

Monday, 21st 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**



CALCUTTA : GOVERNMENT OF INDIA
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COUNCIL OF STATE.

Monday, 21st 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.

MEMBER SWORN.

The Honourable Mr. Hubert Arthur Sams, C.I.E. (Nominated Official).

QUESTIONS AND ANSWERS.

PROVISION MADE FOR DEBT REDEMPTION DURING THE YEARS 1916-17 TO 1925-26.

176. THE HONOURABLE MR. KUMAR SANKAR ROY CHOUDHURI:
Will the Government be pleased to state:

- (a) the annual debt redemption provision of the Government of India for the last ten years;
- (b) how much of it has each year been applied for the redemption of debt incurred in India, and how much for that incurred in England;
- (c) if the provision is a gradually increasing one, what is the reason for this increase;
- (d) whether they have got any statistics of the debt redemption provision of the United Kingdom? If so, whether the provision made in India is comparatively speaking greater or less than that in the United Kingdom;
- (e) how much of the debt in India is productive and how much non-productive;
- (f) if the provision for debt redemption in India is gradually increasing in amount, whether this policy has been adopted by the Government of India at its own initiative or at the direction of the Secretary of State for India or the British Government;
- (g) is it in contemplation of the Government of India to pay off the entire public debt of India incurred in England in course of time? If so, in how many years;
- (h) did the External Capital Committee recommend that it is to the interests of India not to prevent the inflow of external capital into India;
- (i) what are the rates of interest payable on the loans that are being paid off and what are the rates for which fresh loans are being raised in India, from time to time, during the last 5 years; and

- (j) what are the rates of interest for which loans are being raised in India, from time to time, during the last 5 years, and whether they compare favourably or unfavourably with the rates prevailing before the War?

THE HONOURABLE MR. A. F. L. BRAYNE: (a), (b), (c) and (f). A statement showing the provision made for debt redemption during the years 1916-17 to 1925-26 is placed on the table. The scheme of debt redemption, which has been adopted by Government and published in their Resolution of the 9th December 1924, is on the lines approved by the Secretary of State.

(d) For statistics of the debt redemption provision of the United Kingdom, I would refer the Honourable Member to the published Finance Accounts of that country. Taking the figures for the year 1925-26, the provision made in India bears a smaller percentage to the total debt of India than the corresponding provision in the United Kingdom bears to the total debt of that country.

(e) I would invite the attention of the Honourable Member to the information contained in the statement printed in paragraph 20 of the Finance Member's budget speech.

(g) There is no such intention at present.

(h) I would refer the Honourable Member to the recommendation of the External Capital Committee on the subject in paragraph 8 of their Report, which is a published document.

(i) and (j). The rates of interest of the various Government loans are given in the Finance and Revenue Accounts.

Reduction or Avoidance of Debt.

(In thousands of rupees.)

| | 1916-17. | 1917-18. | 1918-19. | 1919-20. | 1920-21. | 1921-22. | 1922-23. | 1923-24. | 1924-25. | 1925-26. |
|--|----------|----------|----------|----------|----------|----------|----------|----------|-------------|----------------|
| 1. Balances of Famine Insurance Grant. | 71,89 | 97,77 | 58,85 | ... | 64,26 | ... | ... | ... | ... | ... |
| 2. Sinking Funds for Rupee Loan. | ... | 41,50 | 41,00 | 73,00 | 73,00 | 1,54,00 | 1,54,00 | 73,61 | 88,31 | 97,21 |
| 3. British War Loan Liability (c). | ... | 81,29 | ... | 50,00 | 50,00 | 50,00 | 50,00 | 44,26 | 46,47 | 46,77 |
| 4. Railway Sinking Funds (c). | 32,36 | 83,35 | 24,29 | 26,57 | 27,10 | 28,74 | 30,74 | 32,72 | 34,32 | 36,41 |
| 5. Railway Annuities (c). | 90,11 | 99,40 | 1,02,80 | 1,06,32 | 1,09,97 | 1,13,75 | 1,17,60 | 1,21,70 | 1,25,90 | 1,30,23 |
| 6. Exchange on (3), (4) and (5). | 62,44 | 96,73 | 46,81 | 91 | 30,24 | 98,99 | 1,02,15 | 89,54 | 75,65 | 70,53 |
| 7. Other Appropriations from Revenue. | ... | ... | ... | ... | ... | ... | ... | ... | (a) 7,74 | (b) 1,14,10 |
| Total | 2,62,90 | 4,50,04 | 2,71,75 | 2,55,90 | 3,54,57 | 4,45,43 | 4,54,55 | 3,51,83 | 3,78,39 | 4,07,25 |

(a) Customs duty on capital stores.

(b) Includes 19,69 on account of customs duty on capital stores.

(c) At Rs. 10 to the £.

DUAL CONTROL OF ADEN BY THE UNITED KINGDOM AND THE
GOVERNMENT OF INDIA.

177. THE HONOURABLE MR. KUMAR SANKAR ROY CHOUDHURI: Will the Government be pleased to state the reasons for placing Aden under the dual control of the United Kingdom and the Government of India? Why is the military control of Aden being taken away from the Government of India, and the latter made liable for the cost of municipal control?

THE HONOURABLE SIR JOHN THOMPSON: Dual control at Aden has existed for many years, and the reason why His Majesty's Government are now undertaking a larger share of the responsibility is that in recent years Aden has assumed a far wider importance in Imperial communications than that of a port of call on the way to India. The connection, however, of the actual Settlement with India, commercial, administrative and racial, remains as close as ever, and for these reasons the Government of India will continue to bear the cost of Municipal control.

RAILWAY STATION IN NEW DELHI.

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

- (a) what site has been selected for building the railway station in New Delhi, and by what time the station will be opened; and
- (b) why the tramway system is not extended from Old Delhi to New Delhi, and when it is proposed to be so extended?

THE HONOURABLE MR. G. L. CORBETT: (a) A new station is at present under construction by the North-Western Railway near the Ajmere Gate Bridge. It is hoped that it will be ready for opening about the beginning of May next.

(b) No such proposal appears to have been received by Government, but inquiries are being made.

TRANSFER OF THE POONA DISTRICT HEADQUARTERS TO SECUNDERABAD.

179. THE HONOURABLE SIR HAROON JAFFER: Will Government please lay on the table a detailed statement showing how 14 per cent. on the capital sum invested will be saved annually by the transfer of the Poona district headquarters from Poona to Secunderabad, as mentioned by His Excellency the Commander-in-Chief in his speech on the 14th February last?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: No, Sir, the amounts involved are not large enough to justify laying detailed estimates on the table. There is an estimated initial expenditure of Rs. 45,906 on improvements in accommodation at Secunderabad, and the actual move is estimated to cost Rs. 18,825. Against these there will be an annual saving of Rs. 4,828 on the hire of accommodation at Poona, and another of Rs. 3,500 in a small reduction of establishment which the transfer has made possible. These sums, I think, will show that my arithmetic was correct.

SALE OF THE COLLECTION OF PICTURES IN THE PARASNIS
MUSEUM.

180. THE HONOURABLE SIR HAROON JAFFER: Will Government please say:

- (a) whether they have seen the announcement in the *Times of India* of February, 26th, that the famous collection of pictures in the Parasnis Museum are up for sale, and that negotiations have been opened with America for their purchase; and
- (b) with reference to the reply to my question given on February 15th 1927, whether Government have yet come to a decision on the matter?

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

(b) No.

BEAM WIRELESS STATION NEAR POONA.

181. THE HONOURABLE SIR HAROON JAFFER: Will Government be pleased to state:

- (a) when the new Beam Wireless Station, now under erection near Poona, will be in operation; and
- (b) what will be the charges per word for transmission of messages by that means?

THE HONOURABLE MR. A. C. MOWATERS: (a) It is expected that official tests will take place in May next and if these are satisfactory, the service should be opened to the public in June.

(b) The charges per word between India and the United Kingdom will be—

| | | | | | | | | | | |
|-----------------------|---|---|---|---|---|---|---|---|---|--|
| Ordinary | . | . | . | . | . | . | . | . | . | 13 annas. |
| Deferred | . | . | . | . | . | . | . | . | . | 6½ " |
| Daily Letter-Telegram | . | . | . | . | . | . | . | . | . | 3½ " (minimum charge for message Rs. 4-6-0). |
| Press | . | . | . | . | . | . | . | . | . | Still under consideration. |

EXHIBITION OF INDIAN GOODS AT THE BRITISH INDUSTRIES FAIR.

182 THE HONOURABLE SIR HAROON JAFFER: Will Government please state whether there was any official exhibit of Indian goods at the British Industries Fair now being held at the White City, London?

THE HONOURABLE MR. G. L. CORBETT: Yes, Sir. The Indian Trade Commissioner participated in the Fair, and the Governments of Madras and Bihar and Orissa also decided to do so.

INDIAN REPRESENTATION ON THE EMPIRE MARKETING BOARD.

183. THE HONOURABLE SIR HAROON JAFFER: Will Government be pleased to state:

- (a) whether India has any official representation on the newly-formed Empire Marketing Board; and
- (b) if so, what are the functions of that Board in relation to India?

THE HONOURABLE MR. G. L. CORBETT: (a) Yes. Mr. H. A. F. Lindsay, Indian Trade Commissioner in London, represents India on the Empire Marketing Board.

(b) The function of the Board is to advise His Majesty's Government in the expenditure of the annual grant which is voted by Parliament to encourage and promote the sale in the United Kingdom of the products of all parts of the Empire, including India.

VISIT TO INDIA OF AN OFFICIAL OF THE ROCKEFELLER FOUNDATION.

184. THE HONOURABLE SIR HAROON JAFFER: Will Government please state:

- (a) whether any official representation has been made by the Rockefeller Foundation regarding the present visit of one of the members of the latter to study the conditions of medical education and research in this country;
- (b) whether any official assistance has been given by the Central or Local Governments to this delegate; and
- (c) whether Government have received any definite offer from the Foundation to give assistance in medical matters in India?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR: (a) The visit was arranged for by the Management of the Rockefeller Foundation Trust on its own initiative and with the consent of the Government of India.

(b) The delegate was given the free use of a reserved railway compartment for the latter portion of his tour in India and Local Governments gave him facilities to visit institutions in which he was interested.

(c) No.

INDIAN ROAD AND TRANSPORT DEVELOPMENT ASSOCIATION.

185. THE HONOURABLE SIR HAROON JAFFER: Will Government please state:

- (a) whether they have been officially informed of the recent formation of the "Indian Road and Transport Development Association";
- (b) whether it is Government's intention to acknowledge this Association as a representative body; and
- (c) whether this Association will be given Government assistance?

THE HONOURABLE MR. G. L. CORBETT: (a) Yes.

(b) and (c). I can add nothing to what was said by the Honourable the Commerce Member during the recent discussion in this Council on the Resolution of the Honourable Mr. Mahmood Suhrawardy.

PROPOSALS OF SIR LEONARD ROGERS FOR CONTROLLING CHOLERA
IN THE PILGRIM CENTRES.

186. THE HONOURABLE SIR HAROON JAFFER: Will Government please state:

- (a) whether they have seen the proposals of Sir L. Rogers regarding the controlling of cholera in the pilgrim centres of India;

- (b) whether they have officially received a scheme from him based on those proposals;
- (c) whether it is their intention to move along the lines suggested; and
- (d) whether the scheme will be tried as an experiment at the forthcoming Kumbh at Hardwar in April?

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

(b) No.

(c) and (d). As public health is a provincial transferred subject, it is for Local Governments to decide what action, if any, is feasible.

REPRESENTATION OF MUHAMMADANS IN THE ADMINISTRATIVE STAFF
DIRECTLY SUBORDINATE TO THE SUPERINTENDENT OF EDUCATION,
DELHI AND AJMER-MERWARA, ETC.

187. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) Is it a fact that the administrative staff directly subordinate to the Superintendent of Education, Delhi and Ajmer-Merwara, is exclusively composed of non-Muhammadan officers?

(b) Is it a fact—

- (i) that 87·3 per cent. of the educational employees in the Delhi Province are Hindus and 12·7 per cent. Muhammadans, and
- (ii) that Muhammadan institutions in the Delhi Province receive 0 and 18 per cent., respectively, of the total non-recurring and recurring educational grants?

(c) Is it a fact that subsequent to the 2nd March, 1925, there have been vacancies in the appointments of Secretary, Board of Education, Delhi, Head Clerk, Board of Education, Delhi, Second Clerk, Board of Education, Delhi, Second Clerk, Office of the Superintendent of Education, Delhi, and two vacancies in the appointment of teacher, New Cantonment School, Delhi, and that all these vacancies were filled by the appointment of non-Muhammadans?

(d) Was due regard had in filling these vacancies to the assurances conveyed by the Honourable the Home Member in his speech in this Council on the 2nd March, 1925?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR: (a) No.

(b) (i) No.

(ii) In 1925-26 only.

(c) Yes.

(d) Assurances given have not been ignored.

ELIMINATION OF MUSLIMS FROM THE DELHI EDUCATION DEPARTMENT.

188. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) Is it a fact that a deputation of Muslim gentry of the city of Delhi waited upon the Chief Commissioner of Delhi, with their grievances, regarding elimination of Muslims from the Delhi Education Department, and requested

him *inter alia* to appoint a Muhammadan to the second clerkship of the office of the Superintendent of Education, Delhi?

(b) Is it a fact that this post was never advertised in any newspaper, and that, amongst the Muhammadan applicants, one was a B. A. (Honours), and another an experienced accounts clerk, both being residents of Delhi?

(c) Is it a fact that Lala Bhim Sen, the newly-appointed second clerk, is still on probation?

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

(b) A post of similar value had been advertised shortly before. The same list of applicants was used for the selection. (Only three Muhammadans applied; one of whom was not suitable for the post and the others were not recommended by their previous employers).

(c) Yes.

MUHAMMADAN DISTRICT INSPECTOR OF SCHOOLS IN THE DELHI PROVINCE, ETC.

189. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) Has the attention of Government been drawn to the resolution, passed by the All-India Muhammadan Educational Conference held in December last in Delhi, with regard to the appointment of a Muhammadan to the post of District Inspector of Schools in pursuance of the promise given by the Government of India on 8th March, 1926, in answer to Legislative Assembly question No. 1108?

(b) Is it a fact that the post of District Inspector of Schools is borne on the cadre of the Punjab Provincial Educational Service? Is it also a fact that for a long time there has never been any Muhammadan District Inspector of Schools in the Delhi Province?

(c) Is it a fact that in 1915, according to the Chief Commissioner, Delhi's letter No. 3197-Education, dated 14th May, 1915, to the Educational authorities, the percentage of Muslim teachers in the Delhi Education Department was 17 per cent? Is it also a fact that the Chief Commissioner, Delhi, was not satisfied with this proportion of Muhammadan school masters and so asked the Educational authority to reduce this disparity?

(d) Is it a fact that in every annual report Muhammadan education is described to have made progress? Has the percentage of Muhammadan teachers in the Department been reduced from 17 per cent. to 12 per cent.?

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

(c) and (d). The low proportion of Muslim teachers is due to the lack of qualified men.

J. V. CLASSES TO BE ATTACHED TO THE ANGLO-ARABIC COLLEGE, DELHI.

190. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) Has the attention of Government been drawn to the resolution of the All-India Muslim Educational Conference held in Delhi in December last, *re* J. V. Classes to be attached to the Anglo-Arabic College, Delhi?

(b) Will Government state the reasons for which sanction was not accorded to the opening of this class?

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

(b) A training school for S. V. and J. V. teachers has been provided for in the 5 years' programme.

MUSLIM REPRESENTATION ON THE BOARD OF SECONDARY EDUCATION
FOR THE DELHI PROVINCE.

191. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) Is it a fact that a Board of Secondary Education for the Delhi Province under the chairmanship of the Superintendent of Education was constituted during the year 1926-27 for conducting the school leaving certificate examination, which was formerly conducted by the Punjab University?

(b) Is it a fact that the Board comprises 20 members in part elected by the Delhi University Court, Delhi University Academic Council, Headmasters of the High Schools in the Delhi Province, Principals of Colleges, and in part nominated by the Delhi Municipality and the Chief Commissioner of Delhi to protect minorities?

(c) Is it a fact that out of 20 members of the Board, there are only three Muhammadans none of whom are elected?

(d) Will Government kindly state how many of the examiners appointed by the Board for conducting the examinations, other than those in Persian or Arabic, are Muhammadans, and in what subjects?

(e) Has the attention of Government been drawn to an article in the *Muslim Outlook*, Lahore, dated the 4th February, 1927, headed "Muslim Students Handicapped" in the 'Notes of the day' column? Is it a fact that the Board has decided to hold the examination in the month of Ramzan?

(f) Is it a fact that there is no Muhammadan employed in the Board and that all the clerks appointed for the work of the Board are Hindus?

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

(c) Yes. The number stated is correct, but the Muhammadan member from the Municipal Committee was elected and not nominated.

(d) No. Examiners are appointed solely on their academic qualifications.

(e) Yes. The examination has always been held in March by the Punjab University and the same is the case in the Punjab this year also.

(f) Yes. The permanent paid staff consists of a clerk and a peon both of whom are Hindus, the Secretary being an honorary officer.

APPOINTMENT OF THE DISTRICT INSPECTOR OF SCHOOLS, DELHI, AS
ASSISTANT SUPERINTENDENT OF EDUCATION.

192. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) Is it a fact that the deputation of the Muslim gentry of Delhi, which waited upon the Chief Commissioner of Delhi in September 1926, suggested that the

District Inspector of Schools, Delhi, should be made Assistant Superintendent of Education, and that the allowance of Rs. 75 given to the Headmaster of the Government High School for doing this work should be utilised in some other way?

(b) Is it a fact that the number of schools in the provinces of Ajmer and Delhi under the same Superintendent is very nearly the same?

(c) Is it a fact that in Delhi there is a whole-time District Inspector of Schools in the Provincial Educational Service and in addition a part time Assistant Superintendent of Education, holding the permanent appointment of Headmaster of the local Government High School, in the same Provincial Educational Service, and that in Ajmer there is a whole-time Assistant Superintendent of Education without a District Inspector of Schools? What are the areas of Delhi and Ajmer, respectively?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR: (a) So far as Government are aware no such suggestion was made.

(b) Yes.

(c) No. The Assistant Superintendent of Education in Ajmer-Merwara also has one Sub-Deputy Inspector under him and will have a second in the coming year. The areas of the provinces of Delhi and Ajmer-Merwara are, respectively, 598 and 2,711 square miles.

NUMBER OF POST OFFICES HAVING TELEGRAPHIC CONNECTION IN THE SUB-DIVISION OF BEGUSARAI IN THE DISTRICT OF MONGHYR.

193. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: (a) Will the Government be pleased to state the number of Post Offices having telegraphic connections in the Sub-division of Begusarai in the District of Monghyr (Bihar and Orissa)?

(b) Is it a fact that the Post Office at Manjhaul is without a telegraphic connection? If so, do the Government propose to provide telegraphic connection at the said Post Office?

THE HONOURABLE MR. A. C. MCWATTERS: (a) Six.

(b) Yes. The question of providing a telegraph connection to the Post Office at Manjhaul is under consideration.

INCOME-TAX COLLECTED IN EACH OF THE LAST TWO YEARS FROM LIFE OFFICES WORKING IN INDIA ON PROFITS PAID TO THEIR POLICY-HOLDERS.

194. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state what is the total amount of income-tax collected by the Income-tax authorities in each of the last two years from Life Offices, working in India, on profits paid by them to their policy-holders?

THE HONOURABLE MR. A. F. L. BRAYNE: The Government have not the information for which the Honourable Member asks. They will obtain it and communicate it to him.

SUBSIDIES TO NEWSPAPERS.

195. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: Do Government subsidise any of the English or Vernacular newspapers in India? If so,

will the Government be pleased to state the names of such newspaper or newspapers?

THE HONOURABLE MR. H. G. HAIG: I do not know whether the Honourable Member would regard the *Fauji Akhbar*, which is a Government publication, as coming within the scope of his question. Apart from this the Government of India subsidise no English or Vernacular newspaper.

COMMUNAL RIOTS.

196. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: Will Government be pleased to state:

- (a) the number of communal riots in India;
- (b) names of places where these riots took place;
- (c) causes which led to these riots;
- (d) number of casualties and persons injured in each;
- (e) number of persons prosecuted and convicted, respectively; and
- (f) number of ringleaders belonging to the different communities arrested, prosecuted and convicted?

THE HONOURABLE MR. H. G. HAIG: (a) to (d). I would refer the Honourable Member to the statement appended to the reply given by the Honourable Mr. Crerar in this House on the 31st August 1926 to the question of the Honourable Sir Phiroze Sethna. A statement is laid on the table bringing the information up to date so far as such incidents have been reported to the Government of India.

(e) and (f). The Government of India have no information.

Statement.

| Date. | Place of occurrence. | Casualties. | Cause of disturbance. |
|---------------------|--|------------------------------------|--|
| 21st August 1926. | Andarsul, Taluka Yeola, Dist. Nasik, Bombay. | Few persons injured slightly. | Playing of music before a mosque by a Hindu procession. |
| 27th August 1926. | Delhi . . . | 50 persons injured, one seriously. | The immediate cause was a quarrel between a Hindu Bunk chaprassi and a Muhammadan shopkeeper who was instrumental in bringing about the dismissal of the former. |
| 5th September 1926. | Garden Reach, Calcutta. | 13 injured, one seriously. | Playing of music before a mosque by a Hindu religious (Jannastami) procession. |
| 6th September 1926. | Madhi, Pathardi Mahal, Ahmednagar Dist., Bombay. | 11 persons injured slightly. | Dispute in connection with a Hindu bullock procession in celebration of the annual "Pola" festival. |

| Date. | Place of occurrence. | Casualties. | Cause of disturbance. |
|--------------------------|--|--|--|
| 8th—10th September 1926. | Dacca City, Bengal . | 8 killed, 72 injured . | Janmastami festival celebrations. |
| 16th October 1926. | Calcutta . . . | None reported . . | Dasahra celebrations. |
| | Howrah . . . | 21 persons injured, one of whom died. | Ditto. |
| 23rd December 1926. | Delhi City . . . | 5 persons injured, one seriously injured, who subsequently died. | Disturbance following murder of Swami Shradhanand. |
| 17th February 1927. | Abdulpur in Bahadurganj Town, Ghaziur Dist., U. P. | 1 killed, 1 seriously injured, about 15 slightly injured. | Immediate cause was a quarrel between a Muhammadan and a Hindu Halwai over the preparation of some food. |
| 20th February 1927. | Bombay City . . . | 1 killed, number of injured not reported. | Alleged playing of music before a mosque by a Multani and Sikh religious procession. |
| 2nd March 1927 . | Kulkati, Barisal Dist. | 14 killed, 7 injured . | Hindu religious procession passing with music the Kulkati mosque. |

APPOINTMENT OF MR. JUSTICE WORT AS A JUDGE OF THE PATNA HIGH COURT.

197. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: (a) Is it a fact that the Judges of the Indian High Courts are appointed by His Majesty the King in Council on the recommendations of the Government of India and the Local Government concerned?

(b) If the answer to (a) be in the affirmative, will the Government be pleased to state the principle, if any, on which these recommendations are made?

(c) Will the Government be pleased to state whether either the Government of India or the Bihar and Orissa Government had any hand in the appointment of Mr. Justice Wort as a Judge of the Patna High Court?

THE HONOURABLE MR. H. G. HAIG: Permanent appointments to the High Courts are made by His Majesty under section 101 of the Government of India Act, and not in the manner suggested by the Honourable Member. Whether His Majesty has in general or in any special case given opportunities to the Government of India or to Local Governments to make representations to him in such matters is not a subject on which I can give the Honourable Member any information.

SUBSIDIES TO NEWSPAPERS.

198. THE HONOURABLE SETH GOVIND DAS: Will Government be pleased to state whether there are any newspapers or journals subsidised by Government in India and, if so, will they be pleased to lay on the table a list of such newspapers and periodicals and mention the extent to which they are subsidised?

THE HONOURABLE MR. H. G. HAIG: The Honourable Member is referred to the reply which I have just given to question No. 195 of the Honourable Shah Muhammad Zubair.

RUPEE TENDERS FOR STORES.

199. THE HONOURABLE SETH GOVIND DAS: With reference to the answer given in this House to a question by the Honourable Rai Bahadur Lala Ram Saran Das on the 10th February, 1926, will Government be pleased to state what further action has been taken regarding the question of inviting Rupee tenders in this country?

THE HONOURABLE MR. A. C. McWATTERS: The Government of India have recently obtained the consent of the Secretary of State to an amendment of a rule laid down by the Secretary of State in Council prescribing that the previous consent of that authority was required to any expenditure on the purchase of imported stores otherwise than through the India Store Department in London except in certain specified cases. The effect of this amendment is to confer on the Government of India full powers in regard to central expenditure on imported stores other than military stores, and the Departments of the Government concerned are now actively engaged on working out the precise arrangements required for the adoption of a system of rupee purchase to the utmost possible extent. It is hoped to introduce these arrangements in the near future. I may add that the Local Governments of Governors' provinces now possess full powers in regard to expenditure on the purchase of imported stores, and that it is open to them to adopt this system of rupee purchase wherever they may consider this to be desirable.

REDUCTION IN THE FREIGHT OF LONG DISTANCE COAL.

• 200. THE HONOURABLE SETH GOVIND DAS: Will Government be pleased to state what action has been taken regarding the Resolution by the Honourable Rai Bahadur Lala Ram Saran Das adopted in this House on 15th September, 1925, regarding decrease in the rate of railway freight on coal for long distances?

THE HONOURABLE MR. G. L. CORBETT: With effect from the 18th March 1926, the freight on coal carried for distances exceeding 400 miles was reduced substantially. I am sending the Honourable Member a statement showing how the freight on coal was calculated before that date, and how it is now calculated.

INDIANISATION OF THE STAFF OF THE HIGH COMMISSIONER FOR INDIA IN LONDON.

201. THE HONOURABLE SETH GOVIND DAS: Will Government be pleased to state whether any Indians have been appointed on the staff of

the High Commissioner for India in conformity with the Honourable Sir Phiroze Sethna's Resolution passed in this House on 8th September, 1925?

THE HONOURABLE MR. G. L. CORBETT: Since the 8th September 1925, when the Resolution was passed, there have been 9 vacancies in the higher posts on the staff of the High Commissioner, including technical posts in the Stores Department, and two new posts have been created. Seven of these vacancies have been filled by Indians, 3 by promotion and 4 by direct appointment. The remaining 4 vacancies have been filled by promotion from the existing European staff. In addition, a temporary post of Publicity Officer has been created, and to this also an Indian has been appointed. No new appointments of Europeans to higher posts have been made.

ACTION TAKEN ON RESOLUTIONS PASSED BY THE COUNCIL OF STATE.

202. THE HONOURABLE SETH GOVIND DAS: Will Government be pleased to lay on the table a list of all Resolutions passed by this Council and the action taken by Government thereon?

THE HONOURABLE MR. S. R. DAS: I lay on the table statements giving the information asked for by the Honourable Member up to the end of 1926.

STATEMENT A.

Statement showing the references to the Debates of the Indian Legislature in which the information in regard to the action taken by Government on the Resolutions adopted by the Council of State since its inception up to the end of 1925 is available.

| Session of the Council of State. | Reference to the Debates in which the information is available. |
|----------------------------------|--|
| Delhi, 1921 | Pages 1603-1604 of the Legislative Assembly Debates of the 16th January, 1922. |
| Simla, 1921 | Pages 2902-2905 of the Legislative Assembly Debates of the 8th March, 1922. |
| Delhi, 1922 | Pages 108-109 of the Legislative Assembly Debates of the 6th September, 1922. |
| Simla, 1922 | Page 993 of the Legislative Assembly Debates of the 15th January, 1923. |
| Delhi, 1923 | Pages 4378-4379 of the Legislative Assembly Debates of the 9th July 1923. |
| Simla, 1923 | No Resolution was adopted. |
| Delhi, 1924 | Pages 785-786 of the Council of State Debates of 4th June, 1924. |
| Simla, 1924 | Information in regard to non-official Resolutions adopted during these sessions is given at pages 32-38 of the Legislative Assembly Debates of the 21st January, 1926. Information in regard to official resolutions passed during these sessions is given in Statements B (i)—(iii) following. |
| Delhi, 1925 | |
| Simla, 1925 | |

STATEMENT B (i).

Statement showing official Resolutions adopted by the Council of State during Simla Session, 1924.

| Serial No. | By whom. | Date on which moved. | Subject of Resolution. | Department concerned. | Action taken by Government. |
|------------|------------------------------------|----------------------------|------------------------------------|-----------------------|--|
| 1 | The Honourable Mr. D. T. Chadwick. | 4th June, 1924. | Removal of import duty on sulphur. | Commerce | A notification No. 2238, dated 9th June, 1924, under the Sea Customs Act, was issued exempting sulphur from import duty. |
| 2 | The Honourable Mr. J. Crerar. | 15th and 16th Sept., 1924. | Recommendations of Lee Commission. | Home | Effect has been given to parts (1) and (2) of the Resolution. Part (3) of the Resolution is still under consideration. |

STATEMENT B (ii).

Statement showing official Resolutions adopted by the Council of State during Delhi Session, 1925.

| Serial No. | By whom. | Date on which moved. | Subject of Resolution. | Department concerned. | Action taken by Government. |
|------------|---|----------------------|---|------------------------------|--|
| 1 | The Honourable Sir Muhammad Habibullah. | 17th Feb., 1925. | Appointment of a member of the Council of State to the Governing Body of Lady Hardinge Medical College. | Education, Health and Lands. | The Honourable Saiyid Alay Nabi, a Member of the Council of State, was nominated by the Government of India in 1926 to serve on the Governing Body of the Lady Hardinge Medical College, Delhi, as a representative of that House. |
| 2 | The Honourable Mr. A. C. McWatters. | 23rd Mar., 1925. | Provincial contributions. | Finance | The opinion of the Council of State was communicated to the Local Governments. |

STATEMENT B (iii)

Statement showing official Resolutions adopted by the Council of State during Simla Session, 1925.

| Serial No. | By whom. | Date on which moved. | Subject of Resolution. | Department concerned. | Action taken by Government. |
|------------|------------------------------------|--------------------------------|--|-----------------------|--|
| 1 | The Honourable Mr. D. T. Chadwick. | 9th September, 1925. | Bounty on steel manufactured in India. | Commerce | The Tata Iron and Steel Company, Limited, was the only company that fulfilled the conditions subject to which the payment of bounties on steel manufactured in India was recommended. This company was paid Rs. 18½ lakhs on this account during the six months ending 31st March, 1926, and Rs. 41½ lakhs during 1926-27, that is the maximum total of Rs. 60 lakhs recommended by the Council. |
| 2 | The Honourable Mr. J. Crerar. | 9th September, 1925. | Franchise for women. | Home | The Resolution was given effect to—vide Government of India, Home Department, Notifications Nos. F.-29—25—8 and 9-I, to F.-290—25—8 and 9-X., dated the 26th April, 1926. |
| 3 | Do. | 11th and 12th September, 1925. | Recommendations of the majority report of the Reforms Inquiry Committee. | Do. | The action taken on this Resolution is indicated in the answers to questions in the Council of State, No. 91, dated the 31st August, 1926, and No. 150, dated the 9th March, 1927. |
| 4 | Do. | 16th September, 1925. | Standing Committees to deal with Bills relating to Hindu Law and Muhammadan Law. | Do. | No action can be taken on this Resolution until the Legislative Assembly adopts a similar Resolution of which notice has been given by the Honourable Sir Alexander Muddiman. |

STATEMENT B (iv).

Statement showing Resolutions adopted by the Council of State during Delhi and Simla Sessions, 1926.

| Serial No. | By whom. | Date on which moved. | Subject of Resolution. | Department concerned. | Action taken by Government. |
|------------|---------------------------------------|----------------------|--|------------------------------|--|
| 1 | The Honourable Mr. D. T. Chadwick. | 10th Feby., 1926. | Continuation of the imposition of a customs duty on lac. | Commerce | A notification was issued on the 20th February, 1926, declaring that sections 2 to 6 of the Indian Lac Cess Act, 1921 (XIV of 1921) shall continue in force until the 31st December, 1931. |
| 2 | The Honourable Mr. A. H. Ley. | Do. | Ratification of the Draft Convention of the International Labour Conference concerning Workmen's compensation for occupational diseases. | Industries and Labour. | A copy of the Resolution has been forwarded to the Secretary General of the League of Nations. |
| 3 | The Honourable Mr. K. C. Roy. | 15th Feby., 1926. | Royal Commission on Agriculture. | Education, Health and Lands. | The correspondence, which passed between the Government of India and Provincial Governments and between the Government of India and the Secretary of State, was laid on the table. |
| 4 | The Honourable Mr. Phiroze C. Sethna. | 17th Feby., 1926. | Leader of the Indian Delegation to the League of Nations. | Legislative | A statement was made by the Honourable Law Member in the Council of State on 24th August, 1926, <i>vide</i> Debates of that date. |
| 5 | The Honourable Mr. D. T. Chadwick. | 23rd Feby., 1926. | Grant of supplementary assistance to tin-plate industry. | Commerce. | (1) A notification No. 260-T. (57), dated the 27th February, 1926, under the Indian Tariff Act, was issued raising the import duty on steel, tin-plates and tinned sheets including tin taggers, from Rs. 60 per ton to Rs. 85 per ton, and (2) a notification No. 5, dated 27th February, 1926, under the Sea Customs Act, was issued reducing the import duty on tin block, from 15 per cent. <i>ad valorem</i> to a specific duty of Rs. 250 per ton. |

Statement showing Resolutions adopted by the Council of State during Delhi and Simla Sessions, 1926—*conold*.

| Serial No. | By whom. | Date on which moved. | Subject of Resolution. | Department concerned. | Action taken by Government. |
|------------|---|--------------------------------------|--|------------------------------|--|
| 6 | The Honourable Sir Haroon Jaffer. | 10th Mar. 1926, and 23rd Aug., 1926. | Banking legislation | Finance | The matter is still under consideration. |
| 7 | The Honourable Mr. G. S. Khaparde. | 15th Mar., 1926. | Salaries of the two members of the Judicial Committee of the Privy Council with Indian experience. | Home | A copy of the Debates on the Resolution was communicated to the Secretary of State, but in view of the rejection by the late Legislative Assembly of a similar Resolution, no effective action could be taken. It is proposed to move the Resolution again in the present Assembly. |
| 8 | The Honourable Mr. A. C. McWatters. | 16th Mar., 1926. | Reduction of the exports of opium. | Finance | In a press communiqué issued by the Finance Department (C. R.) on the 12th June, 1926, the Government of India announced their decision to extinguish exports of opium to the Far East in 10 years. The first 10 per cent. reduction in the quantity exported will be made in 1927, and no opium will be exported from India for purposes other than medicinal and scientific after December 31st, 1935. |
| 9 | The Honourable Sir Muhammad Habibullah. | 23rd Mar., 1926. | Emigration of Indian unskilled labourers to British Guiana. | Education, Health and Lands. | The terms of the Resolution passed have been communicated both to the Secretary of State for India and the Government of British Guiana. The scheme approved therein has been notified but has not yet come into operation, as the Government of British Guiana have not yet intimated the date from which they desire that the emigration of labour for unskilled work to that colony should commence. |

**DIFFERENTIAL TREATMENT ACCORDED TO ANGLO-INDIAN AND EUROPEAN
EMPLOYEES IN THE STATE RAILWAYS IN RESPECT OF PAY,
ALLOWANCES, LEAVE, ETC.**

203. **THE HONOURABLE SETH GOVIND DAS:** Will Government be pleased to state whether it is a fact that differential treatment is accorded to Anglo-Indian and European employees in the State Railways in the matter of pay, allowances, pass, leave, and holiday facilities?

THE HONOURABLE MR. G. L. CORBETT: No differential treatment is accorded to European and Anglo-Indian subordinate employees in the State-worked Railways in respect of pay, pass and holiday facilities. The rates of pay for particular classes of posts differ on different railways, but the rates are the same for all nationalities.

As regards leave, all employees of State-worked Railways excluding those who were taken over by the State along with the management of the East Indian and Great Indian Peninsula Railways but including those appointed to these two Railways subsequent to their being taken over for State management, are governed by the Fundamental Leave Rules of Government.

Employees of the East Indian Railway who were taken over by the State continue under the East Indian Railway leave rules, which provided for two sets of leave rules, one for Europeans and another for non-Europeans. Similarly, in the case of the old Great Indian Peninsula Railway employees, they are governed by two sets of rules, one for Europeans and Anglo-Indians and the other for Indians. I would, however, explain that the question of introducing a revised set of leave rules applicable to all railway staff is under consideration of Government. When these rules are issued, employees of the East Indian and Great Indian Peninsula Railways who were taken over by the State will be given the option to elect the new rules, provided certain conditions are fulfilled.

**INCREASE OF THE PERCENTAGE OF INDIANS HOLDING SUPERIOR
POSTS IN THE INDIAN STORES DEPARTMENT.**

204. **THE HONOURABLE SETH GOVIND DAS:** Will Government be pleased to state the number of superior posts in the Indian Stores Department and the number of Indians and Europeans who hold such posts and whether Government propose to increase the percentage of Indians as more vacancies occur?

THE HONOURABLE MR. A. C. MCWATTERS: There are at present 62 sanctioned gazetted appointments in the Indian Stores Department, of which 53 have so far been filled, 20 by Europeans and 24 by Indians (including two statutory Indians). The recruitment of the superior staff of this Department will now be conducted with the advice of the Public Service Commission and that body has been requested to keep in mind the undertaking given by the Government of India to the Legislature that Indians should be recruited for the superior posts in the Department whenever possible.

**METHOD OF RECRUITMENT TO THE HIGHER POSTS OF THE POSTAL
DEPARTMENT.**

205. **THE HONOURABLE SETH GOVIND DAS:** Will Government be pleased to state the method of recruitment to the higher posts of the Postal Department and whether any distinction is made between Indians and Anglo-Indians in the required qualifications for entry?

THE HONOURABLE MR. A. C. MCWATTERS: Promotion to the grades of Deputy Postmaster-General and Presidency Postmaster is made by the Government of India by seniority subject to the rejection of the unfit. Promotion to the grades of Assistant Director-General and Postmaster General (including Deputy Director General) is made by the Government of India by selection, seniority being regarded only where other qualifications are practicably equal. No distinction is made between Indians and Anglo-Indians.

In future, promotion to the posts of Deputy Postmaster-General, Assistant Director-General, Presidency Postmaster, Madras, and Postmaster, Rangoon, will be made after consulting the Public Service Commission.

APPOINTMENT OF AN INDIAN AS POSTMASTER GENERAL OF A PRESIDENCY.

206. THE HONOURABLE SETH GOVIND DAS: Will Government be pleased to state whether any Indian has so far been appointed as the Postmaster General of any Presidency?

THE HONOURABLE MR. A. C. MCWATTERS: The answer is in the affirmative.

METHOD OF RECRUITMENT TO THE SUPERIOR POSTS IN THE TELEGRAPH DEPARTMENT.

207. THE HONOURABLE SETH GOVIND DAS: Will Government be pleased to state the method of recruitment to the superior posts in the Telegraph Department and to lay on the table a list of Indians and Anglo-Indians in the higher services with their respective educational qualifications and services?

THE HONOURABLE MR. A. C. MCWATTERS: The method of recruitment to the various gazetted posts in the Department is detailed in the statement which I lay on the table. For a list of the gazetted officers I refer the Honourable Member to the departmental publication (*List of officers of the Posts and Telegraphs*) which is available in the Council Library. The Government is not prepared to undertake the labour of collecting information regarding the educational qualifications of each officer.

Method of recruitment to the Gazetted posts in the Indian Telegraph Department.

1. Traffic Branch.

Superior Traffic Branch—by promotion of selected men from the grades of Deputy Superintendent and Telegraph Master. Direct appointment to this Branch from outside is also permissible at any suitable position in the scale.

Deputy Superintendents—by promotion of selected Telegraph Masters.

2. Engineering and Wireless Branches.

Superior Officers.—Twenty-five per cent. by recruitment in England; fifty per cent. by recruitment of statutory natives of India recruited in India and twenty-five per cent. by promotion of Upper Subordinates.

Upper Subordinates (Engineering)—by recruitment from the rank of Engineering Supervisors.

Upper Subordinates (Wireless)—by promotion from the lower grades. On account of a shortage in the number of departmental officials possessing suitable Wireless experience it has been necessary in the past, as a temporary measure, to recruit a proportion of the men direct.

RESOLUTION *RE* CENSORSHIP AND CONTROL OVER CINEMATOGRAPHS AND OTHER PUBLIC RESORTS OF AMUSEMENT.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I beg to move the Resolution which stands in my name and which runs as follows:

"This Council recommends to the Governor General in Council to improve the system of censorship and control over cinemas and other public resorts of amusement, and to adopt adequate measures to prohibit the exhibition therein of films and other shows which are calculated to corrupt the morals of the people."

Sir, in moving this Resolution I wish to state at once very clearly that my object is not to play the rôle of a Puritan. I am also not asking the Government to conform to any standards of puritanism or to take such steps as will satisfy the moral conscience of religious or spiritual critics of public amusements. I am fully aware of the fact that Government can be allowed to interfere only in a very limited degree with the amusements of the people. This position, I should say, has been correctly laid down by Sir Malcolm Hailey during the debate on the Resolution for the ratification of the International Convention for the suppression of the circulation of and traffic in obscene publications. On that occasion Sir Malcolm Hailey stated the position of the Government of India in one sentence and I shall read that sentence.

"I hold that Government should show considerable caution in taking action against publications or reproductions which may be described as falling generally into the category of the improper or the indecorous. It is easy to make mistakes in that direction. Standards of taste and propriety differ greatly and I think that Government should not take the initiative in such matters unless publications are a very definite offence to public morals."

I quite agree that the position has been correctly stated, and what I seek to ask the Government to do is merely to give effect to this declared policy.

The Cinema has become an instrument, a potent instrument, of not only amusement but of instruction to the general public. It is exercising undoubtedly a very vast influence upon the minds of the young men and young women, and generally on the people as a whole. The potentialities of the cinema and similar public shows as factors in education are well recognised, and while it is full of potentialities for good, if it is properly used, it is equally full of potentialities for a great deal of harm if it is improperly applied. An expert and authoritative committee in dealing with the uses of the cinema have summarised its uses in three short sentences, and I make no apology for quoting them.

"(1) The cinematograph stimulates the imagination, encourages observation and awakens a keen interest in the subjects illustrated;

(2) Visual impression imparts instruction more easily, more vividly and more durably than many oral lessons;

(3) The cinematograph enlarges the scope of experience."

All this is true and perhaps even more, if by the exhibition of wholesome and elevating pictures you can inculcate good taste and good morals and impart useful knowledge. It goes without saying that if you resort to

the exhibition of filthy and distressing pictures and thereby cultivate a depraved taste and encourage habits which lead to demoralisation, a great deal of harm is done. Recently, my experience has been that the cinema has been put to very improper and objectionable uses. I have myself witnessed many performances when I had time to go to these places of public amusement, and I found that lots of young men and young women patronised the shows only when they were of a sensational character, sensational in a most objectionable manner. In order to cater to the tastes of the public who resort to these amusements the desire to make the scenes more sensational and more objectionable is growing. The acquisition of wealth is the chief aim of these exhibitors, and whatever pays them will be repeated very often. In this connection I would draw the attention of the House to the fact that in the craze for showing something which is very attractive even historic incidents and Puranic stories are perverted. I had the misfortune to attend a performance in which the "Light of Asia" was exhibited. The "Light of Asia" is, as you all know, the life of Lord Buddha, one of the most sacred stories in Indian mythology or history, whatever you may please to call it. However, I found to my great distress that the young wife of Lord Buddha as soon as he became a *sanyasi* and went out, was wooed by some prince and then the whole of the rest of the filthy story was largely filled with incidents of love intrigue that Lord Buddha's wife had with an unknown young man. So far as I know, neither history nor mythology ever taught us that Lord Buddha's wife was a woman of that character. Wooing may be a very admirable acquisition or accomplishment of young ladies in other countries, but in this country wooing is not considered an accomplishment. Indians are absolutely dead against this system and such a thing as wooing is unknown in this country. Therefore, the story while it is thrilling and attracts large crowds is undoubtedly calculated to corrupt public morals in this country. The films that come from America—there are a large number of them exhibited all over the Empire and the world—contain very many scenes which are calculated to corrupt public morals. One of the uses of the cinematographs is said to consist in enlarging the scope of experience. I must confess that the scope of my experience was very largely enlarged in some directions which I should have tried to avoid. I can tell this House that I had no experience of burglary or elopement. After I saw certain cinema shows the scope of my experience in the realm of crimes like the cleverest piece of burglary and the most sensational piece of elopement has been enlarged, and if I were a little weaker than I am I should certainly have been drawn to these things. And I do not pretend that there are not very many men who are not weaker than myself. Therefore, there cannot be any doubt that the scenes which are now exhibited to the public every day are of a character calculated to corrupt their minds.

Now, Sir, there is a very great reason at this juncture why the Government of India and the people of this country should take some interest in this matter. The encouragement of the cinematograph trade is engaging a great deal of attention in England at present. Some of you, at any rate, have read the reports of the debate in the House of Commons over the Cinematograph Bill. It is going through its second reading now. The President of the Board of Trade in moving the consideration of the Bill at its second reading stage made a speech and even the *prosaic* Reuter has put a little sentiment into the report which was wired out

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to this country. I will quote one sentence from the speech as reported by Reuter. The President of the Board of Trade is reported to have said :

" Cinema was the most universal medium to-day through which national ideas and national atmosphere could be spread. Those were intangible things. They were surely most important things in a civilised country and in a great Empire. The strongest bonds of the Empire were those intangible bonds. Films were shown to-day to millions of people all through the Empire and they must unconsciously influence the idea and outlook of the people."

I quite agree, and if the British people could manufacture films which will impart useful knowledge and inculcate good tastes and morals amongst the millions of His Majesty's subjects in the British Empire, I dare say they would be doing a very great service. I am not in this connection looking at it from the economist's point of view by pleading for the encouragement of the Indian film trade much as I wish to do it—I am now on the question of morals. The danger of the British move would be evident if in the race with the American competitors the British manufacturers turned out a large number of filthy films and sent them on to India for exhibition in order to make money. The House of Commons, I am glad to say, are not oblivious of this danger, and Sir Robert Horne is reported to have said that he hoped that the Bill would help to get such production of British films as to overwhelm the exhibition in the East of films tending to lower the prestige of the Westerners. The implication is that the present films sent out are not of such a nature as to enhance the reputation of the Westerners. Therefore, Sir Robert Horne sounded a timely note of warning to the British manufacturers and asked them to overwhelm the exhibition of such objectionable features by the production of good films in England. That is a very sensible suggestion. Mr. Ramsay MacDonald is said to have actually moved for the rejection of the Bill on the ground that it compelled the British traders to supply goods irrespective of their comparative merits and demerits and the demands of their customers. Ultimately the debate was adjourned. We are awaiting with great interest the further stages of that Bill. Following on the heels of the attempt to legislate for the encouragement of the production of British films by the Legislature in England, there are also activities directed towards the same object on the part of business men in England. Already a huge concern, an Empire wide organisation is floated, which is called the British Incorporated Pictures, Limited. The object is to produce vast quantities of film literature for exhibition in the East and other parts of the British Empire. I have read the report of the activities of that body and if the report is correct, there is room for apprehension of objectionable films coming out unless sufficient control is exercised by the Governments in England and India. It is however pleasing to know that authors of the reputation of Arnold Bennett, and Conan Doyle are on the syndicate of that body. I also find that the well-known producer Gordan Craig, actors like Maurier and Thorndyke and artists like Brangwyn and Dulac, which are well-known names, are connected with this enterprise. Therefore, if this syndicate is to send a large volume of films to India, it is necessary that the Government of India and the people of this country should tell them what kind of films will be useful and what kind of films ought not to be sent to India. You must have some control and voice in the matter. Therefore I am moving this Resolution with a view to see that the present evils of the cinematograph and other

public shows are minimised as far as possible and that the output of films and other shows for exhibition in India is effectively controlled in some way by the Government of India. I am quite aware of the existing arrangements. For the benefit of Honourable Members who are not acquainted with the legislation on the subject, I may say that it is embodied in the Cinematograph Act, II of 1918, as amended by the Act of 1919. That Act sets up authorities for certification and also licensing authorities in all the provinces. They have to certify that a film is fit for exhibition and licensing authorities have powers of subsequently withdrawing certification and seeing that objectionable films are not put on the screen. The operative section says:

"Any Local Government authorised in this behalf by the Governor General in Council may constitute as many authorities as it thinks fit for the purpose of examining and certifying films as suitable for public exhibition."

Latterly the Government of India have also done a service to this country by ratifying the International Convention for the suppression of the circulation of and traffic in objectionable films and by following it up by the enactment of legislation in the shape of Act VII of 1925 for giving effect to the terms of that Convention and making the dissemination of literature which is likely to corrupt the morals of young men below the age of 20 more severely punishable. In spite of these safeguards I must say that the object has not been achieved. If the certification is claimed to be efficient, I must emphatically say "No". I have seen some of the films which have been passed by the censors and there is undoubtedly very vast scope for improvement. I have therefore framed my Resolution guardedly seeking to "improve the system of censorship and control". I know that the system is intended to be effective and is well meant, but my complaint is that the control exercised is so feeble and the work is done so carelessly that a large mass of films which are really objectionable are allowed to pass without censorship and are actually on the boards. Therefore, I must ask the Government of India to take more stringent measures to see that filthy literature and filthy shows are tabooed. It is one of the primary duties of the Government of India.

If I tell you the reason which actuated me to table this Resolution, my object in bringing it forward will be clearer. The idea of tabling a Resolution like this occurred to me only after I listened to one of the most remarkable and eloquent addresses I have heard in recent times from a British lady, Mrs. Rolfe, who addressed the members of the Legislature a few days ago in one of the committee rooms. She is a member of the British delegation of the Social Hygiene League for the prevention of the spread of venereal diseases in India. She in the course of a most remarkable lecture pathetically said, "What is the use of our coming to India and preaching social hygiene and trying to prevent the spread of venereal diseases when every day films are put on the screens here which are calculated to lead astray thousands of young men and young women and actually conduce to the spread of venereal diseases." She pathetically pleaded that Indians ought to do something in the matter and that Indians should also ask Government to move in the matter. That lecture has made such a deep impression on my mind that I thought that I should be failing in my duty if I did not draw the attention of the Government to that deplorable state of affairs. If that appeal coming from a British lady, who came here on the humane mission of social

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hygiene and the preventing of the spread of venereal diseases, is not to be listened to by the Government of India,* then I do not know what other voice the Government of India will listen to. Therefore, I must ask such members of the Government, who have not been able to be present at that lecture, to get a report of the speech. It will do them a great deal of good to read it. I therefore very earnestly hope that the Government of India instead of turning down this Resolution will consider how they can improve the system of censorship. If they say that the system cannot be improved, then I must beg to differ from them. I believe there is great room for improvement and many people share that opinion, and I hope you will have the kindness to admit that the system is capable of being improved. With these words I move the Resolution.

THE HONOURABLE MR. H. G. HAIG (Home Secretary): Sir, I think that all the Members of this Council should be grateful to my Honourable friend for raising this question which is one of very considerable importance, and I trust that before I sit down I shall be able to persuade him that the Government of India, while they take a considerable interest in the system of cinema censorship and do what they can to improve it, are by no means convinced that it is perfect and are fully open to any suggestions for improvement that may be offered. The problem of the cinema is one that is experienced in all countries. It is one from which India cannot possibly hope to escape, and in India we are perhaps only at the beginning of our difficulties. For though the cinema habit has undoubtedly made remarkable progress in recent years in this country, if we may judge from the experience of other countries we may, I think, anticipate still more remarkable extensions. I hope the House will bear with me if I try to indicate some of the difficulties which must in any country, and particularly in India, confront the censor. They arise really from the essential characteristics of the film. In the first place, there is the fact that the film produces its effect without any recourse to words. The absence of words leads inevitably to a heightening and exaggeration of the visible effects. For an illustration of what I mean I need only refer to a device with which possibly Honourable Members are more familiar than I am, but I too have heard of it and occasionally witnessed it. It is known, I think, as the close-up. In the close-up, all actions and emotions are enormously exaggerated. If the heroine is moved to grief, we are privileged to see each tear gather in her eye and drop. In the same way, if an impression of vice or vulgarity is to be produced, that impression is enormously exaggerated by the very essence of the film. In the second place, Sir, the result of these simple and crude effects is that they make a very powerful appeal to a wide and often uneducated audience, and impressions, which, if addressed to better educated and more sophisticated audiences through less vivid means, might be less harmful produce among the cinema audiences somewhat unfortunate results. No one, for instance, would advocate that a novel dealing with burglary should be suppressed by the censor, but many people agree, I think, with my Honourable friend that it is not desirable that there should be exhibitions of burglary or elopement or other undesirable practices on the cinema. They do undoubtedly in the cinema produce an atmosphere which works very directly on the audiences which witness them. Another difficulty, Sir, is that a very different impression is often produced on persons at a different stage

of education or of different social customs and surroundings. To the latter point I shall come back a little later, but it is one which obviously creates very special difficulties in India. All this, Sir, leads to conditions which not only require the constant vigilance of the censor but render his task peculiarly difficult. It is difficult enough to censor words but to censor the impressions which are conveyed by sights is a matter of very extreme difficulty and delicacy, and it is seldom that two people will agree as to what is or is not objectionable unless it is a very extreme case. My Honourable friend the Mover mentioned the strong and almost monopolistic position which the American trade has secured. Well, Sir, we owe no doubt the development of cinematograph production almost entirely to America and much admirable and valuable work has been produced there, but I suppose it is inevitable that in the competitive conditions of production and as a result of the very wide popular audiences to whom the cinema appeals, a considerable number of low-grade films are produced. I do not know very much about the organisation of the trade, but I am told that the organisation of distribution is such that the exhibitors, with the best will in the world, cannot confine themselves to the best class of film. I am told that, with every good film, they are practically forced, by the arrangements of the trade, to accept a considerable number of films which perhaps they would be very glad not to accept, cheap films making a cheap appeal to the less desirable side of human nature. That is a point which I hope the House will bear in mind. In any country, therefore, the censor will clearly be kept busy with films which are very much on the borderline, and if the censorship is applied with undue rigour an outcry is at once raised, that the trade is being destroyed, is being stifled, the amusements of the people are being interfered with. On the other hand, if the censorship is a little relaxed, then films may gain currency which are capable undoubtedly of doing much harm to the character and morals of the nation. I think, Sir, I have shown that the task of a censor is a difficult one in all countries, and if the Government agree with my Honourable friend that it is desirable in the words of the Resolution to "improve the system of censorship", this must not be taken as implying condemnation of work which on the whole, making due allowance for the difficulties which I have explained, has been carried out very successfully, I claim, by the various boards of censorship in India. I would mention, Sir, one special difficulty which we find in India and which is not present in the West. The films which are shown in India represent an alien civilisation interpreted by these crude and vivid methods to an audience which in many cases comprehends very imperfectly the social conditions presented. That makes the effect of the cinema particularly difficult to determine and indeed in this country one may say the civilisation presented is doubly alien, for the proportion of British films is so small as to be almost negligible, and the manners and civilisation presented for our admiration or the reverse are those of America. It is this fact that has led to the remarkable developments within the last few months that my Honourable friend mentioned in Great Britain. The whole question of presenting to audiences the manners of their own nation is one which was considered of sufficient importance to engage the attention of the Imperial Conference and already we see the results of the deliberations of that body. As my Honourable friend has just told the House, an important organisation is apparently about to be floated with the idea of producing a large quantity of British films and the Government have introduced legislation at Home to encourage the marketing and distribution of the films thus

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produced. We may hope, Sir, that if these schemes are successful, and if the proportion of British films offered in India is largely increased, we may at any rate get representation in this country of the manners of Great Britain and not of the manners of America, and to that extent I hope that there might be improvement and that the task of the censor might be to some extent simplified. But I do not want to lay too much stress on this because, as my Honourable friend pointed out, the British producers will be faced with very much the same conditions as induced the American producers to play to the less desirable instincts. It remains to be seen whether they will be able to avoid these pit-falls. But, Sir, it seems to me that a still greater improvement would lie in a considerable extension of the production of Indian films—Indian films showing Indian stories in an Indian setting. This would give rise to a much stronger and more definite public opinion, for the audiences would realise at once when pictures of their own life are presented to them whether these pictures were such as should be shown or should not be shown, and I maintain that whatever Government may do, public opinion is the real foundation of censorship. One of our great difficulties in the whole of this question is that the censor cannot work effectively unless he knows how public opinion regards his efforts. At present Indian audiences cannot fail at times to misinterpret Western films. The censor may pass a film to which an English audience would find no objection, and yet that may be a film which it is not particularly desirable to exhibit before an Indian audience. In other words, the censor has to decide not only what is tolerable from a Western standpoint in the representation of Western manners but what is tolerable from an Eastern standpoint, or even what is tolerable from the standpoint of probable error or misinterpretation.

These, Sir, are the difficulties of the problem. I will just mention briefly how the Government have tried to deal with them. The films, as Honourable Members, of course, are aware, enter India through the ports. I do not wish to enlarge on a proposal which was at the beginning considered and rejected for what the Government of India considered sound reasons, namely, a system of central censorship. My Honourable friend has not referred to it. The question was discussed a year or two ago in this House and the proposal was rejected. A system of central censorship would undoubtedly give rise to considerable inconvenience and delay. One cannot expect that the inhabitants either of Bombay or of Calcutta would be pleased if all films had to be sent to some central place, like Delhi, there censored, and then returned to Bombay or Calcutta. Still less perhaps would they be satisfied if the films imported in Calcutta had to be sent to Bombay. For these and other reasons the Government of India decided that the censorship should take place at the ports of entry, and four Local Governments, namely, Bombay, Bengal, Madras and Burma, have been given powers of establishing Boards of Censors which are entitled to give a certificate of all-India validity. In practice, of course, the great majority of films are censored either at Bombay or at Calcutta. Now, Sir, this is not the first complaint we have had that the censorship is inadequate and unsatisfactory. At various times within the last few years a number of complaints, for the most part of a general nature, have been received by the Government of India, and they have carried on a somewhat prolonged correspondence with the Local Governments under

whose immediate control the censorship is conducted. The general attitude of those Local Governments—and of course the Governments of Bombay and Bengal are the most important—is that they are achieving a great measure of success in a matter of considerable difficulty. They certainly are not open to the charge which I think my Honourable friend made that the censorship is done carelessly, and there is not the least doubt that, objectionable though somethings may appear to my Honourable friend, a great number of far worse things are excluded. The censorship is up to a certain point effective. They are always open to suggestions, and so are the Government of India, and they are prepared to adopt any practicable means of improvement. But one of the difficulties is that the criticisms and complaints are for the most part of a general nature and they get very few definite complaints alleging that some particular film or some particular part of a film is undesirable and should not have been passed by the censor. Those are the kind of complaints that are really useful if we want to improve the system. The Boards of Censors have established, as far as we can see, excellent principles. I read only a few days ago a long list of subjects and treatment of subjects which the Bombay Board of Censors had laid down as being objectionable and justifying rejection, and they have adopted methods which in the special conditions with which we are faced in India we find it difficult to suggest any immediate improvement upon. But if any Honourable Members have any practical suggestions to make the Government of India will be only too glad to give their attention to them. I was very much interested in what my Honourable friend said about the talented lady who recently addressed the Members of the Legislature. I regret that I was not present there myself, and I particularly regret that she did not bring her criticisms to the attention of the Home Department which deals with this matter of censoring. I notice that just on the eve of her departure from India she gave an interview to the *Times of India* and in that she said:

“Films which have been rejected by Watch Committees and some of the leading English towns because of their harmful influence on the youth in the West are being freely shown to the youth in the East.”

Well, Sir, that is exactly the kind of thing we want to get hold of and I propose to write to Mrs. Rolfe and ask her if she can supply us with details of those films. We can then approach the Local Governments and ask them how it was that such-and-such films were passed by their Boards. But as long as it is open to the censoring authority to say, “Well, as a matter of fact we pass through so many thousand films and we get practically no definite complaints” the position is difficult. To say that the cinema is in general demoralising is easy and it may, I fear, be to some extent true. But the censorship has to proceed on details and it is only by furnishing details that we can hope to improve a practice which, I venture to assert, and I hope the House will agree, is on the whole in a very difficult matter not unsatisfactory. Government welcome this discussion. They are just as anxious as any Honourable Member of this House that the cinema with its potentialities for good and for evil should not be allowed to get out of control and should not become a demoralising influence in this country.

Before I sit down I wish to say one word about a part of the Resolution which was not mentioned by my Honourable friend. He refers to control over “other public resorts of amusement.” I am not aware whether he

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has any other public performances of a particular nature in mind. The control of dramatic performances, for instance, is in general left to Local Governments and we have no reason to suppose that that control is not exercised in a proper and effective way. If there are any particular complaints about any other class of performance we shall be glad to make inquiries. But in accepting this Resolution on behalf of the Government I wish to make it plain that our attention, and I understand the attention of this House, is directed mainly, if not entirely, to the question of cinematograph exhibitions.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU (Madras: Non-Muhammadan): Sir, it is a matter of grave concern and one of great consternation too, that the Cinema shows at present exhibited in most of the theatres exert a most demoralizing influence on the inhabitants of this country. Of the educative value of these Cinemas and of their recreative character, none can gainsay. Indians, as a nation, have known and have pursued and enjoyed several kinds of recreations even from the remote past. Games, music, dances, theatres and exhibitions of feats, arts and industries calculated to improve the physical, moral and mental stamina of the people, are not unfamiliar to them. But, unfortunately, Sir, the Cinema films imported from the West and some of these manufactured in this country have produced and are producing a contrary effect in India. In the first place, the cinema theatres are ill-ventilated and are so badly designed and constructed that the health of the visitors is endangered to a considerable extent thereby. Cinema shows have to be shown in darkness. So the ventilators, if any, are all shut out, thus shutting out light and air. But it may be said there are electric fans provided. The artificial breeze created by them, however, can bear no comparison to the natural breeze—the free play of air—which alone can purify the foul atmosphere and serve as a tonic and refresher to the inhaler. A couple of hours continuous stay at a Cinema show will, I am sure, cause a sort of sickening headache to many, despite all the electric fans and other artificial arrangements that may have been made to purify the air within. At any rate, Sir, that has been my painful experience. Medical men have held that Cinemas and theatres are undoubted sources of various diseases. They generate, nurture and spread all lung diseases commencing from the innocent cold and cough and ending with that terrible disease, tuberculosis. During the great Influenza epidemic, which claimed countless victims in all parts of the world, one of the effective preventive measures adopted was the closing of all the Cinemas and theatres to the public. Overcrowding in Cinemas is encouraged to a horrible extent, so much so that the health of the visitors is looked upon only as a matter of secondary importance or no importance even, the prime concern of the cinema proprietors being solely their profits. Again, these cinemas tend to affect the eye-sight of the visitors, especially of the youngsters. Darkness and light alternately in quick succession impair the vision, and if only careful statistics are compiled, it will disclose the astounding and dismal fact that fairly large percentage of cinema attenders are subject to eye-diseases, leading ultimately even to blindness, in the case of habitual visitors, in the long run. Cinemas are also the fruitful source for the spread of infectious diseases, such as small-pox, measles, etc. The period of incubation, in the case of these diseases, extends to some weeks, and anyone apparently all right, attending a cinema at the initial stage, unaware of the infective nature of the disease that is lurking and

developing in his system, may be the unconscious cause of a widespread epidemic. Unless, therefore, the strictest control and supervision are exercised by the Local Boards and Municipalities over these cinemas and theatres to prevent overcrowding, and unless the greatest care is taken in the course of construction of these cinemas and theatres to see that they are properly lighted and ventilated, I am afraid any number of pious Resolutions such as the one recently brought forward by my Honourable friend Sir Ebrahim Jaffer in this House for the formation of Committees, Councils and Conferences to devise means to prevent the growing spread of tuberculosis in India will be of no avail. So far about the baneful influence of the cinemas and theatres on the health and physique of the visitors.

Now, coming to the mental and moral influence which these cinemas exert over the audience, I can boldly and without fear of contradiction assert that the growing increase in crimes and the moral depravities of men and women in India, are partly the outcome of the so-called educative value of these cinema shows. The detective films exhibited in these cinemas practically teach the youngsters the subtleties in the art of thieving, in robberies, dacoities and murders, while the abominable love scenes, which, unlike in India, are entirely divested and devoid of spiritual emotions simultaneously kindled and ultimately gaining the upper hand, lead the unfortunate youngsters astray and make them life-long victims to countless sexual diseases. Youngsters, at their impressionable age are easily liable to acquire immoral habits and while these cinemas will be harmless in weaning them from immoral practices and habits which evidently is the prime object of these shows, they are a source of positive danger to humanity, if they merely rouse the brute passion in the people, without at the same time, checkmating it by the kindling of a lofty sense of morality and a high standard of spirituality in them. This, Sir, in substance is the difference between the Eastern and Western methods of propagating knowledge to the illiterate masses. The deputation of the British Social Hygiene Council that recently visited India have condemned rightly, and in no uncertain terms, such cinema exhibitions as ultimately tend to the moral and sexual depravity of the Indians and lead to the ruin of their entire social fabric which is based on the solid rock of morality and modesty. In my humble opinion, Sir, these cinema shows should be restricted to propaganda work in matters solely connected with health and hygiene, first aid, agriculture, industries and the like, which go to improve one's body and mind and endow one with lasting material benefit. To play upon the passions of human beings is sinful in the eyes of God and man, and such exhibitions as might cause physical and moral degradation should be strictly prohibited and censorship on such films rigorously enforced. Urgent legislation, which is needed, should be undertaken immediately and the Government of India and the various Provincial Governments would be liable to the charge of criminal neglect if they should fail to discharge this primary duty towards the teeming illiterate millions committed to their charge.

THE HONOURABLE SAIYID ALAY NABI (United Provinces West: Muhammadan). While we are thankful to the Honourable Mover for his anxiety to improve the morals of the people I think I cannot agree with him when he says that the law as it stands now is not stringent enough.

[Saiyid Alay Nabi.]

He has quoted a part of the Cinematograph Act of 1919, but he has not been able, perhaps he has overlooked the provision where it is laid down that if a film has been passed and certified as suitable for public exhibition by the censoring authority, then if afterwards it is brought to the notice of that body that the particular film or films offend against the morals of the people the censoring body has a right to suspend the certificate.

THE HONOURABLE MR. V. RAMADAS PANTULU: I have referred to that provision also.

THE HONOURABLE SAIYID ALAY NABI: I am sorry I did not hear the Honourable Member. Well, my Honourable friend has given us certain experiences of his own in that direction. If the exhibition of a certain film did offend his morals and his moral conscience then it was his duty to report to the censoring body and say that that film had been wrongly passed and should not have been certified. That was my point and that is my point, and I think it is the duty of us all to take that step whenever we find that a film which had been passed is not suitable for exhibition and should be suspended. There is one difficulty more about it. I would say here the law is stringent enough no doubt but we have after all to look at it from the business point of view. We have to bear in mind that it is a very difficult question to decide what are morals. Morals I think have nowhere been defined. They differ very much indeed with classes of people. There is no written code of morals. I have looked in vain in the speech of my Honourable friend for anything which may serve as a guide to the censoring body or for the benefit of the exhibitors of films. The exhibitor does not take up this work for philanthropic reasons. We have to look to the other side too—that is he has to cater for the needs of the public at large, and the public in India does not consist of one nation or one religion or one race. The exhibitors have to cater for all kinds of people, so that people may have a pleasant evening. That is the object. I do not think that if they were to exhibit pictures of saints or angels there would be anybody there except empty benches and chairs, and empty chairs do not pay—they cost something. Therefore, I say that we have to take very good care to see that no such stringent measures are taken so that this important business, which is instructive too as my friend said in his speech, is altogether closed. We have to look at it from that point of view. Public morals are very indefinable. They vary with the climate of a country, they vary with the stage of development of a people. They vary with the religion of a people. Even ethical standards of individuals differ. They vary with education, upbringing and the associations and surroundings of a man. They even vary with the liver and digestive capacity of a man. You cannot possibly lay down a hard and fast rule. The safest guide is the censoring body. We have to depend upon their judgment and discretion. If they have not been correct in their judgment and in their discretion we have to bring to their notice that they have not been right, and I think that would be the position which may be consistent both from the view of public morals and the view of the people who carry on their business. I do not mean to be understood that I am against improving public morals.

THE HONOURABLE MR. V. RAMADAS PANTULU: I am thankful to the Honourable Mr. Haig for having accepted the Resolution. His speech,

I must say, has adduced more arguments in my favour than against me and has improved my case. He has pointed out that the cinema exaggerates the effects of a scene, that it caters to the uneducated masses and that it seeks to exhibit an alien civilisation and culture. These are grounds for our being more cautious in improving our censorship. All that he says is that the censorship might easily have been worse and that we must be thankful for what has been done. What I am asking is that the Government should be more vigilant, as vigilant as they can possibly be. As for my friend's hope that the British films will improve the character of the shows and that British manners will be an improvement on the American manners, I know of neither. It is a matter for settlement between the Americans and the Englishmen, and there is no American here to exchange compliments with my friend Mr. Haig. With regard to the observation of my friend Mr. Alay Nabi about my not reporting the matter to the censor, I plead guilty to the charge. It is one of those defects of character from which this country is suffering. The sense of public duty has not developed to that extent which would help Government and the people in the discharge of many of their legitimate duties. I spoke to many of my official friends about the objectionable character of the films, but I did not formally report the matter to the censor. Next time when I come across an objectionable film, I shall take good care to report it. My friend Mr. Alay Nabi is unnecessarily nervous about my Resolution trenching upon legitimate amusements as notions of morals widely differ. I have heard of the saying that equity varied with the Chancellor's foot, but have not yet heard that public morals varied with the liver of the censor. Whatever that may be, I have made it clear that the scope of my Resolution is confined to the policy laid down by Sir Malcolm Hailey in moving the Resolution regarding the International Convention. What satisfies Sir Malcolm Hailey ought to satisfy the standards of my friend Mr. Alay Nabi. With these words, I once more thank the Honourable Mr. Haig for having accepted the Resolution.

THE HONOURABLE MR. H. G. HAIG: I have very few words to say. My Honourable friend Dr. Rama Rau appeared to me to be going far beyond the scope of the Resolution which deals with the improvement of censorship (*The Honourable Dr. Rama Rau: "Improvement of censorship and control"*) and control. I think he really wished almost to abolish the cinema. At any rate he ought to have wished it. It has such deleterious effects, physical and mental, that he has no business to wish it to continue in any form. It no doubt would be an interesting subject for speculation whether we would not be better without the cinema, without the motor car, without various other modern developments. But that is not at the moment the matter before the House. My Honourable friend Mr. Ramadas Pantulu is, I think, so much accustomed, sitting where he does, to oppose these Benches that he seems to suffer from a certain sense of disappointment that I was not opposing him on this occasion. He even tried to suggest to the House that when I was supporting him I was arguing against him. I can assure the House that that was not so. We are really in agreement on this subject. As for his remarks about the comparative manners of British and Americans I think he misunderstood slightly what I meant. I did not suggest that British manners were necessarily superior to American manners. I said that it was an advantage to British people to see British manners as they are more easily comprehensible.

THE HONOURABLE THE PRESIDENT: The question is:

"That the following Resolution be adopted:

'This Council recommends to the Governor General in Council to improve the system of censorship and control over cinemas and other public resorts of amusement, and to adopt adequate measures to prohibit the exhibition therein of films and other shows which are calculated to corrupt the morals of the people'."

The motion was adopted.

RESOLUTION *RE* PRESIDENT OF THE COUNCIL OF STATE.

THE HONOURABLE SIR SANKARAN NAIR (Madras: Non-Muhammadan): Sir, I move:

"That this Council recommends to the Governor General in Council that early steps should be taken to amend section 63-A of the Government of India Act, so as to make the Governor General the President of the Council of State."

Sir, I seek by this Resolution to restore the practice which existed before the Reforms when the Governor General in Council was the President of the Legislative Council. When he was able to do so, he presided over the Council meetings and on those occasions when he was not able to attend, he deputed a Member of the Executive Government to take his place and preside. It is that which I really seek to restore. The arguments, Sir, are very simple. In this Council we have various parties. One is the Government party under the guidance of the Members of Government. There is an Opposition, certainly one, of the Swaraj Party here, and there are also various other Members. To decide all those questions which arise between the Government party and the Opposition and the other Members too it may be, such questions as come before the President to decide the questions which any member belonging to any of the parties might bring forward and to hold the balance even between all the members, it is necessary that we should have a President who will not only be strictly impartial according to his lights, according to the best of his judgment because I take it that all those who are appointed to that position will come to impartial conclusions only according to the best of their judgment, but the President must be one who is above any suspicion even of conscious or unconscious partiality. It is not the fact alone, as we say in the courts, it is not so much the fact of impartiality that is important as the reputation for it, there should not even be a suspicion of partiality. Now, that cannot be the case when we have a subordinate Officer of Government coming here as the President of the Council and when he has to look, as he usually looks, to promotion afterwards at the hands of the Government. That is the first argument.

The second argument is this. We are now in a transition stage, transition from a bureaucratic government to a popular government, or rather, to be more precise, from the government of India by the Civil Service to a popular government. Now, in that transition stage it is but right in that the President of this Council should not be a member of the Civil Service, but should be one who is accustomed to popular government, who has been living under popular institutions, who has taken part in working popular institutions, who has been in fact a Member

of Parliament. However sympathetic a Civilian might be to popular aspirations, there are limits to that sympathy. However reactionary a man accustomed to popular government might be, there are limits to these reactionary tendencies. Furthermore, we look forward to a time when a convention will arise, when we shall be able to get rid of almost all these laws or restrictions which are now found necessary, restrictions on the expression of popular opinion. Now, Sir, in the case of a Civilian, the interpretation of the rules is likely to be rigid. In the hands of a Parliamentarian, the interpretation of the rules is likely to be liberal. If you want a convention to evolve, not only must the interpretation of these rules be liberal but there must also be a relaxation of these rules when circumstances will allow the President to do so. For all these we should have a President who is accustomed to deal with parliamentary institutions. That is the second reason.

The third reason is this. We want, the Members of the Council want, to know the Viceroy better, and we want him to know us. There are some Members here, it is true, who are very fortunate in being able to see him very frequently; but those who were in the Council in the pre-reform days and who are here now when he is no longer present here presiding, will bear me out when I say that in those days the Viceroy was to us a living person, when we met him here day after day, when he was present at these discussions. Now to many of the Members of this Council he is almost an abstraction, a dim figure. That ought not to be so. The Viceroy is not only the representative of the King Emperor, but he also occupies here the position which the Prime Minister in England occupies. He is the head of the Executive and it will tend to smoothen the administration of the government if the head of the Executive, if the Viceroy, comes constantly into touch in this way with the Members of this Council, when he sees us face to face, when he hears arguments from us, when he sees how we discuss these things, and when he teaches us also how to discuss these things.

Well, Sir, that leads me to the next argument. We have in this Council men of the highest social standing, men like—as he is not here I may mention his name—men like the Maharaja of Darbhanga, nobles of ancient lineage, and also men who have risen from the ranks or who are just emerging from the ranks. We do not form a class; we have not got any class morality behind us, neither have we any common tradition binding on all of us. Now, Sir, the nobility of England from which the Viceroy comes is a class which has got the reputation of consisting of what they call perfect gentlemen. Now, under the superintendence, under the guidance of a man like that, this Council will gradually evolve a code of manners which will make him the President of a body of gentlemen. The main characteristic of a gentleman being, so far as this discussion is concerned, that he can strictly carry out all his duties, be very strict in the execution of his duties without hurting or wounding anyone's feelings, without giving any offence to anybody. It is essential, I think, considering the composition of this Council of State that we should have such a man as the President of this Council.

Then, Sir, there is only one small matter. It will undoubtedly add to the prestige of this Council to have the Viceroy as its President. Men who now do not care—I speak from knowledge—men who now do not care to enter the lists and fight the elections to get admitted here, when they know that the Viceroy himself is present here in person as the President, would try to come here as Members of this Council.

[Sir Sankaran Nair.]

These are the arguments, Sir, which suggest themselves to me and I submit that it is very desirable that we should have the Viceroy as the President of this Council. It has been suggested that the Viceroy may not find time. My experience about Viceroys is that they find time. If a Viceroy has no time an Executive Member of the Council may take his place and preside in his absence. For these reasons, Sir, I move my Resolution.

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma: General): Sir, I beg to move the amendment to the Resolution moved by my Honourable friend Sir Sankaran Nair. My amendment runs:

"That for the original Resolution the following be substituted:

'This Council recommends to the Governor General in Council that in future the Governor General shall appoint one of the elected non-official Members President of the Council of State'."

Sir, it is not necessary for me to make a speech at some length because my amendment is self-explanatory. My object in bringing forward this amendment

THE HONOURABLE MR. V. RAMADAS PANTULU: I thought you called on the Honourable Member for a discussion on the main Resolution. My amendment stands first on the paper.

THE HONOURABLE THE PRESIDENT: It is quite true that the Honourable Member's amendment stands first in the list. I looked towards him and I hoped he would rise so that I might call him to move his amendment. But the Honourable Mr. P. C. Desika Chari was the only Member of the House standing and therefore I was left no option in the matter. I do not think it really very much matters which amendment is moved first. The Honourable Member will have his opportunity later.

THE HONOURABLE MR. P. C. DESIKA CHARI: Sir, my object in moving this amendment is this. Under the provisions of the Government of India Act it is possible to give effect to a Resolution as amended by the amendment which I submit to the acceptance of the House. Sir, under section 63A, of the Government of India Act the Governor General may appoint any Member of the Council the President of the Council. If this amendment is accepted, it does not require any amendment of the Government of India Act. At the same time I may say that I am not opposed to the principle of election of a president from among the Members of this Council, but I submit that to give a practical turn to the Resolution, it is enough that we confine our attention to the amendment which I propose. Sir, the fact that I do not want an official Member to be appointed need not be taken as a reflection on the President who have been officials. I mean it as a compliment to those officials who have been the Presidents of the Council of State. My submission is this. They have discharged their duty, under the present Act, of instructing the other Members to understand their duties as Members and in a way instructing the Members to learn how far the discretion vested in the President should be exercised. I believe, Sir, the Reforms have been in operation for a sufficiently long period, and I believe the time has come when it can safely be said that not only officials but also non-officials can be trusted with the duties of Presidents.

THE HONOURABLE RAJA NAWAB ALI KHAN (United Provinces: Nominated Non-Official): What about nominated non-officials?

THE HONOURABLE MR. P. C. DESIKA CHARI: I wanted to confine this to the elected Members only because of another reason which I shall state presently. Sir, the object of the Government of India Act is to vest some powers in the elected representatives of the people. These representatives are expected to replace in a large measure the control of Parliament in so far as the control has been relaxed under the Government of India Act. No doubt the status of nominated non-officials would be as representatives of certain classes which do not find a place in election. But this Council has got a majority, though it is a bare majority, of elected representatives, and seeing that it is these representatives that come in by the franchise which has been extended to the people, and as other Honourable Members, especially the officers, come in only incidentally just as a sort of teachers, I expect that when the pupils are fit to shoulder the responsibility, they should be allowed to discharge those responsibilities as soon as they are fit. Sir, there is one other objection to nominated non-officials being appointed President. As it is, it requires their appointment first as Members of this Council and secondly, having made them Members, further to appoint one of them to be President. Sir, is it not desirable that people who have come in by election, in whose case there is no need of appointment as Members, should take precedence over those people, officials or non-officials, who come in by appointment in the first place by the Governor General? I am not excluding non-officials in any spirit of hostility, but I would submit that the tenour of the Act that the Viceroy shall appoint from among the Members of the Council a President is fulfilled by the appointment of one of the elected representatives who get in by the process of election which has been introduced under the new Reforms. Our position is this. If no elected non-official can be appointed President we have only to fall back upon the official element, and if we are to have an official, it is better that we have the highest official under the Crown.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: Nominated Non-Official): What do you mean by the highest official? The Viceroy?

THE HONOURABLE MR. P. C. DESIKA CHARI: Yes, the Governor General. The Governor General is the repository of the residuary powers under the Government of India Act. Sir, there are certain powers which are being exercised by the Legislature, which under the Act can as well be exercised by the Governor General and which powers are actually being exercised fairly often by the Governor General himself. In such cases the Executive who are represented by officials here have got a chance to modify the views of the Governor General in a larger degree than other Members of the Council who have got their own points of view to put forward. Here no doubt the Governor General goes through all the proceedings of the Legislature, but there is a great advantage, as my Honourable friend Sir Sankaran Nair put it, in the Viceroy being present and being personally impressed with the views expressed by the elected representatives, so that the official element, the Executive Council, which shapes in a large degree the views of the Viceroy may not have an unfair advantage—unfair I would say, because in all cases the Executive Council have got a big hand in the situation and have opportunities of meeting the Viceroy and conveying to him their own viewpoints more often than the non-officials have with whose viewpoint the Executive Council may not be quite sympathetic. It naturally follows that the elected representatives are at a very great disadvantage

[Mr. P. C. Desika Chari.]

and the object of the Act I would say has been greatly frustrated by the Governor General not being personally present to hear the non-official view. With these words I commend my amendment to the acceptance of the House.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That for the original Resolution the following be substituted, namely:

'This Council recommends to the Governor General in Council that in future the Governor General shall appoint one of the elected non-official Members President of the Council of State.'

I would ask Honourable Members to confine themselves strictly to that amendment until it has been disposed of one way or the other.

THE HONOURABLE SIR ALEXANDER MUDDIMAN (Home Member): If I understood your ruling correctly, it is that we are dealing at the present moment merely with the amendment before the House and not with the main Resolution and that I shall have, if necessary, an opportunity of dealing with the main Resolution. If that is so, I do not think I need detain the House for more than a few minutes.

The amendment moved by my Honourable friend is in effect an attempt to limit the existing statutory power of the Governor General to select any Member of this Council to be President. The Act, as it now stands, by sub-section (2) of section 63A. provides:

"The Governor General shall have power to appoint, from among the members of the Council of State, a president and other persons to preside in such circumstances as he may direct."

Therefore, under the law as it stands there is nothing, should the Governor General so desire, to prevent him from nominating any Member of the Council of State, official, or non-official, nominated or elected, to be President of the Council of State. The choice is left to him entirely and I do not know how my Honourable friend proposes to give effect to the limitation which he suggests. Is he going to amend the Government of India Act to take away from the Governor General his present power of selection, or does he propose by his amendment to give instructions to that authority as to the manner in which he is to exercise the statutory power given to him? It seems to me that if you accept the view that the Act as it stands provides a suitable method of finding a President for this House, then my Honourable friend is making no improvement at all by the method which he suggests. I perhaps am not unaware of the various virtues of elected and non-elected Members. I have been connected with the Central Legislature for something like 16 years, and during that period I have known many non-official, many official, many nominated, many elected Members. I have not been able yet to discover that the process by which they arrive in this House can be regarded as a clear indication of their merits to preside. If one is convinced that election would give some particular sanctity, would put a mark of special suitability, then indeed election would be a much happier method of finding presidents for an assembly than it is in my judgment. There is no reason to suppose that a nominated non-official is less likely from his nomination to be an efficient President than there is to suppose that an elected non-official merely by virtue of that very fact will become more suitable for the post. In these circumstances, I have no

hesitation whatever in advising the House to reject at any rate the particular amendment which has been moved by my Honourable friend.

THE HONOURABLE SIR ARTHUR FROMM (Bombay Chamber of Commerce): I, in common with most Members of this House, have listened to many speeches from my Honourable friend, Mr. Chari. But I do not think I have listened to any speech from him which has been less convincing. The opinion I formed was that his heart was not in his amendment. He has brought forward no argument in support of it which would carry any weight with the House. Now, what is the position? Since this Honourable Council of State was constituted we have had three Presidents. The Home Member had the honour of presiding over our business for something like three years. He was succeeded by Sir Montagu Butler and the latter was in turn succeeded by yourself, Sir. The Honourable Mr. Chari was very careful to say that he found no fault with any of those Presidents. What is the conclusion? He finds no fault. Why then alter the present system? I could understand an amendment coming forward or a Resolution of this nature being brought forward before the House if there were some faults found in any of the Presidents we have had. The question of impartiality has been discussed. Does the House think that we would necessarily get greater impartiality from a President elected from the Members of this House than that which has always been shown to us here from the Chair? I can see no use at all in this amendment and I oppose it most heartily.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, if I may be permitted, I should like to oppose the Resolution with all its amendments. But if you wish me to talk on the amendment then I will talk on the amendment.

THE HONOURABLE THE PRESIDENT: Yes.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN: In the first place, the terms of the Government of India Act imposing the power of veto in His Excellency the Governor General is very much against the measure thus proposed, for it is in his capacity of Viceroy and Governor General of India that he can certify or cancel a business carried through this House—I do not think that as President he will be in a position to exercise this power of veto quite well. As President of this House he will have to abide by the decision arrived at by the Council and it will be very awkward that an exalted personage armed with the power of veto should become the President of the Council of State. I am afraid that the powers of the President of the Council of State will collide with those of His Excellency the Governor General.

THE HONOURABLE THE PRESIDENT: Will the Honourable Member please come to the amendment before the House?

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN: The other day some Members were proposing that they should be permitted to make speeches in the vernacular. If the Viceroy is to be the President. . . .

THE HONOURABLE THE PRESIDENT: Order, order. The question before the House is not whether His Excellency the Viceroy should be President or not. The question is whether we should have a President here selected in the manner described by the Honourable Mr. Desika Chari's amendment.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN : I do not understand why the Honourable Mr. Chari should restrict his amendment—that it should only be confined to elected Members. There are many nominated Members here, and generally the nominated Members of this Council discharge their duties much better than some of the elected Members. Some of the elected Members during the whole of their tenure of membership in this Council never make any speech. So I do not see why the choice should be restricted to the elected Members. His Excellency is here representing His Majesty the King Emperor and his power should not be restricted. He should be given free scope to select anybody who seems the fittest person to His Excellency for the discharge of those duties. I do not know why an official who has served for nearly 20 or 25 years should not be in a better position to discharge his duty than an elected Member. Some elected Members at any rate here will not be able to understand the vernacular of some Members here. A member of the Civil Service is generally supposed to know more Urdu than Mr. Ramadas Pantulu or Mr. Chari can understand. I do not see any reason why a nominated man should not become the President. After all an official knows the people and understands them better than an elected Member from Bengal or Madras. It seems to be very peculiar that Sir Sankaran Nair should say that a junior member of the I. C. S. should not be appointed as President. There might be some junior members of the I. C. S. who are very brilliant and shining. Why should they not be appointed? I do not think any Member of this Council can dictate to His Excellency the Viceroy that so and so should be selected. I do not see why His Excellency should not be permitted to make his own selection. With these words I oppose the amendment. I will talk on the Resolution if I get a chance.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab : Nominated Non-Official) : I have got one point to make. It is known to all that the Reforms are in a transitory stage. That can be seen from the fact that to elect a Member to the other House there is a particular franchise. It is still higher for this House. There are lakhs and lakhs of people who have not yet been given the franchise at all and Government by getting suitable nominated Members look after that portion of the population. Now the question is who will represent the masses? Government have their own officials who have served in the rural parts of the country who know more about the masses. Everybody objects to the Government because the Government is a bureaucracy and it is said they run the country as they like. Now these officials work among the masses and they represent their views. I do not think that an oligarchy—just as the so-called intelligentsia objects to the present bureaucracy—of the selected few should run the masses to which they will strongly object and I therefore object to this amendment which only seeks to favour a small class.

THE HONOURABLE RAJA NAWAB ALI KHAN (United Provinces : Nominated Non-Official) : The amendment of my Honourable friend Mr. Chari has neither the virtue of introducing the elective principle nor has it the merit of allowing the Governor General a free choice of a President of the House. I oppose the amendment because it seeks to restrict the sphere from which our President should be chosen to the elected Members of this House only. Such a restriction does not exist in the case of the Legislative Assembly. Why should it be allowed in this House?

THE HONOURABLE THE PRESIDENT: The question is:

"That for the original Resolution the following be substituted, namely:

'This Council recommends to the Governor General in Council that in future the Governor General shall appoint one of the elected Non-Official Members President of the Council of State.'

The motion was negatived.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muham-
1 P. M. madan): Sir, I beg to move:

"That for the words 'make the Governor General the President of the Council of State' the words 'provide for the President of the Council of State being a Member of the Council elected by the Council and approved by the Governor General' be substituted in the original Resolution."

Sir, I do not like the idea of submitting myself to a flank attack by the Honourable the Home Member: I would prefer a frontal attack by him, and therefore I put forward a proposition which completely replaces the present system of nomination by one of election and I seek to have the decision of this House in a straightforward manner upon the question of election *versus* nomination. In speaking on this amendment, I should say that the question of the partiality or impartiality of a nominated President is altogether irrelevant. I must confess to a sense of disappointment in listening to my friend Sir Arthur Froom's short speech, in which he based the entire argument against a change in the existing system upon the past history or the credentials of the nominated Presidents.

THE HONOURABLE SIR ARTHUR FROOM: The question of partiality was brought in by the original Mover.

THE HONOURABLE MR. V. RAMADAS PANTULU: If that is so, he was equally irrelevant. My friend might have said that Sir Frederick Whyte who presided over the Assembly with distinction for four years was an impartial and able and conscientious President. I would gladly agree to that sentiment. Nevertheless, he was replaced by virtue of a statutory provision by an elected President of the Legislative Assembly. If my friend's argument about impartiality prevailed there was absolutely no reason for replacing Sir Frederick Whyte by the Honourable Mr. Patel. Therefore, that does not convince me. I make no secret, Sir, of my intention in moving this amendment. My intention is from now to make certain efforts to improve the constitution of this House. Opportunity has been afforded to me by the Resolution tabled by Sir Sankaran Nair and I have taken it by seeking for one small reform which certainly goes to improve its constitution considerably. The Second Chamber, I take, has come to stay. There are no doubt two notions with regard to Second Chambers. One set of constitutional experts say that the Second Chamber is absolutely unnecessary. You remember that famous dictum that—what will a Second Chamber be able to do? If it agrees with the popular Chamber it is superfluous; if it disagrees, it is mischievous. Therefore, in neither case is it necessary. It reminds me in its turn of a famous dictum of an English professor with whom I began my legal studies, who greeted his class cordially with: "Well, gentlemen, if you have come to study law, I will tell you that, if law is common sense, you need not study it; and if it is not common sense, you ought not to study it." Fortunately, we have got over that stage. The second view is that the function of a Second Chamber is to curb the ultra-democratic tendencies of the

[Mr. V. Ramadas Pantulu.]

popular Chamber, to prevent hasty and precipitate legislation by the popular Chamber. That is the second view. That also has been found to be an exploded theory. Second Chambers everywhere are now installed not to put a strain upon the work of the popular Chambers but really to secure the proper expression of popular opinion by a system of bi-cameral deliberation. The idea of the Second Chamber is to see that popular opinion of the proper kind is expressed through the Legislature composed of two Chambers. In the Western countries, it has become increasingly clear, Sir, that owing to the very limited character of the mandates that the popular representatives take from their electorate when they go to the Councils (these mandates are exhausted very soon after they enter the Legislature) the length of the period for which they sit in the popular Chamber and the party system that exists (it is now recognised that the Cabinets control the Assembly) that the popular will is not properly expressed through the representative House. Therefore, the desire to have another Chamber which helps the expression of popular opinion as a supplementary body to the First House is becoming a more accepted theory. In this view, Sir, all lovers of advance in this country are anxious to secure further advance in the constitution of this House. When the time comes we are going to ask for a fully elected Second Chamber. In the meantime, Sir, I cannot let this opportunity slip of asking for an elected President, and therefore my grounds are entirely of a constitutional character and not based upon any personal considerations. It is stated that your predecessors and you have been very eminent Presidents. I am not disposed to deny that: it is not my business to deny it. My grounds are entirely constitutional, as I said. Now, in the Second Chambers elsewhere we find, except in the old Canadian constitution, the Presidents are elected. In South Africa they are elected; in the Australian Commonwealth they are elected; of course, not in Canada, where we all know the whole body of its Senators is nominated by the Governor General, including the President. But those of us who know anything about constitutions will remember that nomination by the Governor General is merely a euphemism for nomination by the party in power. The Premier of the party in power exercises the right of making nominations, and some of you at any rate must have read that humorous saying of Sir Wilfred Laurier, a famous ex-Premier of Canada, who was responsible for nominating as many as 8 members of his party to the Canadian Senate. He said—these are his very words:

“The result has been to produce a Chamber where a body of elder politicians enjoy a pension for the remainder of their lives at public expense in return for faithful party services.”

Therefore, that is what happens in Canada. Therefore, Sir, election of Presidents is the most recognised practice in the modern Second Chambers. So the desire to elect our own President is not one to which any exception can be taken. My amendment has this virtue, namely, that I do not seek to restrict the choice of this House either to the elected representatives or to nominated representatives or to the officials. The election is thrown open to every section of this House and a person who commands the confidence of this House will be elected, be he official or nominated, non-official or elected non-official. I agree that, with either a system of nomination or election the scope for choice ought not to be restricted. Be it by the Governor General or by this House. Whoever has the choice in the matter must have unrestricted choice. Therefore, I am asking this

House to do what the Assembly is at present able to do. Under section 68-A of the Government of India Act, the present position is that :

“ The Governor General shall have power to appoint, from among the members of the Council of State, a president and other persons to preside in such circumstances as he may direct.”

I cannot conceal my feeling that this provision is being only adhered to in letter and I think the present practice is against the spirit of it. I do not think it was intended that in practice the Governor General should first of all nominate a permanent official as a Member of this House with the ultimate view of making him President of the Council and finally nominating him also as President. It is against the spirit, I take it, of the section though it is not opposed to the letter of it. It is a fraud upon the section as I believe that it was never intended that a permanent official of the Civil Service should be nominated as a Member of this Council with a view ultimately of making him President and afterwards appointing him as the President. With regard to the Assembly, section 68-C uses the very words which I wish to import into this amendment :

“ and shall thereafter be a member of the Assembly, elected by the Assembly and approved by the Governor-General.”

Sir, if the Assembly can be trusted to select a proper President by means of election, is there anything against this House being trusted with electing a President who will conduct the proceedings of this House impartially? There is a much larger number of elected Members there—popular representatives—and they have been given the power to elect a President who will control the proceedings of that House in which the Government are very vitally interested, because, after all, it is the Assembly that counts in all matters of finance and other important concerns. All the battles of the Honourable the Home Member are fought on the floor of that House. He rarely fights a battle here. He gets either smooth sailing or very cordial reception here. And when he is able to fight his battles in that House where every day he has got to depend upon the rulings and upon the good sense of an elected President, elected essentially by popular vote, what difficulty would he experience in a House like this which consists of elderly and sober statesmen, to use the words of the Montagu-Chelmsford Report, who can be trusted, who have always stood by the Government and behind the Government in times of need and who have never given any room for alarm to the Home Member or any official Member of this House? Why should you not trust this House with election? Do you think that we are less able to make a choice than the Legislative Assembly? Do you think that we are more radical and that we will elect a President who will be more inconvenient to you than the Honourable Mr. Patel or any other gentleman elected by the Assembly? I really want to know what is behind the mind of the Honourable the Home Member. I would ask him to be frank with us to-day and not raise constitutional theories against me. I hope he will really tell me something on the merits of my amendment. I really want to know what is there in the Government of India Act so sacred that it should not be amended? You can wait till after the Royal Commission comes. We are in the middle of a Session. We are not rushing to Parliament immediately with a request to amend section 68. The legitimate result of accepting my amendment will be to put this proposal before the Royal Commission when it comes out and to take steps to have that section amended after 10 years' experience of

[Mr. V. Ramadas Pantulu.]

the working of the Council. We have been sufficiently loyal to you, sufficiently obedient, sufficiently respectful, sufficiently reliable that we hope to be trusted with this small modicum of reforms. I will ask the Members of this House to rise to a full sense of their responsibility in shaping the constitution of this House, to a full sense of their dignity and independence, to a full sense of their duty to establish for this House a proper place in the constitution of the country. With these words, Sir, I propose my amendment.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That in the original Resolution, for the words 'make the Governor General the President of the Council of State' the words 'provide for the President of the Council of State being a member of the Council, elected by the Council and approved by the Governor General' be substituted."

Again I would ask the House to confine itself to the amendment.

THE HONOURABLE SIR ALEXANDER MUDDIMAN: Sir, one can get no better proof of the mollifying effect of the Council of State upon those who sit in it than by listening to my Honourable friend Mr. Ramadas Pantulu's speech. I find he is now no longer attempting to wreck the constitution but is willing to try to amend it. It is to me a great satisfaction that we have reached that position. By that means he undoubtedly will forward the best interests of his country, if not the best interests of his party. He has also, if he will permit me to say so, made a very interesting speech. But in it I myself see some slight confusion of ideas. The question before the House is the question of the presiding officer. Now, if there is one duty which it is clear the President of a deliberative Assembly should not perform it is the duty of expressing public opinion. Why it should be thought that the appointment of an elected President will in any way influence or give greater scope for the expression of public opinion I fail to grasp. A President who took upon himself to express public opinion would, in my judgment, very soon cease to be a President whom this House would regard with any great satisfaction. If I were to describe the functions of a President—and I think the House generally would agree with me—I would say they are more judicial than executive. Now, one has to recollect that those who framed the Government of India Act probably were quite deliberate in making some difference between the two Chambers. We know they were in regard to the franchise; we know they were as regards the composition of the two bodies, and with regard to this matter of the election of the President, they decided to insert a definite statutory provision providing for his nomination. Now, I see—and apparently my Honourable friend Mr. Ramadas Pantulu also sees—a certain amount of danger in second Chambers. One of the dangers of second Chambers is that the first Chamber and the second Chamber may be so alike as not to be distinguishable in their operation. That is, you come down to two Chambers which do not differ in any considerable degree. One of the differences that the Act does impose is in this matter of the President. It may interest the House to know that in the Mother of Parliaments this distinction also exists. The Speaker of the House of Commons is no doubt elected, but the Speaker of the House of Lords is not elected. He is the Lord Chancellor, or in the case of a vacancy, the Crown can appoint and generally does appoint a high judicial

officer to preside in the House of Lords. Now, it is not even necessary that the Speaker of the House of Lords should be a Member of the Chamber. There are many instances of Lord Chancellors who have presided in the House of Lords without being Peers. I think it is a matter of historical interest, moreover, that it is a fact that the Woolsack on which the Lord Chancellor sits is not actually within the precincts of the House at all. There is nothing remarkable or peculiar in the fact that the second Chamber should be presided over by an appointed President. I do not suppose any Honourable Peer sitting in the House of Lords feels that that is any reflection on the way in which he would exercise the right of election, because, as a matter of fact, the Chancellor is appointed by the Crown. Nor is it any reflection on the capacity of this House that the same difference should exist in regard to this House. I have not the slightest doubt that if the power of election had been given to this House it would have been exercised with the discrimination which marks the decisions of this House. As I say, it is not an unusual feature of the constitution that the Presidents in the different Chambers should be appointed in different ways. My Honourable friend referred to the precedent of Canada. He said that that was an old precedent and in practice did not exist anywhere else in the British Empire. He was there slightly in error. He referred to the fact that in the constitution of South Africa the President of the second Chamber is an elected President. There are also instances in other Colonial constitutions where the President of the second Chamber is appointed by the Government. Both in the Colony of New South Wales and the Colony of Queensland the President of the Upper House is appointed by the Governor by Instrument under the public seal, although the Speaker of the Lower Chamber is, as in this country, an elected President.

I must make one other observation on my Honourable friend's speech. He seemed to take the line, the line I have quite often heard, that Members of these Legislatures sit in these Chambers by different warrants, that they are distinguished by the manner in which they are appointed . . .

THE HONOURABLE MR. V. RAMADAS PANTULU: No. I did not make it. I in fact said that such a distinction made by Mr. Chari was not correct.

THE HONOURABLE SIR ALEXANDER MUDDIMAN: The Honourable Member does not fully grasp my point. The point I am on is, if I understood him rightly, he said that the appointment of a nominated President was a fraud on the law, that it might be within the letter of the law but it was not within the spirit of the law. That is the argument which I am now about to destroy. The question is often raised not only in this House but in others places and arguments are put forward which seem to show that there is a delusion abroad that there is a distinction between the various Members of these Legislatures, that there is some particular sanctity attaching to election or nomination, as the case may be. Now, it is well that the House should have its mind quite clear on this subject. We all sit here by one decree and one decree only. We sit here in virtue of an Act of Parliament. You are elected in virtue of an Act of Parliament. We are nominated in virtue of an Act of Parliament. You may say you do not like the constitution and that you would like to change it, but there is no doubt of the fact that the powers and duties

[Sir Alexander Muddiman.]

of Members here, by whatever source they come, are the same and identical. And to suggest that the Government of India Act deliberately contemplated the non-appointment of a nominated Member is not in accordance with facts or with the history of the Act, and such an appointment is well within both the letter and the spirit of the Act.

I think I have said enough to show that, although I have no doubt that this debate will attract the attention of the Statutory Commission when they come to deal with the various constitutional questions which will come before them, I doubt that it is a point of sufficient importance to attract great attention, but that it will attract some attention, I have no doubt. I have no doubt also that before the Statutory Commission comes there will be no question of amending the Government of India Act in the way the Honourable Member suggests, and I think I have shown that in my judgment there is no particular reason why it should be done. There are precedents one way or the other. The matter would be one for consideration but not more than that, and the suggestion that it is in any way derogatory to this House or the constitution of this House that they should not have power to elect their President is one which I think I have satisfactorily disposed of. In the circumstances of the case I oppose my Honourable friend's amendment.

THE HONOURABLE MR. KUMAR SANKAR ROY CHOUDHURI (East Bengal: Non-Muhammadan): Sir, I rise to support the amendment of my Honourable friend Mr. Pantulu. The Council of State is looked upon by the public and was even originally intended to act as a body set up for the purpose of checking and controlling the more democratic Chamber of the Indian Legislature on behalf of the Government. There is a movement almost in every country to do away with the second Chamber wherever that body exists. There is such a movement even in England and although the House of Lords has not yet been abolished its powers have now been greatly curtailed, so that if the House of Commons passes any law three times, it *ipso facto* becomes law. Instead of bringing the Council of State into line with the House of Lords in this respect we should not so alter the constitution as to make this body still more retrograde. I am also opposed to the Viceroy being the head of this body on constitutional grounds. With the grant of reforms the position of the Viceroy has to be more or less assimilated to that of a constitutional sovereign above all party politics. He should not therefore take part in the active administration of the legislative bodies. On the contrary, the President of this House should be one elected by this House to make his position similar to that of the President of the Assembly. It will add to the dignity and independence of the Chair more than if he is selected by the Government, and make him more popular, not only to this House, but to the outside public as well. The Honourable the Home Member referred to the Lord Chancellor presiding over the House of Lords. The Lord Chancellor no doubt is an officer of the Crown legally speaking, but the occupant of the post changes with the ministry and cannot be strictly held to be a permanent officer of the Crown. Moreover, the House of Lords also performs some judicial functions. It is the highest Court of Appeal in England and the Lord Chancellor who controls the judicial system is directed to preside over the House for that reason.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal: Muhammadan). Sir, I had no intention to intervene in this debate by inflicting a lengthy speech but I feel called upon to speak a few words on the amendment of my Honourable friend, Mr. Ramadas Pantulu. He wants us to take a sudden high jump from nomination to election. My Honourable friend, Mr. Ramadas Pantulu's proposal is excellent as an ideal, but if we bear in mind the character and qualifications imposed on the composition of this House, my Honourable friend will immediately realise that his very object would be defeated. It is barely six years since we were constituted into a legislative body to exercise a great responsibility which is far greater as a revising body than that of the Assembly itself. The House has built up a reputation for sobriety, moderation and statesmanship, and I am inclined to think that some time more should elapse and some more experience should be gathered by us—I mean no disparagement to my Honourable colleagues here,—before we can safely embark on the principle of election for Presidentship. It will be obvious to my Honourable friend that the analogy of the Assembly cannot hold good in the case of this House especially in view of its present composition in accordance with the Government of India Act. I feel convinced, Sir, that the proposal of the Honourable Mr. Ramadas Pantulu is premature and therefore I oppose the amendment. Sir, can I speak on the Resolution?

THE HONOURABLE THE PRESIDENT: Not at present.

THE HONOURABLE THE PRESIDENT: The original question was:

“That the following Resolution be adopted:

‘This Council recommends to the Governor General in Council that early steps should be taken to amend section 63-A of the Government of India Act, so as to make the Governor General the President of the Council of State’.”

Since which an amendment has been moved:

“That for the words ‘make the Governor General the President of the Council of State’ the words ‘provide for the President of the Council of State being a member of the Council, elected by the Council and approved by the Governor General’ be substituted.”

The question I have to put is that in the original Resolution those words be substituted.

The Council divided:

AYES—10.

Alay Nabi, The Honourable Saiyid.
Govind Das, The Honourable Seth.
Mahendra Prasad, The Honourable Mr.
Manmohandas Ramji, The Honourable Mr.
Ramadas Pantulu, The Honourable Mr. V.
Rama Rau, The Honourable Rao Sahib Dr. U.

Roy Choudhuri, The Honourable Mr. Kumar Sankar.
Sett, The Honourable Rai Bahadur Nalininath.
Sinha, The Honourable Mr. Anugraha Narayan.
Zubair, The Honourable Shah Muhammad.

NOES—32.

Akbar Khan, The Honourable Major Nawab Mahomed.
 Bell, The Honourable Sir John.
 Brayne, The Honourable Mr. A. F. L.
 Charanjit Singh, The Honourable Sardar.
 Commander-in-Chief, His Excellency the.
 Corbett, The Honourable Mr. G. L.
 Dadabhoy, The Honourable Sir Maneckji.
 Das, The Honourable Mr. S. R.
 Desika Chari, The Honourable Mr. P. C.
 Evans, The Honourable Mr. F. B.
 Forest, The Honourable Mr. H. T. S.
 Froom, The Honourable Sir Arthur.
 Golan Mustafa Chaudhury, The Honourable Maulvi.
 Gray, The Honourable Mr. W. A.
 Habibullah, The Honourable Khan Bahadur Sir Muhammad, Sahib Bahadur.
 Haig, The Honourable Mr. H. G.
 McWatters, The Honourable Mr. A. C.

Mehr Shah, The Honourable Nawab Sahibzada Saiyad Mohamad.
 Misra, The Honourable Pandit Shyam Bihari.
 Muhammad Ali Muhammad Khan, The Honourable Maharaja Sir of Mahmudabad.
 Muhammad Hussain, The Honourable Mian Ali Baksh.
 Nawab Ali Khan, The Honourable Raja.
 Rainy, The Honourable Sir George.
 Ram Saran Das, The Honourable Rai Bahadur Lala.
 Sams, The Honourable Mr. H. A.
 Stow, The Honourable Mr. A. M.
 Suhrawardy, The Honourable Mr. M.
 Symons, The Honourable Major-General T. H.
 Tek Chand, The Honourable Diwan.
 Thomas, The Honourable Mr. G. A.
 Thompson, The Honourable Sir John Perronet.
 Umar Hayat Khan, The Honourable Colonel Nawab Sir.

The motion was **negatived**.

The Council then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Council re-assembled after Lunch at Twenty Minutes to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE THE PRESIDENT: The Council will now resume discussion of the Honourable Sir Sankaran Nair's Resolution.

THE HONOURABLE MR. V. RAMADAS PANTULU: Sir, on the main Resolution I would like to say just a very few words. The Honourable Sir Sankaran Nair has told the House that the Governor General will be an improvement over a nominated official. I beg to differ from him entirely. The ideal for which we are working is to separate the executive from the judicial and the legislative functions of the Government. These three are the primary functions in a civilised government and the ideal towards which every civilised government is working is to dissociate these three functions as far as possible. My objection really to an official or one of the permanent Civil Services to preside over the Council is that it will combine the Executive with the Legislature in a very indissoluble and improper manner and I think my objection will be a hundredfold stronger to the head of the Executive himself presiding over the Legislature. That will be making the Legislature accept a policy which is directly in contravention of the policy towards which all civilised nations are working in their constitutions. The Governor General as the head of the Executive should be the last person to preside over us. The proposal was there in the Montagu-Chelmsford Report, that the Governor General should preside over the Council of State. The matter was considered by the Joint Parliamentary Committee. The proposal was given up

and very wisely given up, and I find from a perusal of the proceedings that my Honourable friend Sir Sankaran Nair was himself against the proposal at that time. He did not want the Governor General to preside. It will be more difficult, I think, for this House to give full and frank expression to its ideas and to manage its business in an atmosphere of freedom when the Governor General presides than when a member of the permanent Civil Service presides. I will not go into the details of the arguments of Sir Sankaran Nair, but I will at once say that I do not agree with any one of them because they are most unconvincing. And I think the wisdom of the framers of the Government of India Act and of those who gave evidence against the idea of the Governor General presiding over the Council ought really to guide us now in this proposal. We have really progressed in the right direction. The Governor General has got very many functions to perform and his dual position in the Legislature both as a part as well as its head will be a very anomalous one. He will be the person who will have to assent to or veto enactments passed by this Council. When this Council passes a particular measure and if in his capacity as Governor General he has got either to veto it or assent to it, he will be finding himself in a very difficult situation to upset the decision of the very Chamber over which he presided. It will be a farce for any President to veto a measure which is passed by a large majority of the Members of the House over which he presides. It is a most unnatural thing and I think no wise Governor General will ever accept such a position, of being placed in the position of a judge of measures and other enactments passed by the Chamber of which he is a Member and President. Therefore, either from the point of view of the Governor General or from the point of view of the freedom of this House or from the point of view of the progressive nature of the constitutions elsewhere, it is most undesirable to associate the head of the Executive with the Legislature in the manner proposed. For these reasons, Sir, I strongly oppose the Resolution.

THE HONOURABLE SIR SANKARAN NAIR: Well, Sir, the only reply to my Resolution, or rather to my speech, has been that of my friend, the Honourable Mr. Ramadas Pantulu, and his contention reduces itself to this, that we are all now attempting to separate the executive from the judiciary and rather than have the head of the Executive he would prefer a subordinate in the Executive Department, because I suppose he means he will be more amenable to the control of the Council. The argument is, on the face of it, fallacious from beginning to end. The words which Sir Alexander Muddiman used in speaking against the amendment support me to the full extent. The words that he used were "the functions of the President of the Council are more judicial than executive". Now, we know the difference between a man being really impartial in his decisions and a man being above the suspicion of partiality. The cases are quite distinct. We know that the lower you go, the greater is the imputation of partiality; the higher you go, the less the imputation. From the Himalayas to Cape Comorin, we are now seeking to separate the judiciary from the executive. We do not charge the officers, the district judges and others who are drawn from the executive, with actual partiality in the execution of their office, but what we say is that the training which they have received, the associations they have with the executive place them in such a position that they

[Sir Sankaran Nair.]

are not above the suspicion of partiality, unconscious it may be. That is now the case. People generally—Indians generally—are agreed upon it that we want that separation on that ground, not because they are actually partial, but because there is a suspicion of partiality. The lower the grade of the officer, the greater the liability to suspicion. In the High Court there are Civilian Judges: the evil scarcely exists. In the district courts, there are district judges: there is a greater suspicion there. Go further down, to the case of deputy magistrates, head assistant collectors, and so on: it is greater. That is the reason of it. The higher you go, the less the suspicion. That is the reason why if you are to have an executive officer at the head of this Council, it is far better to have the Viceroy himself who is also charged with the duty of the progressive development of popular institutions. That duty he cannot forget, though others may; and I submit, therefore, to you, Sir, and to the House, that is a complete answer to my Honourable friend. Then he trotted out various bogeys. He said: how is he, after presiding here, to veto the motion. My friend is entirely new to this Council and that is why he makes all these observations. Ever since the inauguration of these Legislative Councils the Governor General has been the President. He has been carrying out all these duties; he has been performing all the functions which my friend says he will find it difficult to perform. Sir, I have nothing more to say.

THE HONOURABLE THE PRESIDENT: The question is:

"That the following Resolution be adopted:

'This Council recommends to the Governor General in Council that early steps should be taken to amend section 63-A of the Government of India Act, so as to make the Governor General the President of the Council of State.'

The motion was negatived.

RESOLUTION RE ASSIGNMENT OF A SUITABLE PLACE IN THE WARRANT OF PRECEDENCE TO MEMBERS OF THE COUNCIL OF STATE, OF THE LEGISLATIVE ASSEMBLY AND OF PROVINCIAL LEGISLATIVE COUNCILS.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammādan): Sir, I rise to move the Resolution which stands in my name:

"This Council recommends to the Governor General in Council to take such steps as may be necessary to secure the assignment of a suitable place in the Warrant of Precedence to Members of this Council, of the Legislative Assembly and of Provincial Legislative Councils."

Sir, I have tried to study the history of the Warrant of Precedence in India and I find that the first order was fixed in 1814. The next table of precedence was prescribed in January 1855 and the 22nd place in it was assigned to the members of Legislative Council of India, all of whom were officials in those days. The Indian Councils Act of 1861 for the first time made provision for the appointment of non-officials also as members of the Legislative Council, and in July, 1862, a revised Warrant was published assigning the 30th place to "members appointed

to the Council of the Governor General of India for the purpose of making laws and regulations according to priority of appointment except in the case of members who may on other grounds be entitled to special precedence." The latter class evidently comprised the higher officials, and the 30th place was therefore perhaps intended for the particular benefit of the non-official Members. In 1877, the Warrant was again revised and provision separately made in it for Additional Members of the Councils of the Governor General as also of Provincial Councils. Thus the 18th place was given to the Additional Members of the Governor General's Council, the 22nd to the Additional Members of the Councils of Madras and Bombay and the 24th place to the Members of the Bengal Council. The next revised Warrant was issued in 1899 giving the 19th place to Additional Members of the Governor General's Council and the 27th to the Members of the Councils of Provincial Governors and Lieutenant Governors. This Warrant was further amended in 1918, assigning the 40th place to members of the Legislative Councils of Chief Commissioners. The Warrant thus amended was in force till the 17th of August 1922, when the non-official Members of all Legislatures were altogether omitted from the Warrant of Precedence.

Thus it will be seen that the recognition that had been made of the position of non-officials of Legislatures ever since 1862 continued for 60 years. From the earliest time when non-officials were first admitted as members of the Legislatures and throughout the various changes introduced from time to time in the constitution and functions of the Legislative Councils, the non-official members were entitled to a definite place in the Order of Precedence. This position was maintained for over a year and a half even in the case of members of the present Reformed Legislatures only to be withdrawn without any reference to them. From certain interpellations in this House and in the other place, Government must have realized that the withdrawal of this privilege has not met with the entire approval of non-official Members. This matter came up for consideration also in the committee appointed to enquire into the privileges and status of members of this House. And it is significant that no less a person than my friend the Honourable Mr. Ramadas Pantulu, the leader of a democratic party, made a proposal in that committee that members of both the Houses of the Central Legislature should be given a definite position in the Warrant of Precedence. The Committee thereupon unanimously decided to place on record their opinion that, owing to absence of a place in the Warrant of Precedence for Members of the Legislature, they do not always receive on public official occasions the recognition to which their position entitles them. The Committee however by a majority declined to make any recommendation for the assignment of a place in the Warrant to members of this House, as they understood that the Warrant was designed to regulate the procedure solely of officials amongst themselves. The official view of the matter as expressed by the Honourable Mr. Crerar in this House to my question No. 88 on the 28rd August last year is also much to the same effect, except that while the Honourable Mr. Crerar said that the Warrant was *primarily* intended to regulate the position of officials, the Privileges Committee understood it to be meant to regulate the position *solely* of officials. That this is not an accurate view is evident from the facts stated by me that non-official Members did undoubtedly enjoy

[Lala Ramsaran Das.]

the privilege for 60 years. The Honourable Mr. Crerar tried to explain it away by observing that inclusion in the Warrant of non-official Members of pre-reform Councils was a relic of the position under which such Members were persons added to the Executive Council when it met for legislative purposes. This explanation certainly does not hold good in the case of Members of provincial Councils in provinces where there were no Executive Councils in pre-reform days. As I have already pointed out, Members of all provincial Legislative Councils had definite places allotted to them in the Warrant. Moreover, the present Warrant allots a specific position to Vice-Chancellors of our Indian Universities who are in most cases non-officials. What I understood from the reply given by the Honourable Mr. Crerar was that in the new Warrant of Precedence all places for non-officials were eliminated. If we study the new Warrant we find that the position, 90th, for Vice-Chancellors of Indian Universities has been retained and that further places have been newly given, 44th, to non-official Presidents of Municipal Corporations in the Presidency-towns and Rangoon within their respective municipal jurisdictions and 58th to Sheriffs within their own charges. Where is then the elimination of non-officials?

Though the majority of the Privileges Committee accepted the official view about the purpose of the Warrant of Precedence, they thought that the attention of Government should be drawn to the necessity of taking steps to secure that Members of the Council should have a recognised position at public functions. The evil of which I complain is admitted by the Committee though they have left the remedy to be determined by Government. It is my intention in this Resolution to draw the pointed attention of Government to this matter and invite them to revert to the practice that obtained for sixty years as the only right course to follow.

Sir, I hope it will not be contended by any Honourable Member that in these days of democracy no one should attach serious importance to a position in the Warrant of Precedence. Analogies of other countries, I submit, will not be a safe guide in these matters when we remember the peculiar conditions in India. People attach greater importance to these things in India than perhaps anywhere else in the world. Government themselves have, in certain matters, tried to keep up the old Indian customs and practices. The periodical Darbars that are held at Delhi, in the provinces, and in the districts and their attendant ceremonies, are peculiar to India and are a relic of the past. Speaking of the Punjab, I can say, that at these functions definite places are reserved for Durbaris; and claims to these comparative distinctions are handed down from sire to son. People in general regard these distinctions as of considerable value. And any lapse from his position at these functions on the part of any one, humiliates him in the eyes of the public. The removal of the Members of Legislatures from their long recognised place in the Warrant of Precedence has given the occasion in many instances for thoughtless action on the part of officials and as a result people have begun to look down upon us as a class of people who have suffered official degradation. I wonder whether the representatives of the people in the various Legislatures are alone to be considered undeserving of any distinctive position at official functions. One may enquire as to why it is that

with the expansion of the constitution the people's representatives possessing enlarged powers are called upon to surrender a privilege that was enjoyed by their predecessors having far less legislative authority. It has always been understood that Government will not allow the dignity and prestige of the Members of the reformed Central Legislature to suffer by comparison with those of the pre-reform councils. I therefore hope and trust that Government will accept this Resolution and secure an assignment of a suitable place in the Warrant of Precedence to Members of the Legislatures.

I am well aware of the fact that the Warrant of Precedence is issued under His Majesty's sign manual, and the question of admitting any class of persons therein is not technically a matter for the Government of India to decide. It is however quite permissible for Government to make recommendations in that matter and take necessary action for the purpose of securing the privilege which our predecessors enjoyed in the old Councils.

As the Resolution affects the dignity and prestige of the Members of the Legislatures I venture to hope that it will have the unanimous support of the House.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab: Nominated Non-Official): I strongly support this Resolution. Not only should this House and especially the non-official members be thankful to my Honourable friend, but the Government also should be thankful because this discussion at any rate has brought to their notice how much we all feel this privilege having been taken away from us. The legal authorities know that any privilege that one has enjoyed for 80 years even against Government as an adverse possession cannot be altered, and I hope that in this case too the Government will consider the question in that light. It is laid down in the Warrant of Precedence that if any question crops up in this connection the Viceroy has got powers to decide the matter. Here the whole House asks for a privilege and it is for His Excellency to consider the matter. One sees that a particular place has been assigned to the Council of the Secretary of State—it is after No. 9. If one Council is assigned a place, why not another Council and then yet another Council below it, etc.? Government is not only proceeding in the direction of taking away the privileges of this Council, but even any privileges that are given in the Warrant of Precedence to the Knights are disregarded. Knights, I think, are assigned the 31st place in the Warrant of Precedence. When we are in Delhi we are very thankful to the Government here that when we go to the Viceregal Lodge the courtesy of the rank is given us as before and in all the functions here everything is all right.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Question.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: Directly we go nearer home to our own provinces these privileges diminish and when we go to our districts they are practically disregarded altogether. One does service to the Government and to the country and tries to elevate oneself so that people may say that by doing work he has been elevated. I think it is in the interests of Government also that they should do something towards those who do good service to them. It is ruled that if a man holds two positions he should be given the higher of the two. I have seen cases,

[Sir Umar Hayat Khan.]

one of them is my own, where I was told, "If you only give up your lower position you will get higher." It is not so laid down in the Warrant of Precedence at all to relinquish one of the positions. On the other hand if a man has got no second position and is not even a provincial Darbari, he will be elevated above another person who holds a lower position. That is anomalous and ridiculous

THE HONOURABLE SIR MANECKJI DADABHOY: We do not understand what you say.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: This is done and I can prove, if you can discuss it with me in private, that what I am saying is right. I wish to say one thing which I hope will not be taken ill. Friends of the Government consider that if they approach the Government, the latter know that the former will not budge from them, they are kicked at, while those who go in right and left for Government are shaken by their hands and considered the best. In this way I think that those who are responsible for this state of affairs are not at all going in the right direction. Those who do not care for Government's honour and Government posts will come to think that it is better to be against Government. Slowly and slowly everything is being taken out of the Government's hands. When they had lots of nominations people looked to them as they could help their friends. We do service to the Government and when we go to them for nominations they say, "Go and beg the country for votes". Things should not have been like this with regard to this Honourable House, for Members should have come here absolutely independent of anything so that they can speak out their minds and say things both to the Government and to the people in an impartial way. If people come from one side they have to look to their constituency, and if they come from the other side they have to look to the Government. I think that the privilege which has been taken away is a great insult and Government should look into it. Also the other question which I have put before the House, i.e., the resigning of a comparatively lower position, is entirely wrong and should be looked into because it has been meted out to some of the Members of the Council of State.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): After the speech of the Honourable Lala Ram Saran Das and the subsequent speech made by Colonel Nawab Sir Umar Hyat Khan, although I myself am not so ardent and zealous an advocate of a suitable place in the Warrant of Precedence being given to Members of this Council or of the Legislative Assembly and the Provincial Councils, still if some places are assigned to the Honourable Members of this House as were assigned to those of the old Imperial Council I do not think that it will in any way be doing an injustice to any department or any individual. After all the Council of State is supposed to be the highest legislative body in India and if the Honourable Members of this House are assigned the same position in the Warrant of Precedence as was assigned to Members of the late Imperial Council, it will not in any way be unfair to the dignity of this House. Circumstances and especially social status in the East very much differ from those of the West. According to my views the East will have to travel at a very accelerated pace to get to the Western standard of thinking. The time required for the purpose will be a very long one and I do not think that anybody in

India can predict the exact period during which the East can be expected to reach the present way of thinking of the West, leaving aside the progressive and ever-changing ways of the latter. The West is progressing, by leaps and bounds, say at a speed of 300 miles an hour and it is quite impossible for the East to compete with it or arrive at that standard of thinking. In my opinion to judge the Eastern by the Western standard will be the greatest fallacy. There is always bound to be some difference between Eastern and Western notions and if the Government of India deem it advisable to take some action on this Resolution I will in no way take objection to it. My reason in differentiating between the Eastern and Western standard of thinking is based on the answer given to the Honourable Lala Ram Saran Das in reply to his question in connection with the Warrant of Precedence on the 23rd August, 1926, in this House. It appears to me from the answer referred to that the abolition of the order of precedence and the assignment of places to the Members of this Council was made to bring the Members of this House into conformity with those of the British Parliament. Sir, to judge the feeling of all the Members of this House by those of the British Parliament does not seem to me justifiable. India must be judged by Eastern ways. We have got our own position in our provinces and I for one am quite satisfied with the position I hold in my own province, but still if something is done and if places are assigned to Members of this House as were assigned to Members of the old Imperial Council, I think it will not be out of place if this request is granted.

THE HONOURABLE SIR ARTHUR FROM (Bombay Chamber of Commerce): I do not want to say very much about this Resolution except that I was a member of the Committee appointed to inquire into the privileges of this House and it is perfectly correct, as the Honourable Lala Ram Saran Das has said, that my friend on my right did introduce this question of the position of the Members of the Council in the table of precedence. Now, Sir, having said so much I would like with your permission to move an amendment to this Resolution and my amendment will be that all the words after the words "Members of this Council" be deleted. May I continue on that amendment?

THE HONOURABLE THE PRESIDENT: Certainly. It is for the Council itself to object. It is not for the Chair to object.

THE HONOURABLE SIR ARTHUR FROM: My reason for the amendment is very simple. We do not know what are the feelings of the Legislative Assembly on this question and we do not know what the feelings of the Provincial Legislative Councils are. It is quite possible that the Legislative Assembly do not want a position in the table of precedence. It is quite possible that the Members of the Legislative Councils equally do not want a position in the table of precedence. Therefore I suggest that this Resolution should stop at the words "Members of this Council". I have not very much to say on it. I was in the old Imperial Council before the Reforms and, as the Honourable Lala Ram Saran Das has pointed out, the Members of that Council had a position in the table of precedence. When the Council of State was formed, I think, at the beginning, it had a position in the table of precedence. The Honourable the Home Secretary, Mr. Crerar, at our meeting told me it was not so—perhaps I should not quote him as he is away. I was afterwards told by a higher official that I was correct, that the Council of State did have a position in the table

[Sir Arthur Froom.]

of precedence. (*The Honourable Lala Ram Saran Das*: "For a year and a half.") Why it was taken away I do not quite know. If a position in the table of precedence is an attraction to Members of this Council why should it have been canceled. I think that they might rightly regard themselves of as much importance as the Honourable Members of the old Legislative Council in pre-reform days and I think that Government would do well to accept this Resolution as I have amended it.

The Council of State is not always too attractive for this reason—I am not saying anything against the constitution of the Council of State—but when we come up here a lot of time is wasted. We had one meeting last week. It does exhaust our patience, because our time is being wasted owing to the obstructive methods of another place and the refusal to sit on days which are not holidays. (*The Honourable Mr. V. Ramadas Pantulu*: "Question.") I do not want to lay too much stress on that point. What I do say is that we have to exercise a great deal of patience. We feel that we are wasting a good deal of time, not wasting time when we are meeting but wasting time when we are not meeting. The number of days on which we do not meet are greater than those on which we do. It is not of our seeking. Therefore, if an Honourable Member of this Council brings forward a proposition which may make the election to the Council of State rather more attractive than it is otherwise, I do not think that Government should oppose such a Resolution. Sir, I move my amendment.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That the words 'of the Legislative Assembly and of Provisional Legislative Councils' be omitted."

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma: General): I have not much to say on the original Resolution nor on the amendment, but I rise to say a few words because the Resolution as originally drafted brings in other bodies who may have their own views in the matter as our friend the Honourable Sir Arthur Froom said. I think it is better that we should confine ourselves to the Resolution as it is proposed to be amended because it carries into effect the ideas and underlying objects of the Mover of the Resolution without straying into fields into which we are not entitled to go.

Sir, I do not know what importance attaches to this Warrant of Precedence, but as it is the Warrant of Precedence implies there is a certain amount of prestige attached to people who occupy higher rank than those people who occupy lower rank, and if there are people who are out of it altogether it shows there is a brand of inferiority to those people who are excluded. And the position is aggravated in this case because, as the Honourable Mover has pointed out, this privilege is one which the Members of the previous Imperial Legislative Council enjoyed for over 60 years; and to take away such a privilege—whether it is a great thing or a small thing—amounts to a slur on the highest Council of the State which has taken the place of the old Imperial Legislative Council. Sir, indirectly I believe there is another reason why the Members of the Council of State ought to have a place and a proper place in the Warrant of Precedence. I am told—I have not gone into the matter myself and I take it for granted—that the Council of State had been enjoying the privilege for some time after it began to function. If that is the case, what is the object in deleting

the Members of the Council of State from that table of precedence? Is it really meant to enhance the prestige of the officials and lower the prestige of the non-official Members of this House? I find that the Act has been so worked as to enhance the prestige of the officials and to reduce or belittle the prestige of the non-official Members of this House in various particulars. It is on this ground and on this ground only that I want the position which the Members of the Council of State were enjoying soon after this House came into existence to be given to them, otherwise the taking away of the privilege will be regarded as more or less an indictment on the non-official Members of this House; and I regard it at least as a slur which the official Members ought to take the earliest opportunity of removing. With these words, Sir, I heartily support the amendment.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I accept the amendment.

THE HONOURABLE MR. H. G. HAIG (Home Secretary): Sir, I hope I shall be in order if I speak to the amendment and the Resolution at the same time. I need not, I think, assure the Council that Government have not the slightest wish to do anything that would in any way impair their dignity or the respect which is due to them from the country. I think the whole record of Government should be sufficient to refute any such idea and I hope no such suspicion will linger in any Honourable Member's mind. Nor, Sir, should I have supposed it was possible to imagine that this was a question of jealousy between officials and non-officials. The Warrant of Precedence is a document which gives rise to a great deal of criticism and a certain amount of misunderstanding and I think in the course of this discussion this afternoon there has been a certain amount of misunderstanding as to what the Warrant is intended to do. I will read out the first note which is attached to the Warrant. It says:

"The entries, while regulating relative precedence with each other of the persons entered therein, do not give them any precedence over members of the non-official community resident in India, who shall take their place according to usage."

The actual entries in the Warrant are entirely of officials. One Honourable Member certainly did suggest that various non-officials have found their way into the Warrant, but, Sir, I think they found their way in in virtue of their official position. It appears to me that the President of a Municipal Corporation is really occupying position in a way which I understand the Members of the Legislature would not claim to be. I think many Members of the Legislature rather emphasise their non-official position. Well, Sir, that at any rate is what the Warrant is intended to do. It is intended to be a list of officials and it regulates the position of officials *inter se* and it definitely says it gives them no precedence over members of the non-official community who shall take their place according to usage. Well, Sir, I admit that in the old days, the Members of the Central Legislature, before the Reforms, did occupy a place in this Warrant. Reference has already been made to the interesting historical explanation of that fact. It was undoubtedly a relic of the time when the Members of the Viceroy's Legislative Council were regarded as persons added to the Executive Council when it met for legislative purposes. (Several Honourable Members protested.) I did not quite understand what the Honourable Members said. Are they attempting to deny that statement?

THE HONOURABLE SIR ARTHUR FROMM: I was never an official Member of the Viceroy's Legislative Council, Sir.

THE HONOURABLE MR. H. G. HAIG: I said, Sir, that it was an interesting historical survival. I did not say that any Member here present was an official but that in the old days originally that Council was regarded as an addition to the Viceroy's Executive Council and the Members of the Viceroy's Executive Council were described as Ordinary Members and the others were described as Additional Members. I think, Sir, I am right in that contention.

THE HONOURABLE SIR ARTHUR FROMM: That is quite correct.

THE HONOURABLE MR. H. G. HAIG: Of course, we have gone a long way since then. But it was on that account that originally Members of the Central Legislature found a place in the Warrant of Precedence. In 1922, when the Warrant was revised, that appeared to be an anomaly and a decision was taken after careful consideration that the Warrant should be confined to what it was really intended for, namely officials, and that so far as non-officials were concerned their precedence should be left to be determined by usage, with a certain amount of guidance. Well, Sir, that is the position at the present time. This proposal was considered by the Committee appointed to inquire into the privileges and status of Members of the Council of State and it appears to me personally that the conclusion of that Committee, of which I see the Honourable Sir Arthur Fromm was a Member (*The Honourable Sir Arthur Fromm*: "I have already said so.") was a wise conclusion. It says:

"The majority of the Committee were of opinion that they should not make any recommendation as to the assignment of a place in the Warrant to Members of the Council of State as they understand that the Warrant is designed to regulate the precedence of officials among themselves."

That is the point I have been trying to make. They go on to say:

"They think, however, that the attention of the Government should be drawn to the necessity of taking steps to secure that Members of the Council of State should have a recognised position at public functions of the nature referred to above."

Well, Sir, that is the object which the Government have been anxious to secure. If in any case the object of Government has been defeated, if in practice the Members of this Council have not been assigned at various functions a reasonable place, I think the Government would be very glad to look into the matter and make further inquiries. I would go further. Though I cannot pretend that I am convinced by the arguments which have been advanced this afternoon, the Government are perfectly prepared to reconsider the whole position in the light of the discussion which has taken place here. I cannot commit the Government as to any decision they may come to after such re-examination of the position, but I hope that my Honourable friend will rest content with this assurance and will not feel it necessary to press his Resolution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I thank my gallant friend the Honourable Colonel Nawab Sir Umar Hayat Khan for his drawing the attention of the House to the fact that there were places of precedence for Members of the Council of the Secretary of State for India some of whom were non-officials. Sir, places of courtesy have been given in the latest Warrant of Precedence, brought up to the 23rd June, 1924, is now before me, and besides the Members of the Council of the Secretary of State, it includes Peers, Knights of the Garter, Privy Counsellors, Members of the Council of the Secretary of State for India.

THE HONOURABLE MR. H. G. HAIG: These are not in the Warrant.

THE HONOURABLE SIR MANECKJI BYRAMJI DADABHOY: They come by courtesy.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I will quote, Sir. They were included when the Royal Warrant was amended on the 26th February, 1923. I hope my Honourable friend will put me right if I am wrong. I have given him the official reference.

THE HONOURABLE MR. H. G. HAIG: If the Honourable Member will look at the warrant he will see that this is a note to the Warrant, and it says:

"The following may be given, by courtesy, precedence."

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: With this it is also stated that Peers, Knights of the Garter, Privy Councillors, Members of the Council of the Secretary of State for India, come immediately after Members of the Governor General's Executive Council, Article 9. So, my Honourable friend Mr. Haig is, I think, incorrect in saying that they have not been given a place in the Warrant of Precedence. The Warrant of Precedence has specified that they are given the 9th place in the order of precedence. And so are the Baronets of England, Knights Grand Cross of the Bath, Knights Grand Commander of the Star of India, Knights Grand Cross of St. Michael and St. George who come immediately after the Commissioner in Sind, Article 15. So, there are a number of other non-officials who are either Knights or who are Knights Bachelors or Knights Commanders of various Orders who are given a specified position in the Warrant of Precedence, though as a matter of courtesy. They form part of the Warrant of Precedence which has been published by the Government of India by their Notification No. 558-I-22-Public, dated the 23rd June 1924, and signed by His Majesty's Command by the Right Hon'ble Sir Edwin S. Montagu. I think, Sir, that this explanation will convince the Honourable the Home Secretary that although they are given positions of courtesy, their usage and courtesy position is distinctly specified. My friend the Honourable Sir Arthur Froom was not quite positive whether the last Council of State during its life enjoyed the position which was enjoyed by the late Imperial Council. Sir, as far as the Government records show, they enjoyed the position till the 17th August 1922. So, for over a year and a half they were given the same position as their ancestors enjoyed. (Laughter.) (*An Honourable Member*: "Predecessors.") I am sorry—I meant "predecessors".

Well, Sir, the Honourable the Home Secretary has drawn my attention to paragraph 1 of the Warrant of Precedence under discussion now. In that connection I want to say, Sir, that the usage provision contained in that paragraph is not always followed. I can give instances to the Honourable the Home Secretary in which I can prove that the so-called usage has not always been observed for the Members of the Legislature. I myself was not given a place which I was entitled to as a Member of the Legislature during many official functions in the Punjab and so was the case with many others. In case the Home Secretary wants further information, I can furnish him with dates and further details. Only the other day, Sir, although I had not the pleasure and privilege of attending a recent Investiture ceremony at the Viceregal Lodge here, some of those who attended it told me that even some of the most prominent Members of this House were given back seats at that official function, and

[Lala Ram Saran Das.]

even big dignitaries like the Honourable the Maharajadhiraja of Darbhanga, a G.C.I.E., was also given a back seat. If I am wrong I wish the Home Secretary to correct me. This shows how his paragraph 1 is translated into practice. The Home Secretary's remark that the Order of Precedence is solely meant for the Order of Precedence of officials alone is wrong. May I ask him, Sir, if that was the object of the Government, why places for other persons whom I have already named were added to the Warrant? The Vice-Chancellors of Indian Universities are generally non-officials. They do not compare with the position of the Presidents of Corporations which the Honourable the Home Secretary has just mentioned. They too do not draw any emoluments or any salary and yet their names were added in the Warrant of Precedence. On the other hand, a number of names have been added which shows that the Order of Precedence is not *solely* meant for officials. This was the misunderstanding under which the Privileges Committee did not prominently make this recommendation as they understood that the Order of Precedence was meant *solely* for officials. In case they had known that it was *primarily* for officials I think their recommendation would have been different. The Honourable the Home Secretary has pointed out that our predecessors enjoyed the privilege because they were Additional Members of the Executive Council of the Government concerned. May I ask the Honourable the Home Secretary why and how in provinces where there were Legislative Councils and where there was no Executive Council, a specific position or rank had been given to the members of Legislatures in the Warrant of Precedence? His argument thus does not hold good. In the Punjab, in particular, Sir, we have positions allotted to different Darbaris, some of whom—I should say most of them—enjoy that position on a hereditary basis. These people who have been enjoying that position for over 50 years in the Punjab also feel that the Members of the Legislature, who had a distinctly high position amongst them in the old days, have been altogether kicked out now. This question has been sufficiently debated upon and I request the House to keep up the dignity and position of this House by accepting this Resolution.

THE HONOURABLE MR. H. G. HAIG: I do not propose to detain the House long with reference to the numerous points raised by my Honourable friend in his concluding remarks. I only wish to make a few points clear, particularly one point in which perhaps I made the mistake of interrupting my Honourable friend instead of waiting to explain, when my turn came, exactly what I meant. I am sorry that I put him to the inconvenience of reciting a lot of information which had been really within my knowledge and did not exactly meet the point I was trying to make. My point was really a small one and it is simply this, that the body of the warrant is intended only for officials and that certain notes are added to that Warrant to show that certain non-officials may by courtesy be given rank corresponding to the rank of an official in the Warrant

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Are Vice-Chancellors paid officials?

THE HONOURABLE MR. H. G. HAIG: I take it that they are for this purpose. All the passages that my Honourable friend read out were from the notes to the Warrant and do not affect my argument. I am not quite sure, and I should have been glad to have my Honourable

friend's statement on it, whether he proposes that the Members of the Council of State should be included in the body of the Warrant or that a courtesy place should be assigned to them in the notes.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I want their place in the Warrant of Precedence.

THE HONOURABLE MR. H. G. HAIG: In the Warrant itself? Then that point is clear. (*An Honourable Member: "As before."*)

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Yes, as before.

THE HONOURABLE MR. H. G. HAIG: With regard to my historical statement which seems to have evoked some doubt I assure my Honourable friend that it was not intended as an argument; it was intended to be, and I believe is, a statement of fact. It may be that there was no very good argument for applying that particular analogy to circumstances which arose afterwards, but in origin that was how this procedure started. As I have already said, the Government are fully prepared to examine the whole question further, particularly in view of the feeling which seems to have found considerable expression in the House this afternoon. Government have no wish whatever that Honourable Members should feel themselves in any way slighted and they do not feel prepared to vote against the Resolution about which the House entertains strong views.

THE HONOURABLE THE PRESIDENT: The original question was:

"That the following Resolution be adopted:

'This Council recommends to the Governor General in Council to take such steps as may be necessary to secure the assignment of a suitable place in the Warrant of Precedence to Members of this Council, of the Legislative Assembly, and of Provincial Legislative Councils.'

Since which an amendment has been moved:

"To omit the words 'of the Legislative Assembly and of Provincial Legislative Councils.'"

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

The motion was adopted.

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

The motion was adopted.

THE HONOURABLE THE PRESIDENT: Will the Honourable the Leader of the House assist me to decide what date I should fix for the next meeting of the Council?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR (Leader of the House): Sir, we shall have no further business to place before the Council until the other Chamber reaches a decision on an important Bill now pending before it. I am not in a position to forecast with any confidence the date on which the debate on the Bill in question will be concluded in another place. But the House will realise that with a view to the avoidance of delay in the conclusion of the business of the Session it is urgently necessary that in the event of the Assembly passing the Bill, there should be a meeting of the Council

[Sir Muhammad Habibullah.]

for the laying of the Bill on the day following the passing thereof by the Assembly. On the other hand, I should be reluctant to impose on Honourable Members of this Council the inconvenience of attending a meeting which would be wholly infructuous if there were no Bill to be laid. I suggest therefore for your consideration that you might perhaps see fit to adjourn the Council to a day and hour to be announced hereafter and to fix the day of the next meeting by circular as soon as developments elsewhere enable you to decide what the date should be.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Most of the non-officials are business men who cannot afford to wait here indefinitely, and if the Honourable the Leader of the House kindly gives us at least two days' notice, we shall then all be able to attend.

THE HONOURABLE SIR ARTHUR FROMM: I did not quite catch what my Honourable friend, Lala Ram Saran Das, said, but if I may be allowed to say so, I think that the proposal of the Honourable the Leader of the House is the best one that he can put under the most distressing circumstances in which we are stopping here in Delhi. At the same time I think the urgency of laying the Bill when it is passed on the table of this House is very great and I am not quite sure whether circulars, as suggested by the Honourable the Leader of the House, will altogether meet the case. A circular will be necessary, but it could be augmented by a special call on the telephone wires if it is necessary to meet to-morrow morning or afternoon. In any case a number of Members are in their Houses during the day, and a sufficient number could be got at to form a quorum to go on with the business as soon as we can.

THE HONOURABLE THE PRESIDENT: May I ask the Leader of the House whether he has got recent information from another place which might enable him to say whether the important Bill to which he referred is likely to be disposed of there to-day?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SANI BAHADUR: No, Sir.

THE HONOURABLE THE PRESIDENT: I quite realise the difficulty that has been mentioned by the Honourable Rai Bahadur Lala Ram Saran Das. At the same time I think he will realise that if in this particular case I wait till I am informed that there is a Bill ready to be laid and then I give Honourable Members 2 or 3 days' notice there is likely to be very considerable delay before Honourable Members will finally be able to reach their homes and attend to their duties. I think, therefore, that I have to agree with the Honourable Sir Arthur Fromm that the suggestion which the Honourable the Leader of the House has made to me is really the only feasible way of disposing of the matter. I shall see that as ample notice as possible is given to Honourable Members, but it is essential I think that the Council should meet, if possible, on the day following the passing of the Bill so that it may be laid at once, and as soon as the Bill is laid I shall be prepared to receive the views of the House as to how soon it should be taken up for consideration here. The House is aware that under the Standing Orders the ordinary period is three days' notice. Council will, therefore, now adjourn to a date and hour to be notified to them hereafter.

The Council then adjourned to a date and hour to be notified hereafter.