The Honourable Mr.
G. S.
Manmohandas Ramji, The Honourable
Mr.
Morarji, The Honourable Mr. Ratansi
D.
Ram Saran Das, The Honourable Rai
Bahadur Lala.

Ranga Rao, The Honourable Raja.
Sri Ravu Swetachalapati Rama-
krishna Bahadur, of Bobbili.
Sankaran Nair, The Honourable Sir
Chettur.
Sethna, The Honourable Sir
Phiroze.
Singh, The Honourable Raja Sir
Harnam.
Singh, The Honourable Raja Sir
Rampal.
Suhrawardy, The Honourable Mr. M.
Wacha, The Honourable Sir Dinshaw
Eduji.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The original question being that item (2) do stand part of the Resolution, an amendment has been moved :

" That in item (2) the words ' provided that the same privilege is extended to the Members of the Legislative Assembly ' be omitted."

The question I have to put is that these words be omitted.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is that item (2), as amended, do stand part of the Resolution.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The original question being that item (3) do stand part of the Resolution, two amendments have been moved. The first amendment is :

" That for the words ' that a Member ' the words ' that a non-official member ' be substituted."

The question is that that amendment be made.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The second amendment is:

"That at the end of item (3) the words 'provided that the same privilege is extended to the Members of the Legislative Assembly' be added."

The question is that that addition be made.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is that item (3), as amended, do stand part of the Resolution.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: I may now point out to the Council that the Resolution now consists of two items which are numbered (2) and (3). Perhaps it would be more finished if the Honourable the Law Member would move the renumbering of clauses.

THE HONOURABLE MR. S. R. DAS: I move that clauses (2) and (3) of the Resolution be renumbered (1) and (2).

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is that the Resolution, as amended by the Council, be adopted.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: It has been suggested that the photograph, which should have been taken at half past Ten this morning and which was prevented by the inclemency of the weather, should take place on Monday morning at half past Ten. A circular will be issued to Honourable Members on that point.

The Council then adjourned till Eleven of the Clock on Wednesday, the 16th March, 1927.
