

Thursday, 24th September, 1931

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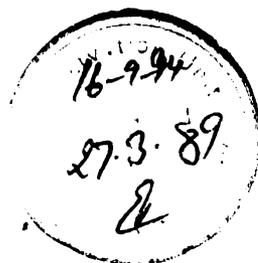
THE  
LEGISLATIVE ASSEMBLY DEBATES  
(Official Report)

Volume VI, 1931

*(23rd September to 3rd October, 1931)*

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SECOND SESSION  
OF THE  
FOURTH LEGISLATIVE ASSEMBLY  
1931



SIMLA  
GOVERNMENT OF INDIA PRESS  
1932

# Legislative Assembly.

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## LEGISLATIVE ASSEMBLY.

Thursday, 24th September, 1931.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

**Mr. President :** I understand that the Leader of the House wishes to make an important statement, and I call upon him to do so.

**The Honourable Sir George Rainy** (Leader of the House) : I should like in the first place, Mr. President, to apologise on behalf of my Honourable colleague the Finance Member for his inability to be present here to answer questions this morning. I shall, however, endeavour to answer the questions relating to his Department to the best of my ability. I should like to add that, with your permission, Mr. President, my Honourable colleague will desire to make a statement, when the House re-assembles after Lunch, upon the financial position.

### QUESTIONS AND ANSWERS.

#### INTRODUCTION OF WATER METER CARDS IN SIMLA AND NEW DELHI.

883 **\*Rao Bahadur M. C. Rajah :** Will Government be pleased to state the reasons why water meter cards have not been introduced so long for recording the water meter readings ?

**Mr. J. A. Shillidy :** Government see no reason to introduce such cards. They would serve no useful purpose and their maintenance would involve extra work and expense.

#### EXCESS WATER RATES CHARGED FOR QUARTERS IN PHAGLI, SIMLA.

884. **\*Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state the numbers of the blocks in Phagli which have paid the lowest amount of excess water rate during the last five years ?

(b) Will Government be pleased to state the number of the units in Phagli which have been charged excess water less than a rupee a month during the last five summers ?

**Mr. J. A. Shillidy :** (a) The question is not understood, because only one block can have the lowest reading. That block is C-9.

(b) Government do not propose to supply the information as the amount of labour involved in doing so would be incommensurate with the benefit attained.

#### STORAGE OF FODDER FOR CATTLE ON THE ROOFS OF THE LAVATORIES OF INDIAN CLERKS' QUARTERS IN NEW DELHI.

885. **\*Rao Bahadur M. C. Rajah :** (a) Is it a fact that fodder for cows, buffaloes and goats is not allowed to be kept on the roofs of the lavatories in the Indian Clerks quarters in New Delhi ? If so, why ?

(b) Have Government received any representation from the residents of the Government quarters in New Delhi on the subject? If so, what action, if any, has been taken thereon?

(c) Is it a fact that the lavatories in Indian clerks quarters are quite detached from the main building?

(d) Do Government propose to build small sheds with corrugated iron sheets in the court-yard of quarters for the storage of fodder? If the answer is in the negative, do Government propose to consider the advisability of relaxing the rule for the storage of fodder?

**Mr. J. A. Shillidy :** (a) There are no orders specially prohibiting the storage of fodder, etc., on the roofs of the lavatories of Indian clerks' quarters. The only orders issued under which the storage of fodder is prohibited are orders of a general nature prohibiting the storing of inflammable material on roofs and in verandahs.

(b) No such representation is traceable.

(c) Yes.

(d) (i). No.

(ii) No.

#### GRANT OF PENSIONS TO THE FAMILIES OF SOLDIERS KILLED IN THE BURMESE REBELLION.

886. **\*Mr. Badri Lal Rastogi** (on behalf of Rai Bahadur Sukhraj Rai) : (a) What rewards and pensions have been granted to the families of the soldiers who laid down their lives in suppressing the Burma rebellion?

(b) Do Government contemplate to publish a White Paper on the Burma rebellion for the information of the public in India?

**The Honourable Sir James Orerar :** (a) I would refer the Honourable Member to the reply given by the Army Secretary to part (c) of Mr. Ranga Iyer's starred question No. 651.

(b) A report by the Local Government was published on the 6th July, 1931 and weekly appreciations of the situation have since been and are being issued regularly. It is not proposed to issue any further statement at present, but the Honourable Member may rest assured that the public will be kept fully informed.

#### RETRENCHMENT OF EMPLOYEES OF THE EAST INDIAN RAILWAY TRAFFIC ACCOUNTS OFFICE, HOWRAH.

887. **\*Mr. Badri Lal Rastogi** (on behalf of Rai Bahadur Sukhraj Rai) : (a) Will Government be pleased to state whether they are aware that over 40 young men belonging to the East Indian Railway Traffic Accounts Office, Howrah, have been turned out into the streets on 24 hours notice to swell the ranks of the unemployed definitely against the orders of the Railway Board that no further discharge should take place?

(b) If the answer to part (a) is in the affirmative, is it a fact that considerable reduction had already taken place and no further reduction was contemplated?

(c) Are Government aware that in the name of economy all sorts of favouritism and injustice are being perpetrated in railway retrenchment ?

(d) Is there any chance of these youngmen being reinstated in their services ?

(e) Are Government aware that many of these are graduates and that they rendered good service during the time of their employment ?

**Mr. A. A. L. Parsons :** (a) No. Twenty-three temporary clerks engaged for purely temporary purposes were discharged on the termination of their work. This was not against the orders of the Railway Board.

(b) Does not arise.

(c) No.

(d) I can see no present likelihood.

(e) Some of these men were graduates but they could not be kept on when the work for which they were entertained temporarily was finished.

†888.

#### INQUIRIES IN BARDOLI AND THE NORTH-WEST FRONTIER PROVINCE.

889. **\*Mr. Badri Lal Rastogi** (on behalf of Rai Bahadur Sukbraj Rai) : (a) When will the Bardoli Inquiry Committee begin its work ? What is the reason of the delay ? Is it proposed to hold any inquiry into the alleged breaches of the truce terms in the North-West Frontier Province, as pressed by the "Frontier Gandhi" ?

(b) What is the general policy of Government with regard to the treatment of "Red Shirts" ?

**The Honourable Sir James Orerar :** (a) The Bardoli inquiry is expected to commence about the 1st October. The delay is due both to the difficulty of relieving Mr. Gordon who is to conduct the inquiry and of travelling at this season in Bardoli Taluka for the purpose of visiting villages. It is not proposed to hold any inquiry into the alleged breaches of the Delhi Settlement in the North-West Frontier Province. In this connection I would refer the Honourable Member to the communiqué and correspondence published on August 28th last.

(b) I would refer the Honourable Member to the letter dated August 19th last addressed by His Excellency the Viceroy to Mr. Gandhi which contains a statement of policy of general application.

#### RULES FOR THE ADMISSION OF CANDIDATES TO THE INDIAN CIVIL SERVICE AND OTHER IMPERIAL SERVICES.

890. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if a candidate who has been deprived of a regular degree under the technicality of the Regulation No. 11-A., pages 184-85, Punjab University Calendar, 1930-31 for the simple reason of his passing any of the

†This question was withdrawn by the questioner.

Honours examinations in the Oriental Faculty of the Punjab University *subsequent* and *not prior* to his lawfully passing the B.A. examination in the subject of English only on the strength of any of the vernacular languages examinations, *viz.*, Urdu (*vide* Regulation No. 7-A, pages 163-64, Punjab University Calendar, 1930-31), which examination he might have previously passed, is eligible under the proviso to the rule (8) of the Rules for the Indian Civil Service Examination or any other Imperial Services examinations for which such a proviso exists ? If not, why not ?

(b) Do Government propose to remove this obvious stumbling block in the way of aspiring candidates ? If so, how ? If not, why not ?

(c) Are Government aware that one such candidate has applied to the Public Service Commission for admission to the I. C. S. open competition examination to be held in January, 1932, under the proviso to rule (8) of the Rules for the I. C. S. examination, through the Deputy Commissioner, Rawalpindi District ?

**The Honourable Sir James Crerar :** (a) No ; because the proviso relates only to examinations conducted by institutions other than Universities.

(b) If there is any case for amendment the matter seems to be one for the Punjab University.

(c) Yes.

#### RULES FOR THE ADMISSION OF CANDIDATES TO THE INDIAN CIVIL SERVICE AND OTHER IMPERIAL SERVICES.

**991. \*Shaikh Fasal Haq Piracha :** (a) Will Government be pleased to state what are the "exceptional cases" that are contemplated in the proviso to rule (8) of the Rules for the I. C. S. examination or any other Imperial Service examinations, for which it is so provided ?

(b) Will Government be pleased also to state how many candidates have hitherto been admitted under the said proviso and what were their educational qualifications ?

**The Honourable Sir James Crerar :** (a) Cases in which there are in the opinion of the Local Government and the Public Service Commission adequate reasons for giving a candidate the benefit of the exception provided by the rule.

(b) Two : one to the Indian Audit and Accounts Service examination and one to the Indian Police Service examination. A statement showing their educational qualifications is placed on the table :

*Candidate for the Indian Audit and Accounts Service—*

*Passed—*

1. Government Diploma Examination in Accountancy.
2. Advanced test in Book-keeping, Banking and Method of Machinery and Business of the London Chamber of Commerce.
3. Advanced Accountancy test of the National Union of Teachers, London.

*Candidate for the Indian Police Service—*

1. Passed Matriculation Examination (Punjab University).
2. Studied at the Royal Indian Military College, Dehra Dun.
3. Obtained two years' training at the Royal Military College, Sandhurst.

APPOINTMENT OF MUSLIMS AS SUPERINTENDENTS IN CERTAIN OFFICES.

892. \***Maulvi Sayyid Murtaza Saheb Bahadur** : (a) Will Government please state the number of Muslim Superintendents in the following offices ?

1. Director General, Indian Medical Service.
2. Director, Public Information Bureau.
3. Director, Intelligence Bureau, Home Department.
4. Director General of Archæology.
5. Central Board of Revenue.

(b) Are there no Muslims in these offices who could be appointed as Superintendents on the retirement of existing members on account of impending retrenchment ?

(c) Is it a fact that the posts of Superintendents in these offices have been held by non-Muslims for the last half a century or so ?

(d) Are Government prepared to consider the claims of Muslims in filling the posts of Superintendents in these offices when they fall vacant and thus redress the longstanding grievances of the Muslims ?

**The Honourable Sir James Crerar** : (a) There are no Muslim Superintendents at present in the offices mentioned.

(b) I am informed that there are no Muslim assistants in these offices sufficiently senior to be selected at the moment for promotion to the post of Superintendent.

(c) No.

(d) The claims of candidates for promotion to the post of Superintendent are invariably considered on their merits.

REPRESENTATION OF VARIOUS COMMUNITIES IN APPOINTMENTS OF EXECUTIVE ENGINEERS IN THE DELHI P. W. D.

893. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that the percentage of Sikhs and Christians is higher than that of Hindus and Muslims in the permanent cadre of Executive Engineers in the Delhi P. W. D. ? If so, will Government kindly give reasons for this ?

(b) Will Government kindly state the respective number of Hindu, Muslim, Sikh and Christian Engineers permanently appointed in the Delhi P. W. D. in 1930 to work as Executive Engineers, with their percentage to the total in each case ?

**Mr. J. A. Shillidy** : (It is assumed that the information asked for in questions Nos. 893—896 is in respect of the Central Public Works Department and not the Delhi Public Works Department alone as the latter forms part of the Central Public Works Department and is not a separate organization. With this remark, the answers are as follows) :

(a) Yes, it is so at present. The reason is that officers already in the Department had prior claims to permanent appointment as Executive Engineers in the Department in preference to any others who might have been eligible for such appointment.

(b) Hindu	..	..	1	16.67 per cent.
Muslim	..	..	1	16.67 per cent.
Sikhs	..	..	2	33.33 per cent.
Christians (European)	..	..	2	33.33 per cent.

EXECUTIVE ENGINEERS APPOINTED TO THE DELHI P. W. D.

894. \*Mr. M. Maswood Ahmad : Is it a fact that the Engineers, who were permanently appointed in the Delhi P. W. D. to work as Executive Engineers, were on deputation in the Delhi P. W. D. ? If so, will Government kindly state what rank they were holding before permanency in the Delhi P. W. D. ?

Mr. J. A. Shillidy : Yes. They were all holding the rank of Executive Engineer, four of them permanently and two of them temporarily. The permanent rank of the latter two was that of Assistant Engineer.

EXECUTIVE ENGINEERS APPOINTED TO THE DELHI P. W. D.

895. \*Mr. M. Maswood Ahmad : Is it a fact that some of the Engineers, who are permanently appointed in the Delhi P. W. D. have not passed the recognised Civil Engineer's examination ; if so, will Government kindly state the reasons for appointing such men as Executive Engineers in the Central P. W. D., Delhi ?

Mr. J. A. Shillidy : Yes, two of the officers concerned have not passed the Civil Engineer's examination but they passed the Upper Subordinate's examination. They have been appointed as Executive Engineers on account of their long experience of the work in the Department, coupled with their seniority and fitness for holding such rank.

EXECUTIVE ENGINEERS APPOINTED TO THE DELHI P. W. D.

896. \*Mr. M. Maswood Ahmad : Is it a fact that some Engineers of recognised qualification, who are serving in the Delhi P. W. D. as Executive Engineers are not brought into the permanent cadre ? If so, will Government kindly state their names and give reasons of preferring the men of lower qualification for permanent cadre in presence of those of higher qualification ?

Mr. J. A. Shillidy : Yes. The names of such officers are Messrs. Wazir Dayal and S. P. Bett. The reasons have already been given in reply to questions Nos. 893 (a) and 895.

EXAMINATIONS FOR APPOINTMENT OF SUBORDINATES IN THE DELHI PUBLIC WORKS DEPARTMENT.

897. \*Mr. M. Maswood Ahmad : (a) Is it a fact that a professional departmental examination for the posts of subordinates took place in the Delhi P. W. D. in 1930 ?

(b) Is it a fact that Executive Engineers of the Delhi P. W. D. were informed of the said departmental examination under Circular Memorandum No. 01412/E., dated 6th May, 1930 ?

(c) Has this examination been allowed by the Public Service Commission or the Government of India ?

(d) What are the names of the examiners with their designations ?

(e) What is the total amount of the honorarium paid to examiners and from which fund ?

(f) What is the total number of candidates who appeared in the examination ?

(g) For how many days the examination was held ?

(h) How many candidates were outsiders and how many belonging to the Department ?

(i) What are the rules and regulations for candidates to appear in this examination ? What educational and technical qualifications are required for this examination ?

(j) What was the respective number of candidates of different communities who appeared in the said examination ?

(k) How many candidates passed the examination and to which community they belong ?

(l) What are the educational and technical qualifications of passed candidates ?

(m) Are the passed candidates given the posts of subordinates ?

(n) Have Government considered the question of conducting the examination through the Engineering College, Roorkee ? If not, why not ?

(o) What is the number of qualified registered candidates from recognised colleges for the posts of subordinates in the Delhi P. W. D. ?

(p) Have all of them been provided with some job ?

(q) Why were the vacancies not advertised for public information to get duly qualified candidates of recognised colleges ?

(r) How many candidates were residents of the Delhi Province in the said departmental examination ?

(s) Has the said examination taken place this year too ? Have all the candidates, who sat in the examination, passed ?

(t) Has the said examination ever been held in the Delhi P. W. D. before 1930 ; if not, why was such an examination devised in the Delhi P. W. D. in 1930 ?

**Mr. J. A. Shillidy :** (a) Yes.

(b) Yes, on the 16th May, 1930.

(c) The reply is in the negative.

(d) Mr. F. T. Jones, C.I.E., M.V.O., Superintending Engineer. Sardar Bahadur Teja Singh Malik, C.I.E., Superintending Engineer. Khan Bahadur Muhammad Solaiman, Executive Engineer. Mr. G. B. Davidson, Assistant Accounts Officer. Mr. R. T. Macchesfield, Quantity Surveyor.

(e) Rs. 174—against office contingencies.

(f) Nineteen.

(g) Three days.

(h) Outsider one. Departmental 18.

(i) The reply to the first part of the question is that the examination was open to all work charged men of not less than five years' approved service in the Delhi Public Works Department. The reply to the second part is that a Subordinate who desired to be examined should apply through his immediate superior for admission to the examination. This application should be accompanied by a report on his fitness to be examined by a Divisional Officer under whom he is serving.

(j) Muslims 8.

Hindus 6.

Sikhs 5.

(k) Four passed—Namely, one Muslim and three Sikhs.

(l) Bhagwant Singh—Matriculate and Overseer from Civil Engineering College, Ludhiana, and practical experience in the work charged establishment in the Delhi Public Works Department for about three years.

Badrud-din—Intermediate Arts, work charged service experience in Delhi Public Works Department since 1921.

Nahar Singh.—Studied up to Matric, work charged service in the Delhi Public Works Department since 1920.

Labh Singh—Matriculate. Passed Sub-Engineers class from Hewett Engineering School, Lucknow, work charged service in Delhi Public Works Department since 1924.

(m) Three were appointed to temporary posts. One is now being discharged owing to reduction of establishment.

(n) No. This was only a Departmental test.

(o) The names of 32 qualified candidates have been registered since 1928.

(p) Two only.

(q) As the examination was one of a purely departmental nature, it was not considered necessary to advertise it.

(r) The information is not readily available.

(s) The reply to both the parts is in the affirmative.

(t) The reply to the first part is in the negative. The examination was introduced by the Chief Engineer to help him to decide who should receive promotion.

#### TEMPORARY SUBORDINATES APPOINTED TO THE DELHI PUBLIC WORKS DEPARTMENT.

898. \*Mr. M. Maswood Ahmad\*: (a) Will Government kindly state how many temporary subordinates were appointed in the Delhi P. W. D. during the years 1929 and 1930?

(b) Is it a fact that all the temporary subordinates, who were appointed in the regular establishment of the Delhi P. W. D. in 1929 and 1930, were ordered to appear in the departmental examination of subordinates held in 1930 in the Delhi P. W. D. ? If not, how many men were exempted from the examination ? What are their educational and technical qualifications ? What are the reasons for exempting them from the examination ? What is the past experience of these men ? What pay were they given at the time of appointment ? What is the starting pay for a new subordinate in the Delhi P. W. D. ?

**Mr. J. A. Shillidy :** (a) Eighteen including two officiating appointments.

(b) Yes, those who were recruited from the work charged establishment and excluding those who had acquired degrees from recognised institutions.

Only one was exempted and his qualifications are : Matriculate.

Overseer from the Ludhiana Civil Engineering School.

Practical training for wood seasoning at the Forest Research Institute, Dehra Dun.

The reason for exempting him was that his work was entirely of a different character from that of the members of the Subordinate Engineering Service in the general line. His duties are confined only to wood work activities for which he has received a practical training from the Forest Research Institute. His past experience was work charged service in the Department since 1920. He was given a pay of Rs. 192 per mensem on appointment. The starting pay for a new subordinate in the Central Public Works Department is Rs. 80 in the grade of Rs. 80—7—255.

#### TEMPORARY SUBORDINATES APPOINTED TO THE DELHI PUBLIC WORKS DEPARTMENT.

899. **\*Mr. M. Maswood Ahmad :** Is it a fact that the work-charged people who were brought into the regular establishment of temporary subordinates in the Delhi P. W. D. before 1929 were not ordered to appear in the said departmental examination ? If so, will Government kindly state when these temporary subordinates will be examined ; if not, why not ?

**Mr. J. A. Shillidy :** The reply to the first part of the question is in the affirmative. As to the second part the reply is in the negative.

The decision to institute this examination was only made in 1929.

#### DELHI PUBLIC WORKS DEPARTMENT EXAMINATION FOR ENGINEERS.

900. **\*Mr. M. Maswood Ahmad :** Will Government kindly state whether any departmental examination will be held in the Delhi P. W. D. this year for the post of Engineers ; if so, when, and if not, why not ?

**Mr. J. A. Shillidy :** The reply to the first part of the question is in the negative. As to the second part, reductions are being made and the prospects of any fresh recruitment in the near future are remote.

EXPENDITURE FOR ELECTRIC CHARGES FOR THE DELHI CIVIL LINES  
POST OFFICE.

901. \***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state the total amount spent on account of electric charges for the Delhi Civil Lines Post Office, by the Postal Department during the last three years and the amount spent during the preceding three years ?

(b) Will Government be pleased to state the reasons for any abnormal increase in the charges incurred during the last three years ?

(c) What action do Government propose to take to save them from such increases in future ?

**Sir Hubert Sams** : It is regretted that the information is not available and could not easily be collected.

CHARGES AGAINST MR. J. C. O'LOUGHLIN, POSTMASTER, DELHI.

902. \***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state in detail the charges which resulted in the degradation and transfer of Mr. J. C. O'Loughlin, Postmaster, Delhi, as Assistant Postmaster, Bombay ?

(b) Will Government be pleased to state what action they have taken or propose to take against the persons who helped Mr. O'Loughlin in his irregular actions ?

**Sir Hubert Sams** : (a) Government do not consider that any useful purpose would be served by furnishing the information asked for.

(b) Government have no information. The matter is within the competence of the Postmaster General.

MOTOR MAIL MILEAGE OF THE DELHI POST OFFICE.

903. \***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state whether the records show the extra motor mail mileage in the Delhi Post Office ?

(b) Will Government say in whose custody and instructions and under whom the record of the extra motor mail mileage in the Delhi Post Office is kept ?

(c) Is it a fact that the cost of petrol used by Mr. O'Loughlin, the late Postmaster of Delhi, for his and for trips of certain officials, was made good out of this extra mileage ?

(d) Do Government propose to inquire into the matter ?

**Sir Hubert Sams** : Enquiries are being made and the information asked for by the Honourable Member will be sent to him separately.

RENT FOR GOVERNMENT QUARTERS PAID BY CLERKS IN SIMLA AND DELHI  
DURING THE MONTHS OF APRIL AND OCTOBER.

904. \***Sirdar Harbans Singh Brar** : (a) Is it a fact that clerks of attached and subordinate offices who are provided with Government quarters at Simla are required to pay full rent during the months of April and October every year in addition to the rent of quarters at Delhi, though

there have been overlapping periods in these months on account of the move of their offices ?

(b) Is it a fact that officers who are availing themselves the same privileges are only paying actual rent for Government buildings during the months of April and October (from the date of their occupation in Simla quarters to date of vacation or from the date of opening and closing of their offices whichever is earlier) and are thus given the advantage of the move of their departments ?

(c) If the answers to parts (a) and (b) above are in the affirmative, will Government please give reasons for the differential treatment meted out to clerks ?

(d) Is it also a fact that repeated representations to Government on the subject to remove this distinction and to refund the extra rent recovered to the individuals concerned have been turned down ?

(e) If the answer to part (d) above is in the affirmative, are Government prepared to give reconsideration to their decision and take early steps to refund the excess rent recovered from clerks ?

**Mr. J. A. Shillidy :** I am examining the point raised by the Honourable Member and will communicate the result to him in due course.

ABOLITION OF THE SEPARATION ALLOWANCE OF THE GOVERNMENT OF INDIA SECRETARIAT STAFF.

905. \***Bhai Parma Nand :** (a) Is it a fact that the Government of India are contemplating to abolish the separation allowance of the Secretariat staff, altogether ?

(b) What is this allowance and when and why was it sanctioned ? Have the grounds, on which it was granted, ceased to exist or are they still in existence ?

(c) Has the allowance been generally availed of by the low paid staff of the Secretariat who fail to get Government quarters in New Delhi ?

(d) Do Government propose to fix a minimum standard of pay of an individual, below which the pay and allowance of any servant, granted before the war when the prices were at par with the present prices, should not be reduced ? If not, why not ?

(e) If the answers to parts (a) and (c) be in the affirmative, do Government propose to let this allowance stand as it is ?

**The Honourable Sir James Crerar :** (a), (b) and (e). I would refer the Honourable Member to the reply given by me on the 17th September, 1931, to parts (a) (i), (e) and (f) of Mr. Anwar-ul-Asim's unstarred question No. 70.

(c) I am unable to give any definite reply without detailed investigation which would involve a great deal of time and labour.

(d) I am afraid the suggestion has not yet been considered.

CONVEYANCE ALLOWANCE GRANTED TO THE STAFF OF THE GOVERNMENT INDIA SECRETARIAT AT DELHI.

906. \***Bhai Parma Nand :** (a) Will Government be pleased to state what is the rate of conveyance allowance granted to the staff of the

Government of India while at Delhi ? Why and for what purpose was it sanctioned ?

(b) Do Government contemplate to reduce this allowance in the case of the low paid clerks as well as in the case of high salaried officers also ? If so, what is the percentage of reduction of this allowance in the case of both ?

(c) Have Government considered the question as to whether this allowance is really necessary in the case of gazetted officers drawing handsome salaries ?

**The Honourable Sir James Orerar :** (a) Conveyance allowance is granted to those who apply for, but are not provided with accommodation, at or near the place of their work. It is meant to compensate for the expense entailed in transporting an officer to office from a distance. The rate was Rs. 32 but has recently been reduced to Rs. 28 for those drawing less than Rs. 500 per mensem. For those drawing more than that amount the rate was Rs. 100 which has been reduced to Rs. 50 per mensem.

(b) and (c). In connection with the general economy campaign the feasibility of further reducing this allowance is under consideration.

#### PAY AND ALLOWANCES OF I. C. S. OFFICERS.

907. \*Bhai Parma Nand : (a) Will Government be pleased to state what is the time-scale of pay of the I. C. S. officers ?

(b) What allowances are admissible to officers of the I. C. S.—both Indians and Europeans—as also the concessions enjoyed by them under the Lee Commission's recommendations ?

(c) What were the grounds for which these concessions were allowed ? Have not those grounds since disappeared ? If so, do Government propose to withdraw the allowances and make a percentage cut in their salaries ?

(d) What special allowances or special pays are attached to the posts of Secretaries, Joint, Deputy and Under Secretaries in the various Departments of the Government of India Secretariat ?

(e) Is there any special reason for continuing these allowances when the allowances of subordinate staff are being curtailed ?

(f) Do Government contemplate to abolish these special pays ? If not, why not ?

**The Honourable Sir James Orerar :** (a) I would refer the Honourable Member to Schedule I to the Superior Civil Services Rules, a copy of which will be found in the Library.

(b) Government have no information as regards the allowances granted to Indian Civil Service officers by Local Governments under their own powers. In regard to the main Lee concessions, I would refer the Honourable Member to Rules 4, 8 and 12 of the Superior Civil Services Rules and Rule 45-A of the Fundamental Rules.

(c) I would refer the Honourable Member to Chapters VI and VII of the Report of the Lee Commission.

(d) Secretaries and Joint Secretaries to the Government of India do not receive any special pay in addition to the fixed pay of Rs. 4,000 and Rs. 3,000 a month respectively. Indian Civil Service Deputy Secretaries and Under Secretaries to the Government of India draw a special pay of Rs. 400 and Rs. 300 a month respectively in addition to grade pay subject to a maximum in the former case of Rs. 2,250 in all, exclusive of overseas pay.

(e) and (f). An examination of the pay of all posts carrying a special rate of pay in the Government of India Secretariat is being carried out in connection with the present retrenchment campaign.

†908—913.

APPOINTMENT OF MUSLIMS IN RAILWAY SERVICES.

914. \***Mr. Muhammad Azhar Ali** : (a) With reference to the statement made by the Hon'ble Sir George Rainy on the floor of this House in the last Delhi Session to the effect that special measures will have to be adopted by the Railway Department to give the Muslims their due share of Government services, will Government be pleased to state what special measures were actually adopted by the Railway Administration and with what result ?

(b) What instructions were issued to the two Muslim Deputy Agents, specially deputed for the purpose of safeguarding the interests of Muslims when recruitments are made for various branches of Railway Services and the extent to which the interests were actually safeguarded ?

**Mr. A. A. L. Parsons** : (a) Recruitment on railways has been practically suspended since the last Delhi Session, but action has been taken by the Railway Department to implement the undertaking given in order to pave the way for securing to Muslims a fair share of representation in the railway services when normal recruitment is resumed.

(b) Of the officers mentioned by the Honourable Member, one was a Muslim and the other a Sikh. Their instructions were :

- (i) to visit the headquarters of Railway Administrations and also places on the State-managed Railways and offices under the Railway Board and Financial Commissioner of Railways where recruitment or promotions of non-gazetted employees are made and to observe the manner in which these matters are conducted and also the practical application of the rules relating to the training of the subordinate staff,
- (ii) to advise and assist the Agents and other controlling authorities in the instruction of such arrangements as may be necessary to secure the fullest compliance with the policy of Government regarding the adequate representation of Muslims and other minority communities in the various classes of non-gazetted establishments, and
- (iii) to report on these matters to the Railway Board.

†These questions were withdrawn by the questioners.

HINDU AND MUHAMMADAN RESERVE CLERKS IN THE CALCUTTA GENERAL POST OFFICE.

915. \*Mr. Muhammad Ashar Ali : (a) In how many places did the reserve clerks named Zahur Ahmad, B.A., Mokulesur Rahman, B.A., Jittar Rahman, B.A., Waziullah Majumdar, B.A., Zulfikar Ali, B.A., of the Calcutta General Post Office, work during the last two years ?

(b) In how many places did the reserve clerks named Makham Lal Ganguly, Prayagdeb Ganguly, Tarak Chandra Chatterjee and Harendra Nath Bose of Calcutta General Post Office work during the last two years ?

(c) Is it a fact that whenever a Muhammadan reserve clerk is put in the Correspondence Department, Babu Sailendra Nath Banerjee, the Office Superintendent takes the earliest possible opportunity to relieve him from the Correspondence Department ?

(d) Is it a fact that the reserve clerks mentioned in part (b) are never relieved from the Correspondence Department ?

(e) Is it a fact that the reserve clerks mentioned in part (b) have been placed to work in some important places of the Correspondence Department permanently, removing the permanent incumbents from those places ?

(f) Is it a fact that a Reserve Clerk has to learn all sorts of executive work during his reserve period ?

(g) If the replies to the above questions be in the affirmative, are Government prepared to take steps against the Office Superintendent and relieve the Reserve Clerks mentioned in part (b) from the Correspondence Department so that they may learn work of all the Departments of the Post Office ?

Sir Hubert Sams : (a) to (e). Government have no information.

(f) Yes.

(g) The matter is within the competence of the Postmaster General, to whom a copy of the question is being sent.

APPOINTMENT OF TYPISTS IN GOVERNMENT OF INDIA DEPARTMENTS.

916. \*Mr. S. C. Mitra : (a) Are Government aware that the candidates who passed in the last competitive examination of the Public Service Commission in the third Division cannot type even from typewritten matter ?

(b) Is it a fact that the abovementioned candidates have been provided with appointments before their typing examination was held ?

(c) If the answer to parts (a) and (b) are in the affirmative, do Government propose not to appoint them before they pass the typing test ?

The Honourable Sir James Crerar : (a) No.

(b) Candidates are appointed subject to their passing a test in typing as soon as this can be arranged. Some of those so appointed have failed in that test.

(c) I will enquire from the Public Service Commission whether it could be arranged to hold the typing test at the same time as the written examination.

APPOINTMENT OF TYPISTS IN GOVERNMENT OF INDIA DEPARTMENTS.

917. \*Mr. S. C. Mitra : (a) Will Government be pleased to state the percentage of unpassed candidates replaced by the passed candidates in each department and the number of years Government service these unpassed candidates have ?

(b) Is it a fact that in certain offices of the Government of India the percentage of replacement made is much higher than in other offices ? If so, why ?

(c) Do Government propose to have a uniform percentage of replacement made in each office ?

(d) Are Government aware that almost all the unpassed candidates are being replaced in Headquarters, Royal Air Force, whereas no replacement at all is made in the Medical Directorate ? Is it a fact that in the Indian Stores Department they have appointed about 12 unpassed men against 40 vacancies ? If so, why in the Royal Air Force Headquarters are all the unpassed men being served with notices ?

(e) Is it a fact that 12 candidates appeared at the typing test held on the 29th August, 1931 ? If so, will Government be pleased to state the names of the candidates and the number of words per minute each of the candidates have typed in that test ?

(f) Will Government be pleased to state the number of candidates amongst those 12 who were successful at the typing test ?

The Honourable Sir James Crerar : (a) and (b). The information is not readily available as the labour involved in collecting it would not be commensurate with the results obtained.

(c) No. The rules regarding the recruitment to the clerical staff of the Government of India Secretariat and attached offices, lay down that permanent posts should not be filled by unqualified men except temporarily when no qualified candidates are available.

(d) Under the orders relating to recruitment, permanent vacancies are to be filled by qualified candidates or those specially exempted by the Public Service Commission. In pursuance of these orders the Royal Air Force and the Medical Directorate are replacing their unqualified candidates by qualified ones. In the Indian Stores Department no unpassed clerks are at the moment employed against permanent vacancies.

(e) The reply to the first portion is in the affirmative. I am not prepared to furnish the names.

(f) Three.

ARTICLES IN THE "MUSLIM OUTLOOK" ABOUT KASHMIR.

918. \*Mr. S. C. Mitra : (a) Has the attention of Government been drawn to a series of articles in the *Muslim Outlook* of Lahore regarding the Indian State of Kashmir ?

(b) Have Government taken legal opinion or do they propose to take such opinion as to whether these articles contravene the provisions of the Princes Protection Act ?

**Mr. E. B. Howell :** (a) Yes.

(b) No.

ARTICLES IN THE "STATESMAN" ABOUT KASHMIR.

1919. \***Mr. S. C. Mitra :** Has the attention of Government been drawn to a series of articles and communications from special correspondents in the *Statesman* on the subject of the internal administration of Kashmir State and have they taken legal opinion on those articles as to how far they are calculated to bring the administration of Kashmir into contempt and offend against the provisions of the Princes Protection Act ?

**Mr. E. B. Howell :** The answer to the first part of the question is in the negative. The second part does not therefore arise.

**Mr. Gaya Prasad Singh :** Was not the *Statesman* allowed to carry on its nefarious propaganda against Kashmir on the eve of the Round Table Conference to show that communal trouble was not confined to British India alone ?

**Mr. E. B. Howell :** I have no information on the point.

**Mr. Gaya Prasad Singh :** Why was no action taken against this offending journal under the Princes Protection Act ?

**Mr. E. B. Howell :** I must invoke your protection, Sir, on the strength of Rule 8 (ii) of the Rules, in which it is laid down that no question shall be asked in regard to any matter affecting the relations of any Prince or Chief under the suzerainty of His Majesty with His Majesty's Government or the Governor General in Council.

**Mr. President :** The Honourable Member knows that the Chair took a great deal of care in admitting the question. It was admitted in spite of the Rule to which the Honourable Member has drawn attention on the ground that the question relates to an Act of the Indian Legislature. The Chair holds that Honourable Members are entitled to ask questions in regard to legislation which stands on the Indian Statute Book. That being so, any supplementary questions which deal directly with that legislation are admissible. If any questions are asked which come within the purview of the Rule to which the attention of the Chair has been drawn by the Honourable Member, they will be disallowed.

**Mr. Gaya Prasad Singh :** May I have an answer to my question ?

**Mr. E. B. Howell :** I have already said that I have no information on the subject.

**Mr. Arthur Moore :** May I ask the Honourable Member to explain to what propaganda the supplementary question refers ?

**Mr. Gaya Prasad Singh :** Will the Honourable Member refer to the files of his own paper ? My next question is why was not the provision of the Princes Protection Act invoked against the *Statesman* ?

**Mr. E. B. Howell :** The Ruler of the State did not ask for the application of the measure.

**Mr. Arthur Moore :** May I ask what is the Honourable Member referring to, in respect of which this Act has to be invoked ?

**Mr. Gaya Prasad Singh :** I am not here to answer questions put by Mr. Moore.

**Mr. President :** Will the Honourable Member put such supplementary questions as will help him to obtain from the Member in charge such information as will elucidate his point ?

**Mr. Arthur Moore :** May I ask the Honourable Member who is asking supplementary questions to elucidate his question ?

**Mr. Gaya Prasad Singh :** It is for the member of the Government to say whether the question is sufficiently clear or not. I was going to ask another question. Is it provided in the Princes' Protection Act that the Ruler of the State must have to apply, before action is taken against the offending journal ?

**Mr. E. B. Howell :** I believe not, Sir.

**Mr. Gaya Prasad Singh :** Then may I know why the Government of India did not of its own accord proceed against the offending journal ?

**Mr. E. B. Howell :** Because it was not asked for.

**Mr. Gaya Prasad Singh :** Is it mentioned in the Princes' Protection Act that, before action is taken against an offending journal, the Ruler of the State must ask for action to be taken ?

**Mr. Arthur Moore :** May I ask the question, "has the journal offended" ?

**The Honourable Sir George Rainy :** I may perhaps reply, Sir, to the question put by the Honourable Mr. Gaya Prasad Singh. I should say this, that the Honourable Member is assuming that Government admit that there were grounds for proceeding under the Act. The Government of India have made no such admission. (Loud Applause.)

**Mr. Gaya Prasad Singh :** Did the Government of India take legal opinion on the subject of the articles that appeared in the *Statesman* relating to the internal administration of Kashmir ? If not, why not ?

**The Honourable Sir George Rainy :** That is a question of which the Honourable Member should give notice.

**Mr. Gaya Prasad Singh :** That is a fine way of getting out of an inconvenient position.

#### MUSLIM AGITATION AGAINST THE KASHMIR STATE.

920. \***Mr. B. Das** (on behalf of Bhai Parma Nand) : Will Government be pleased to state :

- (a) whether they are aware of the agitation which is being carried on by a section of the Muslim Press and of the Mussalman community against the Kashmir State in various parts of British India ;

- (b) whether they are aware that this agitation originated in the Punjab ; and
- (c) whether Government propose to exercise their powers under the Princes' Protection Act ?

**Mr. E. B. Howell :** (a) I have seen articles in the Press on the subject.

- (b) The Government of India have no information.
- (c) No.

#### ARTICLES IN THE "STATESMAN" ABOUT KASHMIR.

921. \***Rai Bahadur Sukhraj Rai :** (a) Will Government be pleased to state whether they are aware of the propaganda carried on by the *Statesman* for the last few weeks against the Hindus and nationalist Press in general ?

(b) If so, what action has been taken by them against the paper ?

(c) Are Government aware that this paper has opened its columns to a systematic campaign against the Hindu Maharajah of Kashmir ? If so, why has not the Princes' Protection Act been used against it ?

**Mr. E. B. Howell :** (a) Government are not aware of any article, which have appeared in the journal mentioned that exceed the bounds of reasonable criticism.

(b) Government have taken no action.

(c) The answer to the first part of the question is in the negative and the second part does not arise.

#### THE PRINCIPLE OF "DIVIDE AND RULE".

922. \***Mr. B. N. Misra** (on behalf of Mr. A. Hoon) : (a) Are Government aware of the fact that in a Despatch, dated the 14th May, 1859, Lord Elphinston, Governor of Bombay, in a Minute wrote "*Divide Et Impera* was the old Roman motto and it should be ours" ?

(b) Are Government prepared to say that this motto is not followed by them now in carrying on the administration of this country ?

(c) Are Government aware of the fact that it has been declared publicly in newspapers and on the platform in India that the basic principle of administration in India is divide and rule ?

(d) If so, will Government state why they have not taken any action against any one for making such an allegation ?

(e) If the answer to part (c) is in the negative, will Government please say if they have got a Department whose duty it is to report all such matters, if they appear in any newspaper ?

**The Honourable Sir James Crerar :** (a) I have failed to trace the Minute to which the Honourable Member refers.

(b) I can say most emphatically that the principle is not followed.

(c), (d) and (e). The allegation is sometimes made. The question as to whether such an allegation would be actionable depends on the context in which it is made. Even it were actionable, it would be contrary to the policy of Government to file a prosecution under section

124-A, of the Indian Penal Code unless they regarded the consequences of such an allegation as serious. This, of course, would not ordinarily be the case.

**METERS ATTACHED TO CLERKS' QUARTERS AT PHAGLI, SIMLA.**

923. \***Rao Bahadur M. C. Rajah** : (a) Will Government be pleased to state the total cost of the meters attached to the quarters in Phagli ?

(b) Will Government be pleased to state from whom these meters were purchased by the officers of the Public Works Department ?

**Mr. J. A. Shillidy** : (a) Rs. 11,061.

(b) Messrs. Balmer Lawrie and Company, Calcutta.

**THE BURMA REBELLION.**

924. \***Rai Bahadur Sukhraj Rai** : (a) Will Government be pleased to state what are the direct and the indirect causes that led to the recent armed rebellion in Burma ?

(b) What is the approximate number of lives, Indian and Burman, that were lost in the rebellion ? What were the casualties on the part of the military forces that were sent to quell the rebellion in Burma ?

(c) What is the estimate of the damage to property occasioned by the rebellion ?

**The Honourable Sir James Crerar** : I would invite the Honourable Member's attention to parts (a) and (b) of the answer given by me to Rao Bahadur M. C. Rajah's question No. 505 on the 17th September. As regards casualties among the military forces, I would refer to the reply given by the Army Secretary to part (a) of Mr. Ranga Iyer's starred question No. 651.

**MUSLIM AND NON-BRAHMIN APPOINTMENTS IN THE CENTRAL POSTAL CIRCLE.**

925. \***Mr. M. Maswood Ahmad** : (a) Has the attention of Government been drawn to an article, "Dignified Support of a Broad-minded Hindu", which appeared on pages 22 and 23 of the *Postal Advocate*, Delhi, August, 1931 issue ?

(b) Are Government aware that the Muslims and non-Brahmins who belong to the minority community in the Central Postal Circle are very badly treated there ?

(c) Do Government propose to take any action in the matter ?

**Sir Hubert Sams** : (a) Government have seen the article.

(b) Government are not aware that the case is as stated.

(c) The matter will be looked into.

†926.

## POPULATION OF THE DEPRESSED CLASSES IN VARIOUS PROVINCES.

927. \*Rao Bahadur M. C. Rajah : Will Government be pleased to state the population of the depressed classes in the various provinces in India according to the latest census ?

The Honourable Sir James Crerar : The figures are not yet available.

## REPRESENTATION OF DEPRESSED CLASSES IN CERTAIN OFFICES IN MADRAS.

928. \*Rao Bahadur M. C. Rajah : (a) Will Government be pleased to state either the number or the percentage of depressed classes representation in the following offices in Madras :—in the superior, subordinate and menial grades ?—

- (1) the Accountant General's Office,
- (2) the Currency Office,
- (3) the General Post Office,
- (4) the Post Master General's Office,
- (5) the Office of the Accountant General, Posts and Telegraphs,
- (6) the Office of the Commissioner of Income-tax, and
- (7) the various Post Offices in the city of Madras.

(b) What steps, if any, have Government taken so far, to recruit depressed classes in these offices ?

(c) Do Government propose to take immediate steps to give the depressed classes, a minority community, their due share of representation in these offices ?

The Honourable Sir George Schuster : The information is being collected and will be communicated to the Honourable Member in due course.

## RECRUITMENT OF DEPRESSED CLASSES IN MADRAS POST OFFICES.

929. \*Rao Bahadur M. C. Rajah : Will Government be pleased to state :

- (a) how many persons belonging to the depressed classes have been recruited in the Madras General Post Office during the last six months, in the subordinate and in the menial grades ; and
- (b) how many in the Madras Town Sub-Post Offices in the subordinate and in the menial grades ?

Sir Hubert Sams : The information is being compiled and will be furnished to the Honourable Member separately.

## RECRUITMENT OF DEPRESSED CLASSES IN POST OFFICES.

930. \*Rao Bahadur M. C. Rajah : Will Government be pleased to state :

- (a) if the Inspectors of Post Offices have been instructed to entertain men of the depressed classes as attenders, packers, mail peons, etc.;

- (b) if so, how many have been entertained by them during the last six months ; and
- (c) what is the total number of depressed classes candidates on their waiting lists ?

**Sir Hubert Sams :** With your permission, Sir, I propose to reply to questions Nos. 930 and 931 together.

In the new rules issued by me on the 16th April, 1931, for the recruitment of boy peons and inferior servants in all branches of the Posts and Telegraphs Department and for their promotion to superior non-clerical posts, it is laid down that in making recruitment due regard should be paid by the respective appointing officers, among whom are included Inspectors of post offices, to the claims of the various communities residing in the officers' jurisdictions and that the principles to be followed in this connection should be those laid down by the Government of India for the adjustment of communal inequalities in clerical establishments, namely, by the reservation of one-third of permanent vacancies for the purpose.

Depressed classes are covered by those orders.

It is presumed that the appointing officers are carrying out the rules referred to above, which are specific ones. The results under those rules will be revealed in the reports made for the purpose of the annual reports, after March, 1932, the rules having been issued in April, 1931, as already stated.

#### RECRUITMENT OF DEPRESSED CLASSES IN POST OFFICES.

†931. \***Rao Bahadur M. C. Rajah :** Will Government be pleased to state :

- (a) if definite instructions have been given to the Inspectors of Post Offices regarding the recruitment of depressed classes as boy messengers, etc.; and
- (b) if so, what steps have been taken by them in the matter ?

#### CONFLICTING RULINGS ON THE LAW OF ATTACHMENT.

932. \***Lala Hari Raj Swarup** (on behalf of Mr. S. G. Jog) :  
 (a) Are Government aware that different High Courts have given different rulings on the point whether an attachment before judgment ceases as soon as the first application for execution is dismissed ?

(b) Are Government aware that the Allahabad and Calcutta High Courts have taken one view and the Bombay and Madras High Courts a different view ?

(c) Are Government aware that an anomalous position has been created by such conflicting views ?

(d) Do Government propose to take steps to make the law clear by amending the Civil Procedure Code or by adding an explanation to Order XXI, Rule 57 ?

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\*For answer to this question, see answer to question No. 930.

**The Honourable Sir James Crerar :** (a) and (b). Yes .

(c) and (d). Government are aware of the conflicting decisions but they do not propose to take any action as the High Courts are competent under section 122 of the Code of Civil Procedure, 1908, to make rules to annul, alter or add to all or any of the rules in the First Schedule to the Code.

#### SIMLA TIME AND STANDARD TIME.

**933. \*Mr. B. Das** (on behalf of Mr. Amar Nath Dutt) : Is it a fact that the local time at Simla is far behind the standard time ? If so, what is the difference between these two ?

**Mr. J. A. Shillidy :** The time locally observed in Simla is standard time. (Laughter.)

#### TREATMENT OF INTERMEDIATE CLASS PASSENGERS AT HARDWAR RAILWAY STATION.

**934. \*Mr. K. P. Thampan** (on behalf of Mr. Jagan Nath Aggarwal) : (a) Is it a fact that Intermediate class passengers are not allowed access to the railway station platform at Hardwar before the arrival of the trains at all but are kept in a fenced area and are only allowed to come on to the platform after the arrival of trains ?

(b) Is such treatment meted out to Intermediate class passengers on any other railway station and on any other railway line ? If not, what is the justification for this treatment on this particular railway station where large numbers of Hindus of all classes of society go for pilgrimage ?

**Mr. A. A. L. Parsons :** (a) and (b). Government have no information as to the actual practice at Hardwar and other Stations, but they understand that the admission of passengers to a station platform before the arrival of a train is regulated according to local conditions.

#### DUTY ON CHINESE TEA.

**935. \*Mr. K. P. Thampan** (on behalf of Mr. Jagan Nath Aggarwal) : (a) Have Government remitted the duty on Chinese tea which is imported into Afghanistan from Bombay ?

(b) Are Government aware that such remission of duty has adversely affected the tea industry in India generally and in the Punjab in particular ?

(c) Have Government considered the desirability of reimposing this duty ?

**The Honourable Sir George Rainy :** (a) A refund of Indian import duties is allowed on all goods imported into India and re-exported to Afghanistan. This concession dates from August, 1923.

(b) No.

(c) No.

#### GRATUITIES PAID TO SENIOR OFFICERS OF THE IMPERIAL BANK OF INDIA.

**936. \*Mr. B. Das** (on behalf of Lala Rameshwar Prasad Bagla) : Are Government aware that large amounts, to the tune of one lakh of

rupees and over, are given away by way of gratuities to the senior officers of the Imperial Bank of India and that these amounts are not shown anywhere in the balance sheet of the Bank ?

**The Honourable Sir George Schuster :** No.

CONFERENCE AT PARIS ON THE SILVER QUESTION.

937 \***Mr. B. Das** (on behalf of Lala Rameshwar Prasad Bagla) :  
(a) Are Government aware that an unofficial conference of financial experts is to be held on the 17th September, 1931, at Paris under the auspices of the International Chamber of Commerce to discuss the silver problem ?

(b) If answer to part (a) above be in the affirmative and if Government have already sent any representation or views on the question, will they be pleased to place a copy of the same on the table ?

**The Honourable Sir George Schuster :** The attention of the Honourable Member is invited to the reply given by me to Lala Hari Raj Swarup's starred question No. 828.

PAY OF CLERKS IN THE SECRETARIAT AND ATTACHED OFFICES.

938. \***Mr. B. N. Misra :** (a) Is it a fact that the pay of the First and Second Divisions of the clerical establishment of the Imperial Secretariat is Rs. 175—500 and Rs. 100—350 respectively ?

(b) Is it a fact that the pay of the First Division of Attached Offices is Rs. 120—350 ?

(c) Is it a fact that there is no grade for Second Division clerks in Attached Offices corresponding to the Second Division of the Secretariat ?

(d) Is it a fact that clerks in the First and Second Divisions of the Secretariat and Attached Offices who are recruited on the results of one and the same examination are required to perform almost similar kinds of duties ?

(e) Is it a fact that many clerks of Attached Offices who are qualified for the First and Second Division frequently seek transfer to the Secretariat ?

(f) Is it a fact that such transfers cause dislocation of work in Attached Offices ?

(g) Were any recommendations for removing the differentiation in pay given to the Secretariat and the Attached Offices' staff by reducing the First and Second Division pay of the Secretariat, by raising the First Division pay of the Attached Offices, by introducing a Second Division for Attached Offices or by any other means ever made to Government by any Attached Office, Staff Selection Board or the Public Service Commission ?

(h) If the reply to part (g) is in the affirmative, will Government please place the papers on the table ?

(i) Are Government prepared to take steps for removing the disparity ? If not why not ?

**The Honourable Sir James Orerax :** (a) to (c). Yes.

(d) No. Government have consistently held that, generally speaking, the duties of assistants and clerks in the Secretariat are more onerous and a higher standard of work is expected from them than from officials of corresponding status in the attached offices.

(e) Yes.

(f) I am not aware that any serious dislocation results from such transfers.

(g) Yes.

(h) Government are not prepared to lay the papers on the table.

(i) For the reasons indicated in my reply to part (d) above, the reply is in the negative.

**Mr. B. N. Misra :** Will it not be more economical to revise the scales of pay of the Secretariat and attached offices so as to make the difference in pay not so great and invidious as it is now ?

**The Honourable Sir James Crerar :** I am not prepared to admit, Sir, that the distinction is great and invidious.

**Mr. B. N. Misra :** And will it not be desirable to remove the discontent among the persons employed in the attached offices ?

**The Honourable Sir James Crerar :** I do not think that there is any great discontent on this point.

**Mr. B. Das :** Is it not a fact that the subject is under the consideration of the Retrenchment Committee ?

**The Honourable Sir James Crerar :** I understand that that is the case.

**Mr. B. N. Misra :** Was the Public Service Commission consulted in this matter, and is it not the function of the Public Service Commission to advise Government in matters of pay, etc., of the central services ?

**The Honourable Sir James Crerar :** I understand, Sir, that they have been consulted in the matter.

#### CREATION OF AN APPOINTMENT OF CHIEF STORE-KEEPER IN THE CENTRAL PUBLIC WORKS DEPARTMENT, DELHI.

939. **\*Mr. B. N. Misra :** (a) Is it a fact that the Stores of the New Delhi Central Public Works Department are now being centralised and that a new post for the Chief Store-Keeper has been created at a very high rate of pay (i.e., Rs. 900 per mensem) ?

(b) Will Government kindly say why the rates of stores are being thus enhanced by creating so highly paid an appointment ? Is it a fact that all the New Delhi construction works are practically completed ?

**Mr. J. A. Shillidy :** (a) The reply to the first part of the question is in the affirmative and to the second part in the negative.

(b) No question of the enhancement of stock rates arises. The reply to the second part is in the affirmative.

#### NON-APPOINTMENT OF AN INDIAN AS CHIEF STORE-KEEPER IN THE CENTRAL PUBLIC WORKS DEPARTMENT, DELHI.

940. **\*Mr. B. N. Misra :** Will Government kindly give reasons why a preference has been given to a European officer by the Central Public

Works Department authorities over a very experienced Indian Store-keeper ?

**Mr. J. A. Shillidy :** The Honourable Member is referred to my reply, to part (a) of his question No. 939.

**FRAUD IN THE CENTRAL PUBLIC WORKS HORTICULTURAL DIVISION, NEW DELHI.**

941. **\*Mr. B. N. Misra :** Is it a fact that long ago a very serious case of fraud of Government money was detected by the Audit in the Central Public Works Horticultural Division, New Delhi, which is under a European officer ? If the reply is in the affirmative, will Government be pleased to state why this fraud case has not been filed in court ?

**Mr. J. A. Shillidy :** The Honourable Member apparently refers to the alleged tampering with muster rolls in the Horticultural Division, New Delhi, which first came to light in July, 1930. If so, the case is as yet under investigation by the police whose report is shortly expected.

**PAUCITY OF MUSLIM CLERKS IN OFFICES OF THE CENTRAL GOVERNMENT.**

942 **\*Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-ux-Zaman) :** (a) Has the attention of Government been drawn to a series of articles in the vernacular daily *Inqilab* of Lahore published in the last week of June, 1931, regarding the paucity of Muslims in the clerical staff of the offices of the Central Government ?

(b) Is it a fact that the Muslim clerks holding temporary and officiating appointments in those offices are being turned out owing to their having failed to pass the requisite examinations of the Public Service Commission ?

(c) Are Government prepared to issue a supplementary list of qualified Muslims from amongst those who have failed to obtain the prescribed number of marks, and pending the issue of such list, do Government propose to issue orders for the retention of unqualified Muslims temporarily employed in the offices of the Central Government ?

**The Honourable Sir James Crerar :** (a) No.

(b) Under the orders relating to recruitment for the clerical staff of the Government of India offices at headquarters, permanent vacancies are to be filled by qualified candidates or candidates specially exempted by the Public Service Commission. In pursuance of these orders Departments may be replacing unqualified Muslims by qualified Muslims, but I have no definite information. As regards temporary appointments, the matter is left to the discretion of Departments.

(c) The reply to the first part is in the negative. When qualified Muslims are not available, unqualified Muslims temporarily holding permanent vacancies intended for Muslims are generally being allowed to continue to hold those vacancies temporarily until qualified Muslims are available.

**Mr. Gaya Prasad Singh :** Are Government aware that there are Hindus also who have failed to pass the Public Service Commission examination, and will similar concessions be granted to them also ?

**The Honourable Sir James Crerar :** I must ask for notice of that question.

**Mr. Gaya Prasad Singh :** It is merely a question of fair-play !

PAUCITY OF MUSLIMS IN THE ARMY DEPARTMENT.

**943 \*Maulvi Sayyid Murtuza Sahib Bahadur** (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that the Army Department have issued definite instructions for the filling of certain 3rd Division vacancies in the offices under that Department by Hindus in preference to any other candidates ?

(b) Is it a fact that there has always been a paucity of Muslims in the offices under the Army Department but such orders have never been issued for the recruitment of candidates from that community ?

(c) Will Government please state the reasons for the issue of orders for the recruitment of one particular community to the total exclusion of other communities ?

(d) In view of the paucity of Muslims in the Army Department and the offices subordinate thereto, are Government prepared to issue similar orders for the recruitment of Muslims alone in the Government of India offices ; if not, why not ?

(e) Do Government propose to issue similar orders for every community, if and when occasion arises ? If not, why not ?

**Mr. G. M. Young :** (a) No, Sir. Instructions were received by the Army Department that certain vacancies which were reserved for minority communities should be filled permanently by qualified Hindu candidates, as there was no qualified candidates from the minority communities available at the time. These instructions were accordingly issued to Branches but were shortly afterwards withdrawn.

(b) to (e). Do not arise.

**Mr. Gaya Prasad Singh :** Is it not a fact that the Muslims who failed to pass the examination were held to be disqualified ?

**Mr. G. M. Young :** So far as my recollection goes all the Muslim candidates who qualified were appointed, but I do not know whether there were any Muslims who failed to qualify.

RECRUITMENT OF MUSLIMS TO THE ARMY AND ROYAL AIR FORCE HEAD-QUARTERS OFFICES.

**944. \*Maulvi Sayyid Murtuza Sahib Bahadur** (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that Muslims are not adequately represented in the ministerial establishment of the Army and the Royal Air Force Headquarters offices ?

(b) Is it a fact that no Muslim candidate succeeded to pass the last qualifying examination of the Public Service Commission and that many of the Muslims holding temporary appointments in those offices have consequently been replaced by non-Muslims ?

(c) Are Government aware that this course of action has led to an enormous reduction of the Muslim element in the offices in question and has resulted in the preponderance of non-Muslims in the service ?

(d) Is it a fact that the standard of pass marks fixed for the last qualifying examination was very much higher than that fixed for similar previous examinations ?

(e) Are Government prepared to consider the advisability of lowering the standard of the pass marks in the case of the Muslim candidates and to declare at least 30 Muslims as successful for the 3rd Division ?

**Mr. G. M. Young :** (a) Out of a total establishment of 733 clerks, the minority communities number 270, of whom 153 are Muslims.

(b) The answer to the first part of this question is in the negative : as regards the second part, I am making inquiries.

(c) No, Sir. The proportion of the various communities has been stated in the answer to part (a).

(d) I am informed by the Public Service Commission that this is not the case.

(e) No, Sir. I am informed that the qualifying standard is already quite low enough.

**Mr. Gaya Prasad Singh :** With regard to part (d), may I know whether the standard of pass marks is the same for all communities, or only for a particular community ?

**Mr. G. M. Young :** I must ask the Honourable Member to address his question to the department concerned.

#### RECRUITMENT OF MUSLIMS TO THE ARMY AND ROYAL AIR FORCE HEAD-QUARTERS OFFICES.

945. \***Maulvi Sayyid Murtaza Sahib Bahadur** (on behalf of Maulvi Badi-uz-Zaman) : (a) Will Government please state the total number of appointments, both permanent and temporary, in the 1st, 2nd and 3rd Divisions, in the Army and Royal Air Force Headquarters offices, as they stood on the 31st December, 1930 and the 31st August, 1931 ?

(b) Will Government please state the number of Muslims holding permanent appointments in each Division in the offices referred to in part (a) on the dates specified therein ?

(c) Will Government please state further the number of temporary appointments held by Muslims in the three Divisions in the offices in question on the dates quoted above ?

(d) Is it a fact that of the permanent vacancies in the 3rd Division in the Army and Royal Air Force Headquarters Offices, approximately forty were intimated to the Public Service Commission as having been reserved for Muslims ?

**Mr. G. M. Young :** (a), (b) and (c). The information is being collected, and will be sent to the Honourable Member as soon as possible.

(d) No, Sir. The correct number of vacancies reserved for minority communities (not for Muslims alone) is 29.

#### RECRUITMENT OF MUSLIMS TO GOVERNMENT OF INDIA OFFICES.

946. \***Maulvi Sayyid Murtaza Sahib Bahadur** (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that in their communication regarding the

last competitive examination, the Public Service Commission notified 48 vacancies in the 3rd Division of the Government of India offices of which 15 were stated to have been reserved for Muslims ?

(b) Is it a fact that nearly 100 candidates were declared by the Public Service Commission to have qualified for employment in the 3rd Division of whom only 10 are Muslims ?

(c) Will Government please state why contrary to the notification issued by the Public Service Commission :

(1) the number of qualified candidates was raised from 48 to 100,

(2) the number of Muslims was not proportionately increased,  
and

(3) fifteen Muslims as notified were not ultimately selected ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) 100 candidates were declared qualified, of whom eight were Muslims.

(c) (1). The number of qualified candidates was not raised. The qualifying standard in this examination was fixed independently of the number of vacancies available.

(2) Does not arise.

(3) Because only eight Muslims reached the qualifying standard.

**Mr. Gaya Prasad Singh :** Do Government realise that the retention of unqualified men of any community in the public service tends to lower the efficiency of the work ?

**The Honourable Sir James Crerar :** Government after considering all the circumstances of the case are satisfied that the action taken was reasonable one.

**Mr. Gaya Prasad Singh :** May I take it that the action taken under the circumstances will apply equally to all communities ?

**The Honourable Sir James Crerar :** They are not of general application.

**Dr. Ziauddin Ahmad :** What is the definition of " qualification " ?

**The Honourable Sir James Crerar :** I think the Honourable Member will find that in the dictionary.

#### RECRUITMENT OF MUSLIMS TO GOVERNMENT OF INDIA OFFICES.

947. **\*Manvi Sayyid Murtaza Sahib Bahadur** (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that a sufficient number of Muslims did not succeed in the 1926 examination of the Public Service Commission and that to make up communal inequalities some of the failed candidates had consequently to be included in the list of passed individuals ?

(b) Is it a fact that a supplementary list of ten qualified Muslims was issued by the Public Service Commission some months after the declaration of the examination results ?

(c) Is it a fact that a deputation of respectable Muslims waited upon the Home Secretary to the Government of India and the President of the Public Service Commission with the request that on the analogy of the

action taken in the 1926 examination, some more Muslims may be declared as qualified for employment in the 3rd Division ?

(d) If the reply to part (c) above is in the affirmative, will Government please state what action has been taken by them to comply with the request of the deputation ?

**The Honourable Sir James Orerar :** (a) The original list of candidates successful in the 1926 examination, which was a competitive one, was a list of those to whom it was anticipated that vacancies could be offered. It omitted many who were qualified but for whom there were no vacancies. As Departments asked for members of a particular minority community in excess of the number mentioned in the original list, the Commission added to that list the names of a sufficient number of qualified candidates belonging to that community. It is not correct to say that these candidates had failed.

(b) Yes, except that the number was fifteen.

(c) This proposal was made to the Chairman, Public Service Commission but not to the Secretary to the Government of India, Home Department.

(d) The Chairman Public Service Commission explained to the deputation that the analogy did not exist, as the addition made in 1925 was an addition of qualified candidates and the addition suggested in 1931 was of unqualified candidates. The Government of India have arranged that unqualified Muslims should be allowed to continue to hold temporarily permanent vacancies reserved for members of that community until qualified candidates are available.

**Mr. Gaya Prasad Singh :** May I know if the scandal of including failed candidates in the list of successful candidates was perpetrated by the Public Service Commission or the Government of India ?

**The Honourable Sir James Orerar :** As I have pointed out, it is not correct to say that the candidates had failed.

**Mr. Gaya Prasad Singh :** I was referring to part (a) of the question.

**The Honourable Sir James Orerar :** Precisely : I have pointed out there that it is not correct to say that the candidates had failed.

**Mr. Gaya Prasad Singh :** I am sorry.

APPOINTMENT OF A MUSLIM AS ASSISTANT COMMISSIONER OF INCOME-TAX IN THE PUNJAB.

948. \*Maulvi Sayyid Murtaza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that the Central Board of Revenue issued an order in 1926 to the Commissioner of Income-Tax, Punjab, that the next appointment of the Assistant Commissioner, if and when it falls vacant, should be given to the senior Muslim Income-Tax Officer ?

(b) If the reply to part (a) is in the affirmative, is it a fact that those orders could not be carried out because the Hindu Superintendent of the Commissioner's office did not bring the papers to the notice of the Commissioner, who was quite new to the job ?

**The Honourable Sir George Schuster :** (a) No.

(b) Does not arise.

**APPOINTMENT OF A MUSLIM AS ASSISTANT COMMISSIONER OF INCOME-TAX IN THE PUNJAB.**

949. \*Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that under paragraph 24 (2) of the Income-Tax Manual the Commissioner of Income-Tax should consult the Local Government before appointing an Assistant Commissioner or an Income-Tax Officer ?

(b) Is it a fact that the above paragraph has never been complied with in the Punjab Province ? If so, why ?

**The Honourable Sir George Schuster :** (a) The Local Government has to be consulted before the appointment of any person to the substantive post of Assistant Commissioner of Income-tax or Income-tax Officer.

(b) No.

**SUPERSESSION OF CERTAIN CLERKS IN THE INCOME-TAX COMMISSIONER'S OFFICE, PUNJAB.**

950. \*Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : Is it a fact that one of the juniormost Hindu assistant clerks, named Hans Raj of the Income-Tax Commissioner's Office, Punjab, has been promoted to the higher grade by the supersession of many senior clerks, of whom five are graduates ? If so, why ?

**The Honourable Sir George Schuster :** The facts are not exactly as stated and the implications are incorrect. Promotions to the higher grades are made by selection and before the man in question was promoted, careful consideration was given to the merits of all those above him.

**APPOINTMENT OF MUSLIMS TO THE INCOME-TAX DEPARTMENT IN THE PUNJAB.**

951. \*Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that there is very poor representation of Muslims in the Punjab in the non-gazetted cadre of the Income-Tax Department ?

(b) Are Government prepared to consider the advisability of giving an adequate representation to the Muslim community by reserving for them a sufficient number of vacancies in all grades of the Income-Tax Department of the Punjab Province, as laid down by the Government of India in their Home Department letter of the 5th February, 1926 ?

**The Honourable Sir George Schuster :** (a) I lay a statement on the table, from which it will be seen that the Muhammadan community is very substantially represented in the non-gazetted establishment of the Punjab Income-tax Department.

(b) Does not arise.

*Statement showing the communal composition of the non-gazetted staff of the Income-tax Department, Punjab (as on 31st December, 1930).*

	Total No.	Hindus.	Muslims.	Sikhs.	Others.
1. Inspectors of Income-tax	35	20	10	3	2
2. Clerical Posts .. ..	161	95	47	15	4

**ALLEGATIONS OF COMMUNAL BIAS AGAINST A HINDU CLERK IN THE OFFICE OF THE PUBLIC SERVICE COMMISSION.**

952. \***Maulvi Sayyid Murtaza Sahib Bahadur** (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that since its constitution the Public Service Commission has always had a Hindu clerk to deal with the establishment matters of the ministerial staff of the Government of India Offices ?

(b) Is it a fact that many of the Central Offices have, on various occasions, volunteered to accept, even non-qualified Muslims for temporary vacancies but the Hindu clerk in the Public Service Commission has nominated non-Muslims instead ?

(c) Are Government prepared to take steps to replace this clerk by a non-Hindu ?

**The Honourable Sir James Orerar** : (a) No.

(b) I am not aware of any such cases.

(c) No.

**APPOINTMENT OF SUPERINTENDENT, ARCHÆOLOGICAL SECTION, INDIAN MUSEUM.**

953. \***Seth Haji Abdoola Haroon** : Is it a fact that the Superintendent, Archæological Section, Indian Museum, is about to retire ? If so, do Government propose to consider the claims of senior officers of the Department who have on previous occasions held charge of the Archæological Section in filling the vacancy ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : Yes. In selecting a successor the claims of all officers have been considered.

**RETRENCHMENT IN THE ARCHÆOLOGICAL DEPARTMENT.**

954. \***Seth Haji Abdoola Haroon** : (a) Have the activities of the Archæological Department in connection with exploration been curtailed to a considerable extent ? If so, will Government please state, what is the justification for retaining the posts of Deputy Director for Exploration, Special Officer for Exploration and an Assistant Superintendent for Exploration ?

(b) Have Government considered the question of retrenching two out of these three posts, viz., Deputy Director for Exploration and Assistant Superintendent for Exploration ; if not, why not ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : (a) and (b) : The question of the curtailment of the activities of the Archæological Department, particularly in regard to excavations, is under the consideration of Government in connection with the recommendations made by the General Purposes Sub-Committee of the Retrenchment Advisory Committee. Already four posts in the Department are vacant and have not been filled.

**Mr. Gaya Prasad Singh** : May I know whether these officers whose retrenchment is recommended are Muslims or non-Muslims ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : I can not answer that without notice.

**APPOINTMENT OF MUSLIMS TO GOVERNMENT DEPARTMENTS IN THE NORTH-WEST FRONTIER PROVINCE.**

955. \*Seth Haji Abdoola Haroon : (a) Will Government please state, whether there exist any orders to the effect that a minimum figure of 60 per cent. of Muslim representation in the various Government Departments in the North-West Frontier Province will be maintained in view of the fact that they form above 95 per cent. of the whole population ? If so, will Government please state whether such orders have actually been brought into force in the North-West Frontier Province ?

(b) Will Government please lay on the table the figures department-wise showing in detail the total strength, Muslims, non-Muslims prior to these orders and after they had been in force in the North-West Frontier Province ?

**Mr. E. B. Howell :** The Honourable Member is referred to the answer given to question No. 248 asked in this Assembly by Maulvi Muhammad Shafee Daoodi.

**MUSLIM REPRESENTATION IN PAY AND ACCOUNTS AND AUDIT OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.**

956. \*Seth Haji Abdoola Haroon : Is it a fact that the Muslim representation in the ministerial staff of the Pay and Accounts and Audit Offices North-West Frontier Province is 43 per cent. ? If so, what measures are being adopted to raise this percentage to 60 per cent. ?

**The Honourable Sir George Schuster :** With your permission, Sir, I will deal with questions 956 to 960 together. The Honourable Member is referred to the replies given on the 9th September, 1931, to Dr. Zia-uddin Ahmad's starred question No. 90 and to Maulvi Muhammad Shafee Daoodi's starred questions Nos. 249 and 250, on the 11th and 15th September, 1931, respectively.

**SAFEGUARDING OF MUSLIM INTERESTS ON THE AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.**

†957. Seth Haji Abdoola Haroon : (a) Is it a fact that the scheme of reamalgamation of audit and accounts will be operative in the North-West Frontier Province also ?

(b) If so, have any orders been issued to revert, reduce or repatriate the non-Muslims only with a view to maintain the minimum figure of 60 per cent. of the Muslim representation ? If not, why not ?

**SAFEGUARDING OF MUSLIM INTERESTS ON THE AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.**

†958. \*Seth Haji Abdoola Haroon : Will Government please state what steps have been or will be taken to safeguard the rights of frontier recruits at the time of curtailment, reduction or reversion of establishment on the occasion of amalgamation of the Pay and Accounts and Audit Offices in the North-West Frontier Province ?

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†For answer to this question, see answer to question No. 956.

**SAFEGUARDING OF MUSLIM INTERESTS ON THE AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.**

†959. \*Seth Haji Abdoola Haroon : (a) Has the attention of Government been drawn to a message in the *Muslim Outlook* of the 19th July, 1931, regarding reduction of about 24 Peshawari clerks as the result of the proposed amalgamation of the Frontier Civil Accounts and Audit Offices ?

(b) Are Government aware that this news has created an alarm in the educated circles of the province since the local Muslim employees in these offices are temporary ?

(c) Is it a fact that :

(i) Muslims form only 43 per cent. of the present total strength of the Accounts Offices at Peshawar ;

(ii) out of it only 20 per cent. belong to that Province ;

(iii) while the share of this community in the supervising staff is about 22 per cent. ; and

(iv) the combined ratio of Muslims and non-Muslims of the Frontier in these offices is about 30 per cent. ?

(d) Is it a fact that the Muslim community constitutes more than 95 per cent. of the population of that province ?

(e) If the reply to parts (a) and (b) above be in the affirmative, will Government be pleased to state, what specific steps, they propose to take to safeguard the Muslim interests at the time of the proposed retrenchment ?

**RETRENCHMENT IN THE NORTH-WEST FRONTIER PROVINCE ACCOUNTS OFFICES.**

†960. \*Seth Haji Abdoola Haroon : (a) Has the attention of Government been drawn to an article in the daily *Inqilab*, Lahore, of the 21st July, last, regarding retrenchment in the North-West Frontier Province Accounts Offices ?

(b) Is it a fact that the proportion of Muslims in the Civil Accounts Department in India is barely 6 per cent. and in the Accounts Offices at Peshawar it is only 43 per cent. against the population of over 95 per cent. ?

(c) Have Government considered the desirability of repatriating the persons imported from out of the North-West Frontier Province instead of throwing out of employment junior Muslim employees at the time of the proposed reduction in these offices ?

**SHORT NOTICE QUESTION AND ANSWER.**

**Nawab Major Malik Talib Mahdi Khan :** Will Government be pleased to state the reasons for the recent addition to the Round Table Conference of two gentlemen of the mercantile community, and are Government prepared to set against those nominations the appointment of an equivalent number of representatives of the popular Muslim Party from among the agricultural classes ?

†For answer to this question, see answer to question No. 956.

**The Honourable Sir George Rainy** : As I have explained in answer to previous questions on the subject the selection of delegates to the Round Table Conference is not primarily the concern of the Governor General in Council. I regret, therefore, that I am not in a position to make any statement on the questions asked by the Honourable Member.

### THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I move :

“ That the Bill further to amend the Indian Bar Councils Act, 1926 (*Amendment of section 2*), be referred to a Select Committee consisting of the Honourable the Home Member, Sir Muhammad Yakub, Mr. B. R. Puri, Mr. Lalchand Navalrai, Mr. A. Hoon, Mr. T. N. Ramakrishna Reddi, Mr. Muhammad Muazzam Sahib Bahadur, Mr. Gaya Prasad Singh and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

Sir, this is a highly technical Bill and I am quite sure that a very large number of Members of this House are not really conversant with the antecedent facts in connection with it. I shall, therefore, very briefly recapitulate these facts for the information of Honourable Members. In the first Assembly of 1921, my friend, one of the members of the Allahabad Bar, Munshi Iswar Saran, moved a Resolution to the effect that the Indian Bar should be made self-contained. Honourable Members will remember that this desire on the part of the Indian Bar followed a general feeling in the country that Indians must not, by reason of the fact that they are Indians, be debarred from the position of acquiring the higher status available to the subjects of the British Crown. A strong movement was set on foot that Indians who had distinguished themselves in the field should not be debarred from obtaining the coveted rank of Victoria Cross. For a very long time an opposition was made to Indians obtaining the V. C. on the ground that it was the emblem of the Christian faith and consequently Indians, who were not Christians, could not be given the Cross. But during the War this invidious distinction between British and Indian soldiers was done away with and some of your countrymen and mine have merited and acquired this highly coveted distinction.

**Mr. A. H. A. Todd** (Madras : Nominated Official) : Was it not at the Durbar of 1911 that the Victoria Cross was thrown open to the Indians ?

**Sir Hari Singh Gour** : Yes, I was talking of the period before that. The question about Indians being eligible to obtain the King's Commission was another grievance of the Indian people, and Honourable Members will remember that Lord Curzon, the Viceroy of India, passed a rule that Indians would be given the King's Commission upon their retirement, so that they would not be placed in a position of Command over Europeans during their term of office. But that agitation also succeeded, and we have today a movement on foot that Indians who obtained the King's Commission should obtain it in increasing numbers. Following upon this agitation, the members of the Vakil Bar in this House set up an agitation that the perpetual inferiority of the vakil at the Indian Bar was a disability which should be removed. Honourable Members will remember that, prior to the passing of the Bar Councils Act, a barrister of the Inns of Court in England or a member of the Faculty of Advocates in Scotland or a member of the Irish Bar was entitled to seniority over all vakils and advocates of

whatever standing. That was a grievance which the Members of the Vakil Bar and indeed members of the indigenous Bar rightly felt. Consequently a motion was carried in this House in 1921 that steps should be taken to elevate the members of the Indian Bar to the same position which is enjoyed by members of the English Bar. A strong committee was appointed and that committee submitted its recommendation which is contained in this printed book and in which I wish to draw Honourable Members' attention to three passages. The Bar Committee said that English barristers in India—and by English barristers I mean Indian or English barristers called to the English Bar—enjoyed a status of seniority by the mere fact that they have been called to the English Bar and Indians of ability, though they have reached a position of great eminence, irrespective of their seniority and their merit, are classed in a degree inferior to that of the English barristers. This grievance must be removed, and consequently they recommended the enactment of the Act which afterwards became the Indian Bar Councils Act, grading practitioners according to the date of their enrolment in the High Court. But when the Bill came up before this House, I raised an objection and I said that that position which the Members of the English Bar had been hitherto enjoying at the Bar in India could not by one stroke of the Legislature be destroyed, and the Honourable Sir Alexander Muddiman, who was then the Home Member, acceded to my contention and he agreed to circulate that clause of the Bill dealing with the graduation of legal practitioners in India for eliciting public opinion thereon. Honourable Members will find this recorded in the Assembly debates of the 24th August 1926. I have before me pages 398 and 399 of the Assembly debates from which I have made the statement. Well, Sir, my opposition to that clause, though grudgingly conceded by the Honourable the Home Member, received a chorus of approval both from the Judges as well as from the members of the Bar and indeed from the lay public with the result that a year afterwards, in 1927—I am glad Sir James Crerar is here because he will support me if anybody stands up to oppose me on this motion—he introduced a Bill and he said that the public opinion in the country has been sounded and he wished to give effect to the recommendation of the Bar Committee by grading the Indian practitioners in the following order :

First, Advocate-General ; secondly, King's Counsel ; thirdly, barristers who will count their seniority from the date of their calling ; fourthly, Advocates who count their seniority from the date of their enrolment in the High Court.

Let me give you the *ipsissima verba* of the Honourable the Home Member, Sir James Crerar, spoken on the 18th August 1927, page 3094 of the Assembly Debates. This is what he said, introducing this Bill in 1927. He said, "The purpose of the Bill which I now ask the House to take into consideration is to give effect substantially to the recommendations of the Bar Committee". The words are perfectly clear. The Bill of 1927 was drawn to give effect to the recommendation of the Indian Bar Committee of 1921. That Committee had recommended the gradation of practitioners in the order I have indicated, and in the Statement of Objects and Reasons appended to the Bill which became law in 1927, it was again reiterated that, following the public opinion and the recommendation of the Indian Bar Committee, that Bill was drawn up. That Bill, as I have said, grades the Indian legal practitioners in the order I have named. You

[Sir Hari Singh Gour.]

have first the Advocate General ; secondly the King's Counsel ; thirdly barristers who rank their seniority from their date of call ; and fourthly, you have Advocates who rank their seniority from their date of enrolment in the High Court. The introduction of King's Counsel in the class of practitioners in this country was introduced for the first time in 1926 ; and it was introduced, as the Honourable Sir James Crerar pointed out in introducing this Bill, to carry out a recommendation of the Bar Committee. If Honourable Members will turn to the specific recommendation of that Committee, they will find it in paragraph 16 (page 11) of that Report. What they say is this :

" We have also evidence—it may or it may not be desirable—to provide for the recognition of distinguished merit at the bar by elevation to the highest grade of practitioners. This is a question which does not properly come within the terms of our inquiry, but if it is desirable, we consider that a more suitable form of recognition such as the grant of rank of King's Counsel can be devised than elevation to a grade which while it may contain the highest average outstanding talent, cannot possibly be regarded as exclusively composed of successful practitioners. We do not therefore think that this consideration detracts in any way from the desirability of unifying the grades."

To paraphrase this recommendation, Honourable Members will find that what the Indian Bar Committee said was this : they said that this artificial distinction between Barristers and Advocates or Vakils in India is unjustified. You have a very large body of very able practitioners in this country ; and therefore if you are merely to grade all legal practitioners from the date of their call or enrolment, you would not recognise special merit which it is the fundamental idea of all forensic practitioners in all parts of the British Commonwealth that it should be recognised. Therefore they recommended that while the barristers were losing their seniority, their unquestionable and unquestioned seniority, they were given the solatium of being lifted to the degree of King's Counsel, and thus a grade was created in which their special merit and talent would be recognised. That was the principle of the Bar Council Committee. That was the principle which the Honourable the Home Member said he was going to give effect to in introducing the King's Counsel amongst the grade of practitioners in the Act of 1927. That Bill became law. From 1927 to 1931, down to the present time, it was expected that this grade of practitioners called King's Counsel, for which a special position has been given by the Act of 1927, would become a reality. As Honourable Members are aware, in 1927 there was no such class of practitioners as King's Counsel in this country. But the Honourable the Home Member, when he introduced his Bill of 1927, must have had it in his mind that this class of practitioners would be brought into being in this country, because you cannot legislate for a non-existing entity, and consequently I submit it was up to the Government to take steps to bring into existence this special grade of practitioners for which provision had been made in the Act of 1927. They have done nothing of the kind. But if that was all, I would not be here to trouble this House. Enumeration of King's Counsel in the list of legal practitioners in India has created an anomaly which every patriotic Indian and every member of the Indian Bar would righteously resent. It is this : that when we introduced this grade of King's Counsel in the Act of 1927, we were enumerating the legal practitioners in India ; but the known definition of King's Counsel in the Act of 1927 would now lead to the ambiguity and anomaly of permitting King's Counsel from across the seas, foreign King's Counsel

from England and the Dominions and the small colonies like Ceylon and British Guiana, to come to this country and claim seniority over barristers who are old enough to be their grandfathers. That I submit is an anomaly which must be removed. You have only two alternatives before you. If you think that you committed a mistake in introducing the term King's Counsel amongst the grade of existing practitioners in India in 1927 and you are not able to make good your promise, then held out, then delete that term. Amend the Act of 1927. The other alternative is that you must make provision to make that clause relating to King's Counsel a reality. These are the two alternatives which present themselves to the Government, and there is no other alternative. When I introduced my Bill on this subject, Sir Lancelot Graham said that we must sound public opinion. I am quite sure he is one of those people who has great respect for public opinion; but whether he has respect for public opinion or not we shall see presently. For the present let me give this House the result of the public opinion collected upon this Bill. There are printed in this compilation, from which I have analysed all the opinion, *pro* and *con*; and Honourable Members will find what a singular unanimity of opinion there is in favour of this Bill.

**Sir Lancelot Graham** (Secretary : Legislative Department) : Did I understand the Honourable Member to say there was singular unanimity in favour of his Bill ?

**Sir Hari Singh Gour** : I did.

**Sir Lancelot Graham** : That is a most singular remark.

**Sir Hari Singh Gour** : Let me give Honourable Members the opinions, and for the benefit of my friend, Sir Lancelot Graham, I will give him the pages of this compilation, and if he further challenges me, I shall read the very statements contained in them. You have first of all the opinion of the Calcutta Bar Association at page 11, of the Calcutta Bar meeting at page 19, of the Incorporated Law Society of Calcutta at page 20, the opinion of the Bengal Chamber of Commerce at page 20, and the opinion of the Indian Chamber of Commerce on the same page.

12 Noon. The opinion of the British Indian Association, pages 14-16; the opinion of the Bombay Bar Council, page 35; the opinion of the Bombay Advocates' Association, page 28; the opinion of the Bihar and Orissa Government and of the High Court, page 21, all in favour; the opinion of the C. P. Government and Judges, at page 4; the opinion of the Punjab Government—they say that the majority of 50 per cent. of them are in favour, and reference is made to the Country League, page 12; the N.-W. F. Province, page 2; Delhi Government and Bar, page 1; the opinion of the Bar Association of Ajmer, page 4; the opinion of the Administration of Coorg, page 2. You have thus a strong phalanx of opinion in support of this Bill. The Calcutta High Court at page 1 of the compilation is neutral. The learned Judges say that this is entirely a matter for the legal practitioners in this country. The European Association of Calcutta,—and I ask the Honourable Members to listen to what their own Association have said at page 1—are neutral; they are neither for nor against this Bill. After recounting these opinions can anybody have the hardihood to say that the chorus of approval from the Bench and the Bar, the public bodies and the Governments is not in favour of this Bill ?

[Sir Hari Singh Gour.]

There are only two opinions to which I would like to advert in this connection, and they entirely bear out the contention I wish to make before this House. Honourable Members will find that the Calcutta High Court and the C. P. Government—and their opinions are contained on pages 1 and 4—seem to labour under a misapprehension that this King's Counsel in the Act of 1927 was intended to give English Counsels superiority and seniority over Indian practitioners. . . . .

Mr. C. Brooke Elliott (Madras : European) : No, Sir. . . . .

Sir Hari Singh Gour : That is a misapprehension which occurs in the opinion of the Honourable Judges of the Calcutta High Court. It will be for the Honourable Sir James Crerar, the author of this Bill, to dispel that view. Did he secretly intend to insert a clause in the Act of 1927 to destroy the autonomy of the Indian Bar by inserting therein a clause giving the foreign King's Counsel a position of seniority over indigenous barristers, advocates and vakils? I say, Sir, that could not have been the machiavellian intention, and that cannot be the construction of the clause of 1927. Can you say that when the legal practitioners in India are to be classed in the following order you do not mean to imply that those are the legal practitioners who habitually live and practise in India? That, I submit, is the plain meaning of the clause inserted in 1927. But because that clause has remained in abeyance, an opinion has grown up in this country voiced by certain English barristers and English bodies that this was only intended to give English barristers coming to India a position of seniority. Sir, I know that the dictates of Islam make one who goes to Mecca a Haji, but I have never yet heard of a dictate of the Englishman that no one shall be King's Counsel unless he lives in England, and that is the position of King's Counsel so far as England is concerned. Look at the position of humiliation to which Indian legal practitioners are exposed if you do not accede to the motion I am making before you today. It has been decided in England that a King's Counsel can only be given to a barrister who lives and practises in the English courts including of course the Indian Privy Council, but an English barrister who practises in India, mind you, will never be given English status. If that is the view of the Lord Chancellor, and if that is the view which the Government of India wish humbly to submit to, it raises a vast constitutional issue. Are the barristers in India always to remain as sepoyes and never rise to commissioned rank?

Mr. C. Brooke Elliot : Sergeants perhaps.

Sir Hari Singh Gour : That is the position of humiliation to which Indian barristers, Indian advocates and Indian vakils would be reduced if this clause is misinterpreted and misunderstood to apply only to foreign King's Counsel, and the Indian practitioners will not be given the position of King's Counsel in spite of the recommendation of the Indian Bar Committee, in spite of the statement of the Honourable Sir James Crerar that he was giving effect to that recommendation by introducing the Bill of 1927, in spite of the specific provision in the Act and in spite of the fact that the declared policy of the Government of India following the recommendation of the Indian Bar Committee that they would give effect to the recommendations of the Bar Committee. That, Sir, is a position from which there is no escape. I have therefore tabled this

Resolution in the hope that this House will support it on the ground that it is too late now to go back upon the Act of 1927, and anybody who opposes this Resolution would be doing a great harm to the development of the Indian Bar and to the declared policy of the Government of India that it should be an autonomous one. Members of the Bar all over the country are looking forward to this belated reform. I have pointed out the opinions, singularly unanimous, of large bodies of members of the legal profession and of the other non-legal associations and corporations showing that this is a reform which has been long overdue. If you do not give this reform, you certainly will not look the Indian Bar in the face, who will say that, so far as you are concerned, you had intended to enact that clause inserted in the Act of 1927 with the ulterior motive of providing a foothold for all foreign counsels. That, I submit, is a position which would be intolerable. Do not look at the faces of Members, but look within your own conscience, and say whether you can possibly oppose my motion, which is intended to give effect to your own declared policy, to your own declarations in this House, to your own declared decision which culminated in the enactment of 1927. I move, Sir, that the Bill be referred to a Select Committee.

**Mr. C. Brooke Elliott :** Sir, I desire to express my regret to Sir Hari Singh Gour that I was not in my place at the start of this debate owing to the early collapse of questions to-day, and a slight indisposition on my part. I, however, did hear a good deal of what he said, and I may say that I have taken a great deal of time and trouble to try and see all that can be said on this matter.

Sir, I am speaking to-day, proud to be a member of the Indian Bar, and the one thought that is uppermost in my mind is to try and contribute something definitely constructive to the end which we all have in view, namely, that in due time and subject to due preparation, and with a sufficient knowledge of facts, there should be in India a superior grade of advocate corresponding to the superior grade of barrister in England commonly known as a King's Counsel. Sir, King's Counsel have the honour to robe themselves similarly to the way in which you are robed ; but when I use the word " silk ", I mean that I am not speaking of the raw material that King's Counsel actually wear, but of the finished forensic human product that they are. In England, Barristers are known as " Silks " if they are King's Counsel. Below them you have the stuff gownsmen, who wear a gown of a different pattern, made of stuff not silk. So when I talk of " Silk " I mean a King's Counsel, and when I talk of stuff gownsmen, I mean the junior barristers in England.

Sir, I think I must make one point at the start. The singular unanimity of which my Honourable and learned friend the Mover spoke is by no means singularly unanimous. That very fine lawyer, our Advocate-General and Leader of the Bar in Madras, can hardly be said to be unanimous with the Mover, when he gave this opinion :

" At the present stage of the bar in this country and in view of the fact that even dual agency has not become a common feature in the several courts in India, I am not in favour of the institution of King's Counsel. At any rate the matter may be deferred till after the proposed constitutional changes in the Government of India and any general reorganisation of the bar that may take place in consequence of such changes."

If I understand the English language, that does not display a singular unanimity. That is the generally expressed, conveyed through its Leader, opinion in Madras. I respectfully agree with our Advocate-General's

[Mr. C. Brooke Elliott.]

considered opinion. We are not against the making of a somewhat higher degree in the profession, as I shall show you presently, but we must first have a clear background, so that Honourable Members may really understand what the position is. And if I venture to give a brief historical sketch of what "silk" in England is, I trust the House will forgive me because this is a matter of deep and vital import to every lawyer in India. And don't forget that in India the Bar, as in England, is the most highly organised and powerful Trade Union in the land.

Sir, the history of "silk" so far as my researches go is this. Somewhere in Tudor times English sovereigns, who were somewhat masterful, if my reading of history is right, conceived the happy thought of picking out rising barristers and conferring upon them the honour of a silk gown with a patent of precedence and a fee of, I think, £100 sterling per annum, so that that barrister should not appear against the Crown. That is why they were called King's Counsel. The most eminent and one of the earlier examples of silk,—and here every Member who is also a member of Gray's Inn will be associated with me—was that of Bacon. He is the great glory of our Inn. He was a rising and ambitious man and he might perhaps have been troublesome if he had not had silken fetters laid upon him by his sovereign. The silk gown has come down to us from that early form, and to-day in England the profession is organised thus. When you are called to the Bar, you are a member of the outer Bar, or as the expression goes, an "utter" barrister;—utter is a corruption of the word outer;—and after a certain period, when you have attained eminence at the Bar in England, you can apply to the Lord Chancellor to be translated from the outer Bar and called within the Bar as a King's Counsel. You have to apply for that distinction to the Lord Chancellor, after you have given due notice to the profession of your intention so to do. It solely depends upon the judgment of the Lord Chancellor whether such an application is granted by His Majesty or not. Once you take a silk gown, you sit where my leader in this House appropriately enough sits, in the front bench instead of sitting in the back rows of the court; but, once assumed, the silken fetters always remain. There are a number of things which a King's Counsel, by the etiquette of the Bar, which is very strictly observed, may not do. Many a man has taken silk who has been making £3,000, £4,000 or £5,000 at the Bar and yet has failed as a leader and regretted having taken silk: but ~~once a silk, always a silk~~; and you cannot be disrobed and return to the fold of the junior Bar. That is a very important point, and we have to consider its applicability to Indian conditions as I shall show you presently.

Well, Sir, the first suggestion that I venture to make to the Honourable and learned Mover, and if I may, to the Government of India, is this;—let us have fuller information. So I would suggest that an application be made to the Lord Chancellor inviting him to furnish the Government of India with a clear memorandum tracing the historical origin and growth of silk in England. That is the first constructive suggestion I venture to make. Next I would invite the Government to write to the Secretary of the Bar Council in England, and obtain from him a reasonably detailed statement of the policy, rules, and organisation, of the English Bar to-day. Sir, I think most of my learned friends in India, when they see such a statement, will see at once that it is hardly possible to introduce silk as known in England into India because of the totally different conditions,

that obtain. And I would like to give some of my reasons for saying so. In England the whole foundation of the legal profession is this, there is a system of dual agency. No barrister or King's Counsel in England can ever take a fee direct from the lay client; there must always be interposed the solicitor; for the fundamental principle upon which the Bar in England is organised is this, that the barrister must never come in actual direct contact with the lay client. Sir, a simple illustration and a useful one, will make that clear. The system in England is a sort of legal sandwich. You have one piece of bread the lay client, then a bit of meat, the solicitor—he sometimes takes most of the meat—and on the other side, the barrister. That barrister bread can never directly meet the lay client bread because there is the solicitor meat in between. (Laughter.) Now, Sir, the moment you see that, you will observe the fundamental difference between the organisation of the profession in England and in India, where to-day we are all enrolled and practise as advocates. Should anybody in this House require the services of the learned Mover he can go straight to him as an advocate and arrange directly with him about the fee, and so forth. In Madras, though we have several eminent firms of solicitors, still they are such a comparatively small portion of the Bar that we must regard their intervention as the exception rather than the rule. In the mofussil we have, I think, no solicitors in practice at all, except perhaps at Ootacamund. Calcutta, in this respect, I know, is different from Madras: and so is Bombay. Please remember that I am now speaking chiefly of the Presidency, of which I have first hand knowledge. The moment you compare the English system with the general system in India you find this difference. Every brief in England must come to a K. C. through a solicitor. Therefore it is very easy to make rules as to what the K. C. shall do, because a solicitor only can instruct him. If we have silk in India, except in the rare cases where an Advocate is instructed by a solicitor in one of the three Presidency towns or very occasionally in the mofussil, in such cases, what is the position of a silk going to be? And before we introduce silk into India and seek to give practical effect to it, it is difficult to understand what the practical working of the suggested system for India is going to be. Nobody wants a mere alphabetical addition of K. C. after his name. It would be only artificial silk, which is a very different proposition from real. I am asking for all this information to be laid before the public (who are deeply interested) and the whole profession before we come to any final decision. Whether you take the title K. C. or a better one is a matter to my mind of very little importance. It is not the shadow that we want, but the substance of seniority, and I think that Sir Hari Singh Gour would be well advised to welcome such information as I have mentioned in order that all the members of the profession throughout India, who cannot get access to such information easily, may be fully informed as to what the existing English system is. Before you transplant a thing from England into India, do let us see exactly what is the professional soil that is required. I have spent many hours reading these opinions of various legal bodies throughout India with very great interest and I find that some of the information desired has already been given. I would only ask that it may be given in a more authoritative form. I notice with interest that one civilian judge has made some very interesting suggestions, well worthy of consideration, as to whether it is possible to introduce into India a higher order of barristers somewhat on the lines that obtain in Germany. I merely say

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that that is a suggestion worth considering. I think, Sir, I have now shown that until we get that information it is a little premature to proceed with this Bill.

The next point I want to make is this. I want to explode, if I may, one or two ideas which have, I think, rather tended to excite feeling in the minds of some members of the profession. I read in the Objects and Reasons of this Bill these words :

“ Four years have since passed, but that assumption has not been realized with the result that under the existing law English and colonial barristers raised to the rank of King's Counsel though, it may be, much junior in seniority and standing to their conferees in India have become entitled to rank above them, and the latter are penalized by the sole fact of their having practised in India.”

Now, Sir, I will ask Sir Hari Singh Gour to give me the name of one single English silk who has come to India to practise. Could you give me such a name ?

**An Honourable Member :** Mr. Kenrick.

**Mr. C. Brooke Elliott :** I was going to cite him, but he is Advocate-General and would like our Advocate-General wear a silk gown in any case.

**Sir Hari Singh Gour :** He would not. The Advocate-General had no recognised statutory status before you gave it to him.

**Mr. C. Brooke Elliott :** He is the Advocate-General of Bengal and as such would have precedence, so that if that is practically the only case, there is not much harm done. (*An Honourable Member :* “ There may be other cases also.”) I have hunted for this information and have asked many people. I may tell you that Mr. Eardley Norton was a personal friend of mine and we discussed this matter often, and his considered opinion was that as conditions are in India he did not wish to see English silk introduced into India. He was told by the Lord Chancellor some years ago—I could not tell you which Lord Chancellor it was, but Mr. Norton told me this himself—that by reason of his eminence at the Indian Bar English silk would be given him, but, under existing conditions, only after he had retired from India. I do not think I am at all unsympathetic to the natural aspirations of the Indian Bar. On the contrary I am most sympathetic in the whole matter : but surely the best way to show one's sympathy as a keen member of the profession is to do what you can to help, not to have something introduced which might prove to be unsuitable.

**Sir Hari Singh Gour :** My friend is entirely besides the mark. I am introducing nothing. I want to interpret the clause as it exists in the Act of 1927.

**Mr. C. Brooke Elliott :** By seeking to interpret a clause in that way, surely you are doing a great deal. That is the point I want to make. Surely that is quite to the point and I don't think I have strayed one inch from the point. I am going to tell my learned friend that on one interesting occasion in this House many many years ago, an English silk, Mr. Stephen Q. C. (afterwards Sir James Fitz James Stephen, who tried the famous Maybrick case) said, speaking on the Indian Evidence Bill :

“ I am myself a barrister of 18 years' standing, and a Queen's Counsel of four years' standing. I believe that there is no barrister in British India ” (*No barrister,*

mind you) "of whom I should not be entitled to take precedence professionally, if I chose to practise here."

This is the only reference that I have ever been able to find and it is printed in the Appendix to Ameer Ali and Woodroffe on the Evidence Act. Mr Stephen, as he then was, an English Q. C. was very careful to say that he could only claim precedence over barristers in India, not over anybody else in the profession. The fact that one K. C. has come to India is hardly an invasion for which we want very prompt legislative action taken. So I venture to ask my learned friend—does he not agree with me that it would be very useful to have the information I have mentioned, and to have the Bill circulated again among the bar in India, and I think my learned friend himself would very much like to have accurate information on these points such as I have indicated.

Then, Sir, I come to the next point. And here again I want definite information as to how silk has been translated from England to the Colonies and the Dominions. Personally I would very much like to know, because I think it would help us if Government could tell us through the channels of information I have indicated—I suppose it would mainly be the Colonial Office—under what conditions and whether by some Order in Council or by statute (local or Imperial) silk was extended to Canada, when Canada was not a Dominion but a Colony. That would be very interesting and helpful because at that time Canada no doubt had an indigenous Bar, or rather a French Bar in full working order. In some parts of Canada I believe, I am not quite sure, there is fusion of the profession. Possibly you may have one firm of lawyers practising in partnership, one of whom is a K. C. It would, I think, be helpful therefore if we knew under what conditions silk was first introduced in Canada. I do not know if my learned friend could give me this information? If he could I should be very interested to hear what the position exactly is.

Then, Sir, next point is this. When Canada became a Dominion, was there any legislation regulating this matter? I should like to know that very much. Next, Sir, in South Africa you have a somewhat similar case, because there the Dutch Bar was in full being at the time that South Africa passed under British control; and I should like to know, if I might, what communications passed between the Colonial Office at home and the Government and the legal profession in South Africa, and under what conditions silk was introduced there. As regards that, I confess I am entirely in the dark and I would like to be enlightened. Now I have tried to sketch, very imperfectly I fear, the history and the present day position of silk in England. I am inviting full information, which only the Government can get, as to the introduction of silk into Canada and South Africa. In Australia, Sir, the question was a different one. Australia had no Bar of its own at any time before colonisation by England. The English barristers went out there in due course and naturally, practising amongst Englishmen, and being members of the English Bar, they took their English traditions with them. It had not to be super-imposed upon any existing system. At the same time I would like to know under what conditions silk was first sanctioned and introduced into Australia, and whether, when Australia became a Commonwealth, there was any legislation dealing with the matter in any way. I am not aware myself what the exact procedure is in either Australia or Canada or South Africa when a barrister wishes to take silk. I think that would be very valuable information as to the conditions under which it is granted in those Dominions, the authority that actually confers it, and the consequences that flow from it

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when you divide the profession into K. Cs. and juniors. Sir, there only remains the question of silk in Crown Colonies. Well, sometimes the suggestion is made here that there may be an influx, a large wholesale importation of silks, into India which would be a great hardship on the Indian Bar. Well, Sir, I am only aware of one colonial silk who has come to India. I do not know if my friend can give me the names of anybody else : and one swallow, one Colonial King's Counsel, would hardly swamp the Indian Bar.

Sir Hari Singh Gonn : You are one !

Mr. C. Brooke Elliott : I am, as you have so courteously elicited. I do not deny it. (Laughter.) I admit the allegation,—and I thank the genial allegator. (Laughter.)

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : You will be easily one, having the English silk or Dominion silk, if this Bill is passed.

Mr. C. Brooke Elliott : May I thank my learned friend for his prophetic gifts ? Sir, I accept the compliment in the spirit in which it was meant ; and may I say that, coming up here to the Assembly as a child among his elders, or rather as a baby lion into a den full of Daniels, it is extremely pleasant to meet members of my profession so ready to help me in every way possible ! Now, Sir, may I just draw attention to one peculiar fact that the advent of one Colonial silk should cause any fluttering in our forensic well-stocked dovecotes. Sir, suppose a man came to India and said, " I am a Colonial silk "—and the suggestion I gather is that he might get it while very young. My learned friends apparently do not know that in the Ceylon Bar of some hundreds of Advocates, only 4 silks ever exist at one time, besides the two Law Officers of the Crown. Sir, you cannot take silk in a Colony in a few years—my learned friends are very much mistaken if they think so. But, Sir, if a silk from the Colonies or, I feel sure, from the Dominions, came here and wished to wear silk, he would soon desist from doing so for the very simple reason that one has to be a K. C. in India to sport silk. I fortunately have documentary proof in my possession of that fact. Knowing this interesting question was coming up, I brought with me a copy of the letters patent issued to a Colonial silk in Ceylon, and I take it that letters patent in similar terms are issued to an English K. C. and a Dominion K. C. too. Now, Sir, if I had had made any claim on that account, obviously the Bar would have said, " By what authority doest thou this ? " And obviously I would have produced the actual document, and they would very properly have said at once, " You have no such authority ". No Colonial K. C. therefore would dream of making a claim which could not be substantiated. This is the wording of letters patent for silk in Ceylon (omitting certain formal words) :

" By His Excellency Sir Henry Manning, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, etc., etc., Governor and Commander-in-Chief in and over the Island of Ceylon, with the Dependencies thereof."

I do not think India would claim to be a dependency of Ceylon. The only Dependencies which Ceylon has are a few coral islands about 300 miles south-west of Colombo, and I do not think any K. C. would find much

practice there. I understand the fee, if any, would be 50 or more coco-nuts. Now come the material words :

“ TO ALL TO WHOM THESE PRESENTS SHALL COME.

GREETING :

WHEREAS His Majesty George the Fifth of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, being well satisfied of the loyalty, integrity, and ability of..... Barrister-at-law, has thought fit to authorise and require of the said Governor to cause Letters Patent to be passed under the Public Seal of the said Island of Ceylon, constituting and appointing him the said..... to be one of His Majesty's Counsel for the said Island of Ceylon :

NOW KNOW YE that We, by virtue of the powers in Us so vested and in pursuance of His Majesty's instructions to Us, do hereby cause these Our Letters Patent to be issued to him the said..... constituting and appointing him the said..... to be one of His Majesty's Counsel for the said Island of Ceylon, to hold and enjoy within the said Island of Ceylon, all and singular the rights, allowances, privileges, and preeminences, to the said appointment belonging or appertaining in as full and ample a manner as any other of His Majesty's Counsel learned in the Law, in any of His Majesty's Colonies doth hold or enjoy, or of right ought to have held or enjoyed the same, and also the liberty of sitting and practising within the Bar of the said Island of Ceylon, as any of His Majesty's Counsel learned in the Law do, ought to, or may practise.”

Obviously, therefore, every Ceylon Advocate knows, that whether he be a King's Counsel, young or old, and comes from the Colonies, he has no rights whatever to be a silk in India. Why, in his own document his privilege is strictly limited as a K. C. in the terms of the document itself. If however a Colonial K. C. from Ceylon goes to England and appears in the Privy Council in a Colonial appeal, he keeps his silk gown and appears as a K. C., merely because the Privy Council is the final court of appeal for Ceylon. Lord Haldane once said in a very illuminating sentence to an advocate in my hearing, when a Privy Council appeal was being argued about Muhammadan law in East Africa something like this :

“ You must remember, we are not English judges sitting here in an English court ; we are instead three learned lawyers of an East African court who are experts in the Muhammadan law, and we sit in that capacity as the final court of appeal for Muhammadan appeals from East Africa.”

The Privy Council is still to-day the final court of appeal of Canada, and other Dominions and Colonies, and to that extent a Colonial silk is a silk in the Privy Council : but if he was an English barrister and was briefed in a county court in England the next day, he would appear in the county court as a junior barrister and wear a stuff gown. This curious dual professional position I admit may seem a little anomalous, but the answer is that the good sense of the profession prevails, and so we see that a Colonial K. C. when in England is only a silk when appearing in the Privy Council but not for any other professional purpose. Sir, when I came to India, it was only *qua* as an ordinary—a very barrister ordinary—that I could claim precedence or any right whatsoever, and I never have made the slightest claim to professional precedence by virtue of this document, anywhere outside the confines of the Island of Ceylon and its coral-island dependencies or the Privy Council. Therefore, Sir, to go back, I would ask Sir Hari Singh Gour whether he does not think that to obtain the information which I have asked for would be of very real importance. I do not want to speak at great length.

Sir Hari Singh Gour : I think I may inform the Honourable Member that I am already in possession of all the information, and I had in fact a personal interview with the Lord Chancellor himself.

**Mr. C. Brooke-Elliott :** Might I suggest then that that information should be widely circulated ? You say that all that information has not been circulated and it is a little difficult to understand, if my Honourable friend had all that information, how it was that he said in his Statement of Objects and Reasons about Colonial silk penalising the Indian Advocate. How can he support that ?

**Sir Hari Singh Gour :** If my Honourable friend will give way, the answer is simple. If my friend will look to the opinions of the Madras High Court and of the Calcutta High Court, they have misunderstood this clause " King's Counsel " in the Act of 1927 to apply only to English and Colonial silks. This misunderstanding I wish to remove. The Calcutta High Court say that in the Act of 1927 the words " King's Counsel " are understood to mean English and Colonial silks, and now this privilege of the English and Colonial silks is sought to be taken away by my Bill. That, I submit, is the misunderstanding which I wish to remove. The Act of 1927 was not intended to confer any privilege upon either English or Colonial King's Counsel. It was intended to create a local Indian silk and it is with that purpose that the term " King's Counsel " was introduced in the Act of 1927. The Judges have misunderstood it, not knowing the history, not having read Sir James Crerar's speech, and not having read the Statement of Objects and Reasons.

**Mr. C. Brooke Elliott :** I am very much obliged to my Honourable and learned friend for his explanation. I think he had better recirculate the Bill so that their Lordships of Calcutta and Madras may be better informed in future ! What I am suggesting is this—that we want to be as fully prepared for the introduction of silk in India as we possibly can. I am as keen as Sir Hari Singh Gour is in this matter, and that is an absolutely sincere statement. If there is any misconception, I should suggest to Sir Hari Singh Gour to circulate the information in his possession together with the information I have given.

**Sir Hari Singh Gour :** It is there in the Statement of Objects and Reasons.

**Mr. C. Brooke Elliott :** My learned friend will forgive me, but with all his gifts of compression it is impossible to get all that I have asked for in half a page of print.

**Sir Hari Singh Gour :** See the last paragraph.

**Mr. C. Brooke Elliott :** Although like a Rolls-Royce the paragraph referred to has a high ratio of literal compression, I really cannot expect that all that I have asked for is to be found in 17 lines of small print.

I simply want to establish my first point that there is no cast-iron hurry about this important matter. According to professional opinion in Madras on the authority of our Advocate-General, Mr. Alladi Krishnaswami, whose name stands very high in India, I would say Madras opinion is this : we do not think the time is quite ripe yet. I would therefore suggest our procuring further information. Then I come to two other points, on which I should like to hear what my learned friend has to say. They seem to me to be points of substance, and I want definite information about them if it can be procured.

Sir, the new constitution of India will have to deal with immense problems. For the purposes of the legal profession, from what I might call purely interested motives, what will interest us or affect the Bar

most directly is whether there is to be one central High Court for all India and whether the whole of the profession is to be formed into one great Indian Bar. That matter was raised incidentally the other day and of course we could not adequately discuss it on a resolution, and the Honourable Sir James Crerar gave us many reasons proving that it was a subject of infinite complication and implication. But, Sir, does not Sir Hari Singh Gour agree with me that it will make a very great deal of difference if you have one High Court at Delhi, of which I take it we would all be re-enrolled as Advocates; or is it the intention of the authorities that, in the interests of the Bar, the Provincial Bars should still remain in *status quo*? That seems to me an enormously important question and very closely allied to the introduction of silk. Is silk to be central silk, or provincial? If you have a central court sitting at Delhi, with a Lord Chief Justice of India, I take it a great deal will depend as to the nature of the jurisdiction in professional matters that is conferred upon that august tribunal. For my own part I do think that it would be a very fine idea and a very great professional conception that the Indian Bar should be one entity and not divided into provinces—in other words there would be an all-India Bar. I do not want to go into the technical aspects of it, but at the present moment, as my learned friend knows very well, you become a member and enrol in one High Court and you may sometimes appear in other High Courts, subject to certain conditions and to what I may call the comity of the legal profession. A Madras advocate, for instance, may go to Rangoon and appear in one special case. But at the moment the organisation of the profession is such that each Presidency or Province has its own Presidential or Provincial Bar. Now, if you have a Lord Chief Justice of India, and if you concentrate at Delhi the highest judicial authority over India in the hands of a Lord Chief Justice and a Tribunal that like the Lord Chancellor in England is to be entrusted with general jurisdiction over professional matters such as silk, then it seems to me that a very different problem will arise as to the nature of the rank or degree of King's Counsel that you are going to introduce. Personally, therefore if I may say so, following Madras opinion, I would like to see the question of King's Counsel reserved until we know exactly what the future legal constitution of India in such respects is going to be.

**Sir Hari Singh Gour** : But there is the Act of 1927 in the meantime.

**Mr. C. Brooke Elliott** : I am endeavouring to show that though the Act of 1927 has remained on the Statute-book, no harm whatever has been done. No K. C. has come in from outside and in any way penalised any Indian advocate. All I am seeking to say is that in view of this very wide and difficult matter, upon which opinion is not unanimous in the profession, would it not be advisable to get fuller information and see what the future constitution of India judicially is going to be? Is there to be one central court at Delhi, or the various High Courts of the Presidencies and provinces to retain in the future the substance of their present jurisdiction in matters professional in co-operation with the Bar Councils or not?

Then, Sir, I come to one further point, and it is this. You will observe that King's Counsel, as the very name itself states, is the grant of a high privilege by His Majesty the King in England, or presumably in his capacity as King-Emperor in India through his Viceroy. Before silk was introduced into Ceylon the proper official machinery had to be created, and His Majesty had first to be asked whether it was his Royal will and

[Mr. C. Brooke Elliott.]

pleasure to grant silk to Ceylon. I should like to know—here again I am in the dark—whether His Majesty has been so approached in relation to a grant of silk in India? Because, with great respect, I would say that a high constitutional authority like my learned friend would at once, I am sure, see that we should not seek to extract from His Majesty the grant of King's Counsel *after* a Bill like this has been passed by us in this Assembly. We should seek consent first. Is not that a very real and practical difficulty? Anyhow it is surely a matter of common courtesy towards His Majesty: and it does seem to me that until the Bar Associations of India have been consulted through the ordinary channels of communication and the Government have ascertained that it is in fact His Majesty's Royal will and pleasure to confer silk on the profession in India, are we not a little premature in this matter in spite of the words in the Act referred to by the Mover. I think that is a real difficulty; and Sir Murray Coutts-Trotter, our late and talented Chief Justice, who was I think President of the Bar Committee that toured India and took evidence before the Act was passed, specially stated somewhere that the time might come later on when the question would certainly arise whether King's Counsel or some other like senior professional degree should be introduced into India. I am giving his opinion from memory, but my Honourable and learned friend will doubtless remember the passage in question. This view is reflected in several of the opinions printed for our information. Sir Murray Coutts-Trotter was thoroughly familiar with the traditions and practice that obtained in England, and he said that the Bar would have very seriously to consider whether the degree of King's Counsel was the most appropriate and the most fit form of degree for senior members of the Bar in India, or whether it could be achieved better by some other means, at some future time. Certainly in Madras you may take it from me that the general feeling is against rushing this matter through in a hurry; and as I said before I would like to know (perhaps my learned friend or some Member of the Government will explain), supposing this Bill went through, and if it was enacted that "King's Counsel means a person so appointed from among the legal practitioners in India", who is to appoint the said King's Counsel? I want to know the meaning of "so appointed". By whom is the appointment to be made? I want that question to be answered.

(The Honourable Member then resumed his seat.)

**Mr. President:** Will the Honourable Member proceed with his remarks?

**Mr. C. Brooke Elliott:** I only wanted to know "by whom", Sir. I do not know whether anybody in India can appoint. Who has the power?

**Sir Hari Singh Gour:** Appointed by the Governor General in the exercise of his delegated prerogative as in the case of the Dominions.

**Mr. C. Brooke Elliott:** I accept that, for the moment. But why was it not said so here? And the next question that arises is this, is the Governor General prepared to do so? Has he actually any such delegated power? Where is there any definite assurance to that effect?

**Sir Hari Singh Gour:** They must have had the assurance in 1927 when it was introduced.

**Mr. President :** Order, order. I do not want these interruptions, the Honourable Member has already been fairly long and these interruptions have the effect of prolonging the Honourable Member's speech.

**Mr. C. Brooke Elliott :** I am sorry, Sir, I put the question. I wish to be as short as possible. When it is said that the Governor General "must" have given that assurance, I can only say that in delicate matters of prerogative I am not going to assume anything rashly. I think that those words really slipped into the Act without all their implications being clearly understood. I am not sure that is not an opinion which is very widely held amongst lawyers in India. Sir, what do we lose by seeking first of all to get a specific assurance that if such a Bill as this eventually went through, the Governor General has power to create silks? Are we satisfied that His Excellency has the power to grant it under what I may call the delegated prerogatives of His Majesty? Personally I doubt it. Surely we ought to get that important point quite clear first. But I want to put it on even higher ground than that. The legal profession has honourable and noble traditions going back a long way. One of these which I value most is its courtesy and its devotion to lawful authority. A man who practises law should serve the law. The very fine word "Sergeant" which I should like perhaps to see introduced in India rather than "King's Counsel", has most delightful professional associations because it means "*Serviens qd Legem*"—one who serves the law. Incidentally Sergeants-at-Law held a higher professional rank than contemporary King's Counsel. No man at our time could become a judge unless he was a Sergeant-at-Law.

I apologise for the length of my remarks. They are only made with the single and sole object of being quite sure that we do not take a premature step, backwards. I shall listen with great interest to what the legal representatives of the Government have to say on these points. My one desire is the ennoblement of our profession and to be quite sure that before silk gowns are actually given, the recipients should know exactly the conditions under which they are going to be given. Are we going to have a long and complicated code of rules brought in, or what is to be the position? Because I know that my Honourable and learned friends at the Indian Bar want the substance of silk, they do not want the shadow, and merely to put the honorific letters K. C. after their names. What they really want is to get the substance. Why I have made these remarks has been because I wish to see such a degree introduced but not at a moment when it is in my humble opinion premature. Above all I have had at the back of my mind in all that I have said to-day the interests of the junior members of the profession. Sir, many of the junior members of the profession in Madras have frequently urged upon me to do what I could in the Bar Council of Madras (of which I have the honour to be a member), to see that the interests of the juniors should be protected and safeguarded. The introduction of silk would help the juniors, and therefore I would be glad to see it introduced in due season. I feel sure that Sir Hari Singh Gour himself has that object also in view. As usual I find myself largely if not entirely in agreement with the Mover, and yet I am going to invite him to accept suggestion that until we have the fuller information, together with that already in his possession, which, if he would show it to me I shall be grateful—the question might be postponed for further consideration and nothing is lost by our waiting a few months more. We do hope that in the course of the next session at Delhi (which I

[Mr. C. Brooke Elliott.]

am afraid I shall not be able to attend, but my Honourable friend no doubt will), the House will have seen at least the outline of the new constitution for India. That is my main point ; I desire earnestly that this great step forward, the introduction of silk to our profession, should coincide with the greater introduction of the new constitution in India. (Applause.)

**Pandit Ram Krishna Jha** (Darbhanga *cum* Saran : Non-Muhammadan) : Sir, I rise to support the motion of Sir Hari Singh Gour. I am sure what is there in the mind of my Honourable friend is that the man at the top in India should have the same distinction as the man at the top in England. So far as the Vakil Bar is concerned, it has been conceded many a time that there are men in that profession who are not really inferior to any barrister practising either in England or in India. Now my learned friend Mr. Elliott said that there is a great difference between the King's Counsel and others in the matter of practice. He is wrong when he says that there is no middleman between the topmost man in India and the client. As a matter of practice you will find that in Bihar and Bengal, the topmost man is approached by a client through a junior vakil or a solicitor and it is very seldom that lawyers of standing come into direct contact with the clients. So there is no reason why Sir Hari Singh Gour's Bill should not be taken into consideration.

**Mr. C. Brooke Elliott** : Is there any fixed rule that a senior should not take a brief except through a junior ?

**Pandit Ram Krishna Jha** : There is no rule. But in the High Court at Calcutta the rule is that the Barristers cannot accept a brief except through a solicitor. In any case in Bihar and in Bengal it is very seldom the case that the seniormost man accepts a brief except through a solicitor or a junior vakil. Therefore that does not matter much. When the Act of 1927 has made a provision for a gradation like this, is there anyone here who says that a grade like this cannot be created. Why should we not then give effect to that ? If the successful lawyers of any High Court do deserve this distinction, there is no reason why it should be withheld from them. I submit, therefore, that the motion of Sir Hari Singh Gour should be carried.

**Mr. Jagan Nath Aggarwal** (Jullundur Division : Non-Muhammadan) : Sir, I rise to support the motion made by Sir Hari Singh Gour, and I would like briefly to touch on the points raised by my Honourable friend, Mr. Brooke Elliott. I must frankly confess that I was disappointed at his speech. I expected much better support from him than he has given to the Bill. He has in fact tried to kill it with soft words. He has appeared as a supporter of the motion, but only in theory. In practice his heart went against the motion.

**Mr. C. Brooke Elliott** : In actual practice I wanted to give you my support.

**Mr. Jagan Nath Aggarwal** : I would analyse the various objections that my friend has raised. In doing so, I would try my best to keep this discussion free from technicalities. One is likely to become technical in dealing with this question, because it deals with the constitution of the legal profession, and you cannot escape technicalities.

But I will try my best to keep the discussion to the level where every layman can follow it. Now the chief objection of my learned friend, Mr. Elliott, was, "We want information on the subject". Information, information, information! What is the limit to the amount of information that my learned friend wants? He knows full well what King's Counsel in England are, what King's Counsel in the various Dominions and the Colonies are. What is the objection to having precisely that kind of classification in the Members of the profession here!.....

**Mr. C. Brooke Elliott** : I do not know ; that was the information I asked for ; when we get the information we shall know how to proceed.

**Mr. B. B. Puri** (West Punjab : Non-Muhammadan) : If you do not know, my only submission is that you ought to know.

**Mr. C. Brooke Elliott** : I agree.

**Mr. Jagan Nath Aggarwal** : I am trying to examine this desire and demand for information, whether it is really the desire for genuine information which a person ignorant of the subject has, or whether it is the desire of a person who will not be satisfied in spite of all the information placed at his disposal. I say, here is an Honourable Member who is a K. C. of the Ceylon Bar and who has been practising long in India and also has the honour of belonging to the profession in England ; and he says he is so ignorant of all these things that he wants information and more information at this stage. Let us see what that information is. We find in the Act of 1927, which we have been told that the Honourable Sir James Crerar helped to pass through this House, Act XIII of 1927, one short clause or sentence provided in section 2 (4) that the Advocate General shall have pre-audience before all other advocates, and that K. C.'s shall have pre-audience before all other advocates except the Advocate General. Now we are told there are many dangers if our demand is accepted and K. C.'s are created in this country. But I shall show presently that in 1927 the Act was deliberately passed, after consulting legal opinion and considering the recommendations of a Bar Committee which travelled all over the country ; and by that Act you gave a definite privilege to a class of people known as K. C.'s. If that class does not exist in this country, I should like to know what was the point in getting this Assembly to pass the Bill and obtain the Governor General's assent to a measure in which you allow the privilege of seniority and of pre-audience to these men known as K. C.'s next to the Advocate General. Who is this person known to the law and unknown to the world, this King's Counsel? We know that he does not exist within this country. But he can be imported into this country. He does not exist so far in the country though legally we have been given that privilege ; and all that my learned friend Sir Hari Singh Gour wants is, he says, "Here is a person known as King's Counsel, whom you have put in your Act and who has a certain privilege of pre-audience and seniority ; create him in this land ; let him be an indigenous product". But that is where the danger lies. My friend fears that it is all very well to have this distinction elsewhere but that it is much better to import him from abroad rather than create him in this country. There is the rub.....

**Mr. C. Brooke Elliott :** May I say that I want him to be introduced ; I am in favour of it and not against it ; all I say is let us be as ready as possible to have the other scheme ; I am strongly in favour of it in due course.

**Mr. Jagan Nath Aggarwal :** As usual my friend is very sympathetic ; only he says, let us wait for a time ; let us wait till there is one High Court, one top institution over all courts, a central institution. But what did he do when there was an attempt to bring that institution into existence or to visualise it ? It is all very well to have lip sympathy and when the time comes to go over and vote with the opposite side. We do not want that kind of sympathy.....

**Mr. C. Brooke Elliott :** Not at all ; I am for it.

**Mr. Jagan Nath Aggarwal :** Did you vote for it, for the proposition that the High Courts should be centralised ?

**Mr. C. Brooke Elliott :** I could not on that motion. May I say that I did so because at that stage the Round Table Conference was sitting and all I wanted was to know what they did before we started doing anything.

**Mr. Jagan Nath Aggarwal :** My learned friend is ready for nothing. We are unfortunately at a stage when my learned friend is not ready for the centralisation of the existing High Courts ; he is not ready for the creation of a centralised High Court or for the creation of the class of people for whom the law has provided a certain privilege. The reason is he wants information. That he says is his trouble. The real trouble, I am sorry to have to say it, is that he does not like the idea that this class should be manufactured in this country and should not be imported. If we have given this right of pre-audience to the K. C. and we do not create him in this country, what is the position ? Sir Hari Singh Gour suspected that it would be the K. C. from abroad, from England or the Colonies who would be able to claim that privilege ; my learned friend, Mr. Brooke Elliott, said he would correct one misapprehension that the K. C. from Ceylon at any rate would not be able to invade us. But I am not sure whether the K. C. from other places, from England for example, would not be able to come here and claim pre-audience.

That brings me to another problem that I must place before the Honourable House in order that they may see the danger lurking behind the present situation. If this provision of the law stands, it means that the King's Counsel will have pre-audience. Where is the K. C. ? A person who is a K. C. in England can come to this country and claim pre-audience over every other man in this land, be he an advocate or barrister or a vakil. Now, it is an unfortunate part of the profession to which I have the honour to belong that a distinction based on no rhyme or reason, once it is brought in, becomes very difficult to obliterate. Honourable Members will have read the debates and they will have seen what great trouble it took to try and obliterate the distinction between an advocate and a vakil, *i.e.*, between persons who had gone abroad and got their qualification in England and those who qualified themselves in this land. And if we have made some progress in obliterating that distinction, though we have not absolutely done so yet, it is not

proper to introduce another. The trouble now is that we are in danger of having another distinction foisted upon the profession, the distinction that persons who have had the honour of receiving silk in England will have an unmerited right of pre-audience or seniority in this country. To this my learned friend has great objections. He says, "Oh, yes; we are not fit for it". That is one argument he used—I do not know about the fitness or unfitness of it. I would like to go on with the profession as it is—advocates and nobody else; but when the legislature of set purpose has brought in that distinction, it is not for me to quarrel with it. If my learned friend should have thought that this idea of having King's Counsel is a thoroughly mischievous one in England and that therefore it should not be brought in here because the moment a man was made King's Counsel he had to starve and we do not want people in this land to starve, I could have understood him if he had proposed a repeal of the Act of 1927. If he had done that I should have appreciated his arguments. But the distinction is there already in the statute; and he merely says, "We are not ripe for it here". He said there were great disadvantages and that the time was hardly opportune and that it was in the interests of the juniors that it should not be so.....

**Mr. C. Brooke Elliott :** I said it is in the interests of the juniors that it should go through. I am sorry if my learned friend did not hear me aright. I said the juniors want us seniors to give them every help, and yet I am told I am against the juniors!

**Mr. Jagan Nath Aggarwal :** I understood my learned friend to say somehow that in the interests of the juniors this class should not be created.

**Mr. C. Brooke Elliott :** Should be created.

**Mr. Jagan Nath Aggarwal :** If that is so, then where is the objection to this Bill going through?

My Honourable friend then tried another form of attack. He asked, "Who is to create this K. C.?" He asked, "Have you asked the Governor General whether he will do it?" It is one of those funny objections which I do not think was intended seriously. Are not the advisers of the Governor General there to advise him in exercising this privilege of conferring distinctions? It only requires that certain powers should be conferred upon the Governor General and there are members of the Bar among his advisers who will see that the privilege is exercised properly. It is a funny proposition to say that the law gives a certain privilege or exercise of a certain prerogative and that the Governor General in Council or the Governor General would not be inclined to exercise it. It is much too puerile for any serious argument. Therefore, my submission is that all the objections of my friend Mr. Elliott proceeded from a lurking fear in his mind that this person known as the King's Counsel might not be created in this country, that the privilege should be restricted to a few to enjoy the honour, lest that honour should become cheap in this land. Whatever that may be, there is absolutely no reason for not trying to face the issue. The issue then is, is it desirable in the interests of the profession to have in the provisions of law this distinction or not. Now, to this proposition I will just invite the attention of the House for a few minutes. Now, those

[Mr. Jagan Nath Aggarwal.]

who object to the distinction between a barrister and a vakil may feel alarmed at the present distinction, but, I submit there is nothing to be alarmed about in this for the very simple reason that the distinction between an advocate and a vakil was due to the accident of birth or the accident of the place where you received your training. That was not at all right ; that was neither good for the profession nor for the members of the profession. Therefore, it was deemed to be illogical that a person, who was very learned in law, though he had received his education and training in this land, should be junior to a fresher who came from England. That distinction depended on an accident, and it was objected to and the distinction was removed. Now, Sir, what is this distinction that we are anxious to bring in, which the Legislature has brought in, and which we are trying to retain ? This distinction is based on the fact that the person, who has risen to the height of the ladder, has obtained a distinction by merit in the profession, is to be marked by the conferment of an honour by His Majesty the King or his representative the Lord Chancellor or the Minister of Justice. Now, is there any objection to it ? I would submit that the eminence of a lawyer should be measured certainly by something more than the amount of money that he can get every month or every year, and if in the profession he tries to obtain the honour not by virtue of some accidental position, but by sheer merit and integrity, it is certainly high time that the law recognised it. That is precisely what this Bill proposes to do. It creates an honour and a distinction not for reasons which are accidental but for reasons of sheer merit for those who have risen in the profession, to which they are entitled. In this connection I would like to place before the House a few lines from the Bar Committee's recommendations to which my Honourable friend Mr. Elliott made a passing reference. At page 11 of the Bar Committee's Report, it is pointed out :

“ We have also evidence that in Allahabad, where such a rule exists, this elevation to the Advocates' roll is a distinction which is highly prized by the profession.”

This is also the case I submit in some of the High Courts where advocates are created by the Judges.

Continuing the Report says :

“ It may or it may not be desirable to provide for the recognition of distinguished merit at the Bar by elevation to a higher grade of practitioners. This is a question which does not properly come within the terms of our inquiry. But if it is desirable, we consider that a more suitable form of recognition, such as the grant of the rank of King's Counsel, could be devised than elevation to a grade which, while it may contain a higher average of outstanding talent, cannot possibly be regarded as exclusively composed of successful practitioners. We do not therefore think that this consideration detracts in any way from the desirability of unifying the grades.”

That, I submit, was the recommendation, the tentative proposal put forward by the Bar Committee, but the Bill of 1927 went much further. It definitely accepted the position that a class known as the King's Counsel shall have pre-audience and seniority. If that was the view of the Bar Committee, if that was their recommendation, then I do not see why there should be any objection to creating a King's Counsel in this country. The point is, would the executive have the power to do it or the Lord Chancellor or the Chief Justice of the Supreme Court or some other body should have that power. but there is absolutely no reason

why, because the Chief Justice of the Supreme Court or the Minister of Justice does not exist in this country, this Bill should not go to a Select Committee. It cannot be taken up before January ; it will take months and months before any such class can actually come into existence, and it would depend on the will of the Governor General or the persons who have the power to create such a class. Therefore, for the reason that the creation of such a class was recommended by the Indian Bar Committee, that such a class was visualised in the Act of 1927 and that certain privileges should be conferred on this class, it is eminently necessary that such a class should be created, in this country, and not left to the off chance of persons coming over here from elsewhere and obtaining that privilege in the profession to which, I submit, according to the rules of the profession, they would not be entitled. I do not see that any objection has been put forward to nullify the proposal of my Honourable friend Sir Hari Singh Gour. I therefore think that this Bill should be allowed to go to the Select Committee and that they submit their report in Delhi or elsewhere.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

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#### STATEMENT ON THE FINANCIAL POSITION.

**The Honourable Sir George Schuster** (Finance Member) : Sir, with your permission I will make a short statement on the financial position.

Before I come to the more formal part of what I have to say I should like to express to every Member of this House my sense of appreciation of the great consideration which they have shown to me during the last three days. I can assure all Honourable Members that it has been most irksome and unpleasant for me on my side to have kept them in suspense in this matter. I know that many of them have had their own considerable anxieties, and that they have been constantly pressed by their constituents to make representations to this House ; but in spite of this they have not only shown great personal courtesy to me in refraining from harassing enquiries or criticisms, but they have responded with good-will to my representations to them that it would not be in the public interest to discuss the matter until we were in a position to make a definite statement. I hope that I may read into their attitude not merely an expression of personal good-will, but a feeling of confidence that we on this side have been doing our utmost to work out, in the midst of a position of great complexity, a plan which would really be in the best interests of India.

In any case, whatever the reason, I would like to accord to the House my most grateful thanks.

In consultation with the Secretary of State and His Majesty's Government certain arrangements have been concluded in order to ensure that the currency policy announced by the Secretary of State last

[Sir George Schuster.]

Monday may be carried out successfully and in a manner most conducive to the interests of India. There are two special features in these arrangements which I must mention.

In the first place, I am authorised to state that the undertaking given by His Majesty's Government in June last of support for India and reaffirmed by the Prime Minister last week is not in any way affected by the suspension of the Gold Standard in England, and that we are assured of this support of His Majesty's Government for the carrying out of the policy which has been announced. In view of the fact that all the external obligations of the Government of India are sterling obligations, no form of assurance could be more appropriate to India's needs or of greater value. It is in full and confident reliance on this assurance that the Government of India have felt themselves justified in sponsoring the policy.

In the second place the Government of India have had to take into account the possibility that, in present conditions of uncertainty as to the international position, there might be an inducement to speculators to take advantage of unlimited facilities offered by the Government to acquire sterling exchange, and that this might operate to the detriment of genuine traders and of the public interest. The Government therefore propose to take the following course.

The operation of the Ordinance which was promulgated on September 21, will be terminated, and the Government will take powers to control exchange operations, so that their obligations as currency authority to sell sterling can be limited to requirements for genuine trade purposes, for the fulfilment of obligations incurred prior to September 21, and for reasonable domestic requirements. These powers will be based on an Ordinance and rules issued thereunder, the terms of which are being communicated to the Press to-day.

The Government hope to have the co-operation of all banks and other business organisations, so that this system, for so long as it may be required, may work smoothly in the interests of genuine trade.

All banks will reopen for normal business to-morrow, Friday, September 25. In this connection the Government wish again to repeat the assurance given in their communiqué yesterday, that the internal banking position is thoroughly sound, and, that there is not the slightest reason to apprehend any disturbance with normal trade conditions in India. I might in this connection remind the public, in case there are any who have doubts regarding the note issue, that our holding of silver rupees is about 127 crores against a note issue of 148 crores, or to put it in another way, I may say that our stock of silver rupees is about four times the total population of India, men, women and children (Laughter). If, owing to the unexpected declaration of the three public holidays, there is any tendency on the part of the public to display anxiety or to withdraw funds from the banks, the Imperial Bank will render assistance to meet all legitimate demands, and the Government will stand behind the Imperial Bank in their action. It should be made clear that the responsibility for the closing of the banks for three days rests on the Government and not on the banks themselves. The action was taken

in order to give the Government time to assess the international position as regards exchange, to prevent speculation during the first period of uncertainty, and to enable the Government to make arrangements for securing the future position.

That having been accomplished the way is open for the resumption of normal business with complete confidence.

I must now turn to another very important matter, the Government's plan for dealing with our general budgetary and financial position. It was stated by His Excellency the Viceroy in his speech to the Legislature on September 14, that we should shortly be announcing those plans to you. If it had not been for the intervention of a special crisis in the last three days, that announcement would have been made earlier. His Excellency stated that it was essential in these critical times that India should demonstrate to the world her continued adherence to principles of sound finance. The importance of this has, if anything, been increased by what has happened in the last few days. We must balance our current expenditure by current receipts and live within our income. It will have been apparent to all Honourable Members who have studied the financial returns, that the course of our revenue receipts has been falling below our Budget estimates. We are satisfied that we must restore equilibrium and that it would not be sound practice to wait until the next Budget for doing so. It is therefore necessary to introduce an emergency programme in which the main permanent measures towards the restoration of equilibrium must be by way of retrenchment, but in the interval, until the measures of retrenchment can be fully effective, it will be necessary to have recourse to other measures also to ensure immediate equilibrium. I trust that the House will be satisfied with our programme and will find in our retrenchment proposals all those measures to which they attach importance. We shall endeavour to deal honestly and straightly with the position. I have now to announce that our full proposals will be laid before the House on Monday next. This procedure will provide the opportunity for discussing our retrenchment proposals, about which I have been asked so often during the session, and I trust that when they see our full plan all Honourable Members will co-operate with us in doing what we have tried to do, that is to say, in dealing honestly and straightly with the position, thinking only of the public interest at a time of national emergency.

**Mr. R. K. Shanmukham Chetty** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, with your permission, I would like to ask my Honourable friend one or two questions with a view to enable Honourable Members on this side of the House and the public at large to appreciate the exact implications of the statement that the Honourable Member made just now. I would like to know from him, Sir, whether the Government of India have arranged definite credits in their favour by the British Government on which they propose to operate in meeting their sterling obligations and in meeting the demands for reverse councils.

**The Honourable Sir George Schuster** : I think my statement is sufficiently clear for my Honourable friend. I have told him that we have the assurance of His Majesty's Government that we can count on their assistance. I should have thought that that would have been sufficient in present circumstances.

**Mr. R. K. Shanmukham Chetty :** That does not make the position perfectly clear. What we would like to know, Sir, is when the help of the British Government will come into operation. Why I am asking this question is this. We apprehend that as a result of a great rush for sterling remittances the gold resources of the Government of India might be depleted, and I would therefore like to know definitely from my Honourable friend whether in meeting their sterling obligations and the demands for reverse councils they would actually utilise the gold resources that they have for the present and then resort to the credits of the British Government or whether they propose to call for that aid immediately.

**The Honourable Sir George Schuster :** I fully appreciate the importance of my Honourable friend's point and I can assure him that it has the full attention of the Government.

**Mr. R. K. Shanmukham Chetty :** I would like to have from my Honourable friend another piece of information and to have another assurance. The position of our gold resources to-day is somewhere in the neighbourhood of about 64 crores of rupees, whereas on the 30th August last it stood at 95 crores of rupees, so that we have lost 31 crores of our gold resources during the last one year. I want an assurance from my Honourable friend that they would not allow the gold resources of India to drop below a certain safe limit, and I would like to know from my Honourable friend whether the Government of India have made up their minds what that minimum limit is and whether they propose to stick up to that limit.

**The Honourable Sir George Schuster :** My Honourable friend in giving figures of gold resources has taken actual gold and sterling securities together. As I informed the House the other day, our actual gold stocks now stand at about 32½ million pounds sterling, that is to say, pounds sterling on their previous parity, and actually exceed by 7 million pounds the value of our gold resources a year ago. My Honourable friend has asked me a question to which I think it would be impossible, and I am sure as a business man he will recognise that it must be impossible, for me as responsible for our currency operations to give a definite answer. If I were to tell him that we will allow our reserves to go down to a particular limit, the whole world would know what we have in hand to support exchange. It is quite impossible for me to answer that question now, but I would again assure my Honourable friend that I am fully cognisant of the importance of the points which he has raised and I would ask him to have confidence in the Government to respect public opinion and the national interests in this matter.

**Mr. R. K. Shanmukham Chetty :** I quite realise, Sir, that it would not be possible or admissible for the Government to announce to the public at large to what extent they would allow the gold resources to be depleted, but I want that he should be in a position to give an assurance to this side of the House and to the Indian public that they would not allow the gold resources of India to go below a safe limit, and I would like to have an assurance from him that the Government of India, in meeting their sterling obligations, will have that point in view.

**The Honourable Sir George Schuster :** I can assure my Honourable friend that the Government of India in meeting their sterling obligations will have that point in view.

**Mr. R. K. Shanmukham Chetty :** I understood from my Honourable friend that in withdrawing the Ordinance and in resuming the plan to sell sterling, they propose to ration the sterling requirements to meet genuine trade demands. I would like to know from my Honourable friend what machinery they propose to set up or what rules they propose to make in determining what are the legitimate demands for sterling. I am asking this question because we seriously apprehend that, unless this is looked into properly, it would lead to a good deal of corruption and it would be against the interests of the public at large.

**The Honourable Sir George Schuster :** My Honourable friend will have an opportunity of himself studying the regulations in the course of this evening. I will see, if he desires it, that he has a copy. The regulations are of a fairly simple nature, and I believe that they will operate fairly and will not be open to the objections which my Honourable friend apprehends. I think that any further discussion of that matter had better be deferred until my Honourable friend and this House have had an opportunity of studying the actual regulations which we are issuing.

**Mr. R. K. Shanmukham Chetty :** Only one other question I would like to ask. Am I to understand that there would be no embargo on the export of gold ?

**The Honourable Sir George Schuster :** It is not quite clear what my Honourable friend means. Embargo on the export of gold by private interests ?

**Mr. R. K. Shanmukham Chetty :** Yes.

**The Honourable Sir George Schuster :** There is no provision in the regulations which we have issued till now imposing an embargo on the export of gold.

**Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) :** While I appreciate fully the difficulties of the Honourable the Finance Member in stating the exact figure below which he will not allow the gold resources of this country to be depleted, is my Honourable friend in a position to state that, in view of the fact that these resources have been very considerably reduced, particularly during the last few months, he will not allow any further depletion ? That statement will convey an assurance which nothing else can.

**The Honourable Sir George Schuster :** I think I must ask my Honourable friend to be content with the statement which I have made and the answer which I have given to the Deputy President.

**Mr. Arthur Moore (Bengal : European) :** On behalf of those who sit on this side of the House, I should like to say that we very much appreciate the important statement made by the Finance Member, which in our view is exactly what is required to restore confidence in the country.....

**Mr. President :** May I draw the Honourable Member's attention to the fact that on this occasion I have permitted Honourable Members to ask questions to further elucidate the statement which the Honourable the Finance Member has made. This is not an occasion when any expression of opinion or a speech can be permitted. Does the Honourable Member wish to ask any questions ?

**Mr. Arthur Moore :** No, Sir.

**Mr. B. Das (Orissa Division : Non-Muhammadan) :** Without embarrassing the Honourable the Finance Member, may I ask him whether he intends to throw this open for debate on the floor of this House on Monday—both the retrenchment proposals and his new taxation proposals and also the statement which he has made on the gold resources and the currency policy ?

**The Honourable Sir George Schuster :** I think my Honourable friend is well aware—and if he will look up the records of the proceedings of this House and his own speeches, he will confirm what I say—that in a general discussion on a Finance Bill it is very easy to make a reference to every possible subject under the sun (Laughter).

**Mr. B. Das :** Do I take it that it is the intention of Government that Monday will be taken up with the discussion of this subject ?

**The Honourable Sir George Schuster :** If my Honourable friend is asking whether it is the intention of Government that Monday should be taken up with the discussion of the announcement which I have just made, I would like to inform him that the Government are anxious to ascertain what are the wishes of the House as regards the facilities for discussing that statement. So far as Government are concerned, they would be ready to offer any facility to arrange for one of the two days remaining this week to be utilised for that discussion. We have not had, Sir, any opportunity of discussing this matter with you, but if Honourable Members opposite or the leaders of parties have any proposals to make, I can assure them that Government on their side will do everything possible to meet them.

**Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) :** The Honourable Member just now said that this Honourable House would have every opportunity of discussing every subject in the new Finance Bill. From that answer am I to understand that his other measures for effecting an equilibrium in the Budget, will be a Finance Bill and that it will also be introduced this session ?

**The Honourable Sir George Schuster :** My Honourable friend is perfectly correct in his understanding.

**Mr. B. Das :** When does the Honourable Member wish to move that Finance Bill, on Monday ?

**The Honourable Sir George Schuster :** On Monday, yes.

**The Honourable Sir George Rainy (Member for Commerce and Railways) :** I may point out, Sir, that under the Rules and Standing Orders, there can hardly be a discussion on Monday of a Bill that is introduced on that day.

**Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) :** I want to ask two questions. I do not want

to embarrass the Honourable the Finance Member, and from this side we assure him that we will give him all possible facilities to enable him to keep up the credit of this country. My two questions are :

If the value of sterling went down in the world market, then will the value of the Indian rupee proportionately go down, or will he release the rupee from sterling ?

The second question is. Is he prepared to promulgate an ordinance by means of which the flight of gold from India may be checked ?

**The Honourable Sir George Schuster :** As regards the first part of my Honourable friend's question, it is quite clear that, if the Government maintains its present currency obligations, which is the plan which I have just announced to the House and which was announced also by the Secretary of State on Monday, then of course, if the value of sterling, which is one form by which Government can satisfy its currency obligations, declines in terms of gold, the value of the rupee must also decline in terms of gold ; that is to say, if the pound sterling has been at a discount, as compared with its gold parity value, let us say of  $12\frac{1}{2}$  per cent.—and according to the latest quotations it has been dealt in at a discount somewhat greater than that—but let me assume that it stands at a discount of  $12\frac{1}{2}$  per cent., that means that the rupee is worth 1s. 4d. in gold. The latest quotation that I saw in New York was that the pound sterling stood at 4.15 dollars, the parity being, as my Honourable friend knows, 4.85 $\frac{1}{2}$  dollars. That I think represents a discount of about  $14\frac{1}{2}$  per cent. ; so that the gold value of the rupee, if the rupee is worth 1s. 6d. sterling, would have been reduced to let us say something like 1s. 3 $\frac{1}{2}$ d. This is the position which will exist ; and I would point out to my Honourable friend that, according to all the arguments which have been advanced in the past by the Honourable gentlemen opposite and certain Indian organizations, if those arguments have any force, and if it is in the interest of the country to have a lower gold value for the rupee, then the position in which we are left, by being attached to sterling, is in some ways extremely beneficial to India. You will get what you want, *viz.*, a 1s. 3d. rupee ; we, on the other hand, shall not suffer the disadvantages that we should have to suffer if our currency had depreciated in terms of sterling, in that the rupee equivalent of our sterling obligations would not have been at all increased. I know my Honourable friend is very interested in currency matters, and I would ask him to consider that from his own point of view, that is an extremely advantageous position.

**Dr. Ziauddin Ahmad :** Am I to understand from the answer of the Honourable the Finance Member that he wishes to connect our rupee with the gold standard and not with the paper sterling ?

**The Honourable Sir George Schuster :** I know my Honourable friend is a very able mathematician, but I do not know in what form of sub-division of my answer he managed to discover that implication !

**Dr. Ziauddin Ahmad :** Whatever may be the value of the paper sterling to-day, we do not know whether it will remain at that value. Now if the value of the paper sterling went further, will my Honourable friend allow the value of the rupee to go down also ?

**The Honourable Sir George Schuster :** I suggest, Sir, that my Honourable friend is now entering into argument which could more properly take place on a general discussion of our proposals.

**Mr. H. P. Mody :** Will my Honourable friend state what, in the event of sterling cracking badly, will be the repercussions on commodity prices and the situation generally on account of the fact that the rupee is linked to sterling now ?

**The Honourable Sir George Schuster :** I think my Honourable friend's suggested contingency is one which we need not contemplate, but again I would say to him that some of the doctrines preached in this country seem to have led to the conclusions that the lower the value of the rupee, the happier and more prosperous would the country be (Laughter), and therefore his fears of further falls in the value of sterling and their effects on India, I suggest to him, may be counter-balanced by other advantages.

**Mr. B. K. Shanmukham Chetty :** Are we the only people with a depreciated currency ? Is not the whole of Europe and America (inaudible) a sinner in that respect ?

**The Honourable Sir George Schuster :** I am afraid I did not catch the question.

**Mr. B. K. Shanmukham Chetty :** My Honourable friend suggested that there is a doctrine preached in this country which believes in a depreciated currency. I put it to him that we are not the only people who are sinners in that respect, while the world including the United States of America is welcoming the decision of Great Britain to abandon the gold standard, which means bringing into existence a depreciated currency ?

**The Honourable Sir George Schuster :** I am very glad to take that from my Honourable friend. I never suggested that he or any others were sinners ! Nor did I suggest that they were alone in their opinions.

**Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) :** Will the Honourable Member be pleased to state whether, if the retrenchment question as well as the currency question is going to be discussed on Monday, the papers and materials concerning these questions will be placed in our hands in order to enable us to take part in the discussion ?

**The Honourable Sir George Schuster :** I think, as the Honourable the Leader has pointed out, it must be clear that actually on Monday there cannot be any general discussion, but there certainly will be before the House all information before the general discussion takes place.

**Dr. Ziauddin Ahmad :** I did not get the answer to my second question : " Do the Government contemplate issuing an ordinance stopping the flight of gold from India ? "

**The Honourable Sir George Schuster :** I shall be very pleased to take a note of my Honourable friend's suggestion.

**Mr. Lalchand Navalrai :** When will that general discussion take place ? Will it be on Monday ?

**The Honourable Sir George Rainy :** My Honourable friend, the Finance Member, has already said that if it was the desire of the House to have an immediate discussion on the announcement my Honourable friend has just made, then, so far as the Government are concerned, we should have no objection to a discussion either to-morrow or the next day. If on the other hand it means a discussion of all the proposals that will be submitted to the House on Monday,

3 P.M. clearly I think the House would desire that some interval should elapse after that before they can embark on a profitable discussion. But I doubt whether at this moment on the floor of the House we can carry the matter much further, and I would echo what my Honourable colleague has said as to our entire willingness to discuss what would be the arrangement most convenient to the House and to all the parties with the leaders of the parties in the first instance.

**Sir Gowasji Jehangir :** Sir, in view of the answers given by the Honourable the Finance Member and the uncertainty of decisions of Government as far as this House is concerned at this moment with regard to the ordinance which he proposes to promulgate to restrict the flight of gold, I suggest that you will allow the House to adjourn for half an hour to consider the implications of the statement just made. I must state that what I have not understood is how this ordinance is going to work and how Government are going to restrict the flight of gold. The ordinance we are told will be in the Press this evening. In the circumstances we are not in a position to judge of the real merits of the statement made by the Finance Member and I desire, therefore, that you will adjourn this House for half an hour to consider the position.

**Mr. President :** Is there a general desire on the non-official Benches, to have half an hour's adjournment, in order to enable them to consider the statement which has been read out by the Finance Member? I should like all those Honourable Members who desire half an hour's adjournment to rise in their seats.

(As most of the non-official Members stood up, the House was adjourned for half an hour.)

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The Assembly re-assembled at Half Past Three of the Clock, Mr. President in the Chair.

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**Mr. R. K. Shanmukham Chetty :** Sir, there is a strong desire on the part of a considerable number of Members on this side of the House that opportunity ought to be given to this House to have a discussion on the statement made by my Honourable friend and that opportunity should be given to-morrow if possible; and if that opportunity is given, it is our intention to table either a Resolution or a motion, in consultation with you, giving expression to our considered views on the statement made by my Honourable friend.

**The Honourable Sir George Rainy :** The only suggestion I would like to make is this, that possibly it might suit the convenience of Members of the House that the discussion should take place on Saturday rather than on Friday because they may not have the papers sufficiently long before the discussion to study. If the general preference is in favour of Saturday, I would ask you, Mr. President, to cancel your direction that the House should meet to-morrow.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammudan) : May I ask the Honourable the Leader of the House when the necessary papers are likely to be distributed to Members ?

**The Honourable Sir George Schuster** : May I know what my friend considers to be the necessary papers ?

**Sir Hari Singh Gour** : For example, a copy of the statement, the ordinance and the regulations and other papers which are required for the information of the House.

**The Honourable Sir George Schuster** : I have already distributed such copies as were available. It will be easy to make more copies and they could be made available to-morrow morning certainly, if that would meet my friend's wishes.

**Mr. President** : The alternative before Honourable Members is this. If they wish to discuss this subject to-morrow, it will be put first on the Agenda Paper for to-morrow's meeting, and no other business will be taken up till it is disposed of. If, on the other hand, they desire that the discussion should take place on Saturday, then there will be no meeting to-morrow, but the House will meet on Saturday instead. I want the leaders of parties to consult their following and to let me know later what they desire, whether they wish to sit on Friday or on Saturday. I will then adjourn the House accordingly. In the meantime we will proceed with the discussion on the motion before the House.

**Sir Cowasji Jehangir** : I would respectfully suggest for the consideration of the Government and the Honourable Members that whatever day is fixed for the discussion of this Resolution, we should sit on both the days, Friday and Saturday and work on both days.

**Mr. President** : At this time I am not prepared to agree to a two-days discussion, because I am not yet satisfied whether it would really take two full days. At present what we are concerned with is to ascertain from the leaders after consultation with their followers whether they want this discussion to be put on to-morrow, or whether they would prefer to have it on Saturday.

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#### THE INDIAN BAR COUNCILS (AMENDMENT) BILL--contd.

**Mr. Lalchand Navalrai** : I rise to support very strongly the measure that has been put forward by the Honourable Member, Sir Hari Singh Gour. Sir, this Bill attempts to amend the Indian Bar Councils Act, 1926, in so far as it aims at creating King's Counsels in India. I do not think many words are needed in support of this Bill, which aims only at one thing, namely, the amelioration of the Indian Bar. What is asked for is to remove the invidious distinction between the members of the English Bar getting silk and the members of the Indian Bar not getting it. The objects and reasons of the Bill are fully given and they give us the history how this Bill has come into this House. The whole Bar of India should be thankful to Sir Hari Singh Gour for having taken so much interest in this matter. He has even seen the Chancellor in England for it. Sir, when his attempt is only to see that the distinction be removed, I do not think that this House should go against the Bill especially when it is being

asked that it should be sent to a Select Committee. I submit that on the contrary there ought to be sympathy for ameliorating the condition of the Indian Bar. The lawyers all over India and all over the world have been useful and are useful to their country and to the people, and I think in a measure like this every one in this House should support it. Sir, there are two reasons which actuated me to lend my strong support to this Bill and they are these. The first is that the attempt is only at removing the discrimination which, as you all know, is an invidious distinction, between Europeans and Indians. Such distinctions have been disturbing the country and I think those days are gone when such distinctions were tolerated and when Europeans were enjoying more privileges and more rights than the Indians. The time is now come when the Indians feel that they should have equal rights, and this Bill aims at equal treatment being given to the members of the Bar in England and in India.

The second reason to be considered is with regard to the recognition of the merit of the Indian Bar. When I heard the discussion to-day, I had an impression that some Members in this House were under the impression that every junior and every senior member of the Bar or many of them will get silk. But that is not so. It will go to only those who deserve it and such will be very few and rare as they are in England. Therefore there is absolutely no reason why this Bill should not be passed.

On this point I must say that the opinions that are given in these papers clearly show that many Judges and many institutions which have been consulted are in agreement on this Bill. I will not take up the time of the House in referring to many of these opinions; but I feel that I must refer to the opinions which have come from my Presidency--Bombay and its sub-province, Sind. Referring to paper III, I find on page 26, the opinion of the Bombay Government. The Bombay Government have attached several opinions of Judges and of other institutions and have sent a covering letter which I will just now read in which they give no reasons but simply say as follows :

“ I am directed to forward copies of the papers noted below and to state that the Governor in Council agrees with the opinion expressed by the Honourable the Chief Justice, High Court, Bombay, and in particular with the first part of that opinion that the Bill further to amend the Indian Bar Councils Act, 1926, is premature.”

On this question of the Bill being premature, the Bombay Government advances no reason. But to-day we heard certain reasons which came from Mr. Elliott on this point. I will refer later to certain points mentioned by Mr. Elliott; at present I am content to say that the Bombay Government itself has given no reasons for calling it premature; but the papers that are attached to it show that almost all who have given their opinions agree that this Bill should be passed. I read the opinion of the Advocates Association of Western India. They say :

“ I am directed by the Council of my Association to state that it has considered the Bill further to amend the Indian Bar Councils Act, 1926, a copy of which was forwarded by you,..... and that it is in entire agreement with the objects and reasons of the said Bill.”

Proceeding further I find again that the Bombay Advocates Association says :

“ My Association approves of the aim and object of the Bill..... ”

**Mr. C. Brooke Elliott :** May I point out that they go further on to say, " My Council is therefore of opinion that the Bill as drafted is defective ", and I was basing my argument on the opinion expressed in the two paragraphs there ?

**Mr. Lalchand Navalrai :** The Honourable Member should not be impatient ; I shall reply to all his arguments.

**Mr. President :** Is the Honourable Member going to keep on reading from these papers ?

**Mr. Lalchand Navalrai :** No, Sir. I shall read only a few lines. The Honourable Member has signified his attitude to me during the recess and many of my remarks would now be not made. I shall read only a few words of the next opinion :

" My Association approves of the aim and object of the Bill to establish an order of King's Counsel in India. Although the Bill in question does not aim at the creation of such an order, we propose that steps be taken to establish it and that the Bill should be passed."

I cannot forget the opinions of my own sub-province, Sind. The Judicial Commissioner's Court has considered this Bill and what they say is this :

" I have the honour to forward herewith copies of the opinions of the District Judges of Hyderabad, Sukkur and Larkana and to state that the Judges of this Court approve of the Bill."

This is what one of the Judges says :

" There is doubtless some force in the contention that the classification for the purpose of seniority was introduced in Act XIII of 1927 on the assumption that some King's Counsel would be created in India from the members of the Indian Bar. This assumption has not yet materialised and the term King's Counsel has for all practical purposes come to mean only those who have taken Silk overseas. Regarded in this light the members of the Indian Bar naturally resent the intrusion of King's Counsel from Great Britain, the Dominions and the Colonies *vis-a-vis* whom they are placed in a position of permanent inferiority."

This is what my learned friend, Sir Hari Singh Gour, has emphasised. He further says that certain hopes were held out and certain assumptions were made that, after the Bill of 1927 became law, the word King's Counsel would be defined. The Act itself, as said in the Statement of Objects and Reasons of this Bill, defines three classes of the legal practitioners, the Advocate General, the King's Counsel, barristers ranking their seniority from the date of call, and advocates ranking from the date of their admission. Now, what is wanted here is that the King's Counsel should include both Indians and English. The fact, however, is that according to the law as it now stands only those that are overseas' barristers can get silk, whereas India should remain as before. I am only asking that this invidious distinction should be removed and it is really necessary that those who are responsible for making that assumption and for creating those hopes must now come forward and fulfil those hopes, for I have seen that the learned Dr. Gour has repeated his statement more than once that the Home Member had at that time shown an attitude that Indians also will get silk as King's Counsel. Any way my submission is that the members of the Indian Bar should be given that distinction. In every walk of life if a man has shown himself to be competent and eminent, he is rewarded. Why should not that be the case here ? I think it is very necessary that this Bill should be sent to Select Committee for consideration.

As I said, I will not take up much of the time of the House ; but I will refer briefly to what Mr. Elliott said. In his eloquent and able speech he dealt very fully with the history of the case and spoke about some difficulties in practice in England. But I must confess that when he began his speech, my feeling was that he was holding a special brief against this Bill ; but I think he was misunderstood even with regard to the attitude of the juniors in Madras. I think the main points he made were only two. One was that there will be a difficulty with regard to the silk being given in India as there is no intermediary between a barrister and a client, and he gave an example of a sandwich. I might point out in that connection that in Bombay and other High Courts there are solicitors who, according to law, have to secure briefs for the barristers. Therefore, it is not correct to say that there is no intermediary between barristers and clients, and that the practice here differs from that existing in England. I may tell the House that if this Bill is passed, that difficulty is not insurmountable, and it can be removed easily. Every High Court can by regulations insist upon every barrister appearing before them through an intermediary. In mofussil towns there is no practice of solicitors, but if this Bill is passed and it is made to apply to all the legal practitioners wherever they are found to be eminent, then that system, if it is so salutary in England, can be introduced here with great advantage.

Sir, I was reading the opinions on this measure, and there is only one which I would like to quote, and that is the opinion of an advocate of the Bombay High Court practising in Sind, who is also a public prosecutor. He is an M.A., LL.B., and Barrister-at-law—Mr. Kishan Chand. His opinion was invited and he has stated that Sind will not be profited by this Bill being passed. His exact words are :

“ In Sind there are no Vakils-Advocates, and there cannot be any until Sind has a High Court which can enrol advocates. It is not clear whether Dominion Silk would be open even to Vakils or Pleaders who are not Advocates.”

Referring to the Bill itself, I think the misunderstanding that arose in his mind was on account of his reading a certain portion of the Statement of Objects and Reasons. In that Statement of Objects and Reasons, it is said :

“ The only course then left for giving effect to the Statute was either to delete the clause referring to King’s Counsel or to institute a Dominion Silk in India open to all Advocates, whether Barristers or Vakils. The deletion of the clause would not be in accordance with the intention of the Bar Councils Committee, not indeed with the principle recognised in the Bar Councils Act.”

But I think that rendering is not correct, because the Bill itself refers to all the legal practitioners, and I hope this misunderstanding will be removed now, at least from the mind of the person who has given this opinion. The words in the Bill are :

“ The following new clause shall be inserted, namely :

‘ (a) “ King’s Counsel ” means a person so appointed from among the legal practitioners in India ’.”

Nothing can be clearer and more comprehensive than this.

Then my friend, Mr. Elliott, said that this Bill is premature. I think if he had said that yesterday with reference to the Press Bill when it was brought here, he would certainly have received the congratulations of the House. He could have said that the Round Table Conference was just sitting to hammer out a constitution for India ; there is already a

[Mr. Lalchand Navalrai.]

fact between Mahatma Gandhi and Lord Irwin, and therefore the Press Bill should not be brought before this House. If he had given expression to such sentiments, he would have earned the gratitude of all Members on this side of the House. I think that is a complete reply to his argument that it is too premature to pass the present Bill. If you are to wait until the new constitution comes, close all the business of the House, and wait till the new constitution comes. Why should you pass only certain Bills and keep certain others until the new constitution comes, particularly a Bill of the nature which is now under consideration?

I must however give credit to my Honourable friend opposite for having opened his mind to me during the short recess. In the observations which he made this morning, there were some things which I and the House too, I think, had misunderstood, but when I talked to him during the recess, I was glad to find that he was entirely in favour of this measure. He has a desire to see that silk is given in India too. His various other arguments which he brought forward were more by way of details which can be considered in the Select Committee. His difference with us is only this, that he thinks that such a high degree of appreciation or distinction to be given to members of the Bar should come only from His Majesty the King direct by a charter. That is also not a difficult matter....

**Mr. C. Brooke Elliott** : As His Majesty did, Sir, in Canada, I have since been told, by statute.

**Mr. Lalchand Navalrai** : If this Bill is passed, I ask what objection will there be to move His Majesty the King to give a charter, or what objection will there be if that distinction or privilege is conferred on practitioners by the Indian Legislature with the consent of H. E. the Viceroy, who is the representative of His Majesty the King Emperor ?

Then, Sir, I was very sorry that all this criticism should have come from Mr. Elliott. He is a K. C. of Ceylon, and as stated in an opinion in the papers practising barristers in the Dominions and even in the small Crown Colony like Ceylon take the silk.

**Mr. C. Brooke Elliott** : May I give a bit of information, Sir. In Ceylon the duality of the profession exists between barristers and solicitors to a great extent. When silk was extended to Ceylon, it was on the distinct understanding, as we were informed by the Government, that the duality of the profession continued in that way, and if that ceased, I think probably that silk would be or might be withdrawn from Ceylon.

**Mr. Lalchand Navalrai** : I think the Honourable Member is too nervous about this. If this Bill is passed, there will be no difficulty in having that practice. But why is the Honourable Member going to object to the Bill now ? He must assist us in getting this Bill passed, and these details will be taken care of.

My point is, if Ceylon has got it, why should not India have the privilege ? What is asked in this Bill is simply a Dominion silk. I would therefore advise those Members on the opposite Benches not to be alarmed, no harm will ensue if this Bill is passed. This is a matter which concerns only the class of lawyers or the officers of the court as they are called. To object to this most salutary measure would simply mean an attempt

to frustrate the labours of my friend who has taken so much trouble over this Bill. With these words I strongly support the motion.

**Sir Lancelot Graham :** Sir, I find myself in a somewhat difficult position owing to the vastly interesting statement which was interpolated in this debate by the Honourable the Finance Member. The result is that, I must confess, my memory was somewhat distracted, and I am not quite sure that I shall do my friend Sir Hari Singh Gour justice. I trust therefore that if I appear to be doing him any injustice he will interrupt me freely.

4 P.M.

The first charge of his which I would like to deal with is the charge apparently of complicity levelled against my Honourable friend Sir James Crerar. I understand him to say that, owing to something that the Honourable Sir James Crerar said on the 18th August, 1927, the Government are bound to vote for this Bill. Am I correct?

**Sir Hari Singh Gour :** What I said, Sir, was never understood by my Honourable friend Sir Lancelot Graham, and therefore I excuse him. (Laughter.) I gave the words of the Honourable Sir James Crerar in 1927 when introducing the Bill amending the Bar Councils Act. Then I said, following the statement that he had made, that he would stand by me if any opposition was offered.

**Sir Lancelot Graham :** I fail to see the difference between my Honourable friend's explanation and what I have just said. I am very much obliged to my Honourable and learned friend for giving me the details before he made the charge. I was therefore able to get the books. The Honourable Sir James Crerar on the 18th August, 1927, in bringing forward a Bill to amend the Bar Councils Act, said :

“ The purpose of the Bill which I now ask the House to take into consideration is to give effect substantially to the recommendations of the Bar Committee.”

I was careful to ask my Honourable and learned friend Sir Hari Singh Gour, what was the precise recommendation of the Bar Committee with which we were concerned. He said, “ The recommendations in paragraph 16 of the Bar Committee's Report ”. I must ask the House to follow me with great care because I am going into some details. Sir, I have in my hands a copy of the Statement of Objects and Reasons of the Bill which was originally introduced by Sir Alexander Muddiman, and its subsequent stages were taken by the Honourable Sir James Crerar in August 1927. In the Statement of Objects and Reasons attached to that Bill I find that the paragraphs of the Indian Bar Committee's Report referred to are paragraphs 18 and 21, not paragraph 16.

**Sir Hari Singh Gour :** That was already in the original Bill if you see the proviso.

**Sir Lancelot Graham :** Paragraphs 18 and 21 contain the recommendations. That is what the Honourable Sir James Crerar was talking about when he said that the Bill was a Bill to give effect to certain recommendations. The so-called recommendations in paragraph 16 which are not covered by this Bill are not recommendations at all. What the Bar Committee said in paragraph 16 was :

“ It may or it may not be desirable to provide for the recognition of distinguished merit at the Bar by elevation to a higher grade of practitioners. This is a question which does not properly come within the terms of our inquiry.”

[Sir Lancelot Graham.]

How my Honourable and learned friend can talk about the recommendations of the Bar Committee being embodied in that Bill on those facts I positively cannot understand. So, I would say that my Honourable friend Sir James Crerar is by no means pledged to support the present Bill.

I should like to ask my Honourable friend Sir Hari Singh Gour one question. I was honestly puzzled about what he said. I did not like to interrupt him. Did I understand him to say that the provisions with regard to King's Counsel did not appear in the earlier Bill ?

**Sir Hari Singh Gour :** They were in the original Bill, and on my motion that particular clause was withdrawn by the late Sir Alexander Muddiman. When that original Bill was in the Select Committee, the whole matter was threshed out and this clause was inserted there.

**Sir Lancelot Graham :** That is quite right. I am very glad, but as I say, the question really was not before the House on the amendment Bill in 1927.

Passing on from that point, and having exonerated my Honourable friend Sir James Crerar if he should have the courage to vote against this motion (Laughter), I am going to ask my Honourable and learned friend as a lawyer of supreme distinction to give me an intelligible definition of the words "singular unanimity". That is the phrase he used very recently and he should be able to remember it, and I should like to know what he meant by it. I am waiting for a reply.

**Sir Hari Singh Gour :** Did not my Honourable friend hear me giving the details of the various High Courts and Bar Associations and public bodies, Europeans and Indians, who have supported my Bill ? These are the public bodies that count, and whose opinions are generally solicited by the Government and have been solicited in this case.

**Mr. President :** May I know how long these cross questions will go on ?

**Sir Lancelot Graham :** I was very anxious not to do the Honourable Member an injustice, and that was why....

**Mr. President :** Every two minutes the Honourable Member wants some explanation or other. At that rate I do not know how long it will go on.

**Sir Lancelot Graham :** I do not wish to delay the House, but I was myself so surprised at the time that I was unable to avoid an exclamation of surprise when I heard the words "singular unanimity" from my Honourable friend, and at what he said now I am still equally surprised. I am not arguing that there is no opinion in favour of the Bill, I may say that there is a certain amount of opinion in favour of the Bill, very largely from persons who have failed to understand the object of this Bill. But I do say that there is a great weight of well-informed opinion which is solidly against the Bill. I do not propose to read long extracts. I trust I shall not fall into that same happy practice which was confessed by my Honourable and learned friend Mr. Lalchand Navalrai that when you are dealing with a Bill that has been circulated you will only read the opinions on your side. (Laughter.) Sir, I do observe that the High Courts of Madras, Bombay and Bengal—a not altogether insignificant body of opinion—are against Sir Hari Singh Gour's Bill on the very simple ground

that the Bill is entirely premature. I am not here to attack the profession of lawyers in Bombay or in any other part of India. I have the greatest admiration for Sir Hari Singh Gour and other members of the legal profession, but that is entirely irrelevant, and the speakers who have suggested that the object of this Bill is to produce a class of practitioners called King's Counsel in India are entirely mistaken. Sir Hari Singh Gour is not so ambitious as that ; he claims to be removing what he calls an anomaly, but he is doing nothing. He is not the King, though he is the king of lawyers. He is not the King and he cannot create King's Counsel in India. I might be permitted to refer to some opinions besides the opinions of the High Courts. There is a certain body called the Bar Association, Calcutta, and I imagine, a body of considerable reputation and weight. They have obviously given very grave attention to this Bill, and I think my Honourable friend claimed support from a passage which occurs at page 11,—I think he quoted page 11. On that page I find they gave what I might call a conditional support. They said :

“ My Association is prepared to support an amendment of the Act providing for precedence of local K. C.'s only if the conditions detailed below are jointly and severally fulfilled, but not otherwise.”

I do not propose to take Honourable Members in detail into those conditions, but they are conditions which cannot be “ jointly and severally ” fulfilled. That Association concludes by saying :

“ I would repeat that my Association would support the amendment only on each of above conditions being fulfilled but would otherwise oppose it and desire the Bill to be dropped.”

There is one other passage, again from Calcutta. It is on page 19 :

“ At a meeting of the Calcutta Bar held on the 22nd May, 1931, it was resolved that the Calcutta Bar regard Sir Hari Singh Gour's Bill for the amendment of the Bar Councils Act of 1927 for the creation of Dominion King's Counsel in India as unnecessary and uncalled for, amongst others for the following reasons.”

Then six reasons have been given and I do not propose to weary the House by reading them. On the point of collection of opinions, I do not say that we must be bound actually to weigh the opinions and say this side weighs more than that and consequently the House must give its vote to the more weighty opinions. That is not the purpose of circulation. We are not the slaves of the opinions which we solicit, but we do examine them carefully and try to make the best use of them.

Now, to come to what I might call the merits and demerits of the Bill. Here again I find invaluable support from the Honourable the Mover. He said that you cannot legislate for a non-existing entity. Now, Sir, the creation of King's Counsel from amongst the Indian practitioners in India, whether we like it or deplore it, is a non-existing entity and therefore my friend stands condemned out of his own mouth. What he is proposing to do is, as I had occasion to say on an earlier occasion, to take away a privilege from an existing class of practitioners, King's Counsel, and to vest that privilege in a non-existing class of practitioners who are persons so appointed from among the legal practitioners of India. It is freely recognised that the appointment of King's Counsel must either proceed from His Majesty himself or from the Governor General as a result of a delegation to be made in favour of the Governor General. That delegation, Sir, has not yet been made. The great mass of speakers, so far as I can ascertain, this morning were anxious to put before the House the merits of the profession which I have never denied. As to the argument that the merits

[Sir Lancelot Graham.]

of the profession should be recognised by the granting of the rank of King's Counsel, as I have said, the Bill cannot take you a single step towards the creation of King's Counsel in India and until there is the machinery for providing King's Counsel and until there is actually the creation of King's Counsel in India, there is no point at all in providing for pre-audience. The Bill has been condemned generally by many persons, whose opinion I respect, as premature, and I cannot understand how my friend Sir Hari Singh Gour or Dr. Jha or Mr. Aggarwal really think that they are doing any thing towards producing King's Counsel by supporting this Bill. Far from doing that, I think there is a grave risk of their delaying the introduction of King's Counsel in India by supporting this Bill, and my reason for saying that is that it appears to me that the Mover of the Bill has gone out of his way almost to cast a slur upon King's Counsel. King's Counsel now have a certain right of pre-audience. That is to be washed out. No King's Counsel coming from England, however eminent, would be recognised, and the King's Counsel in India is to have pre-audience over him. I do not think, Sir, that is the right way to get recognition of the rank of King's Counsel for Indians practising in India. You are merely offending the powers that be. I have always understood that that is a very dangerous thing to do. In conclusion, I would say quite simply that my Honourable friend's Bill merely consists of that ancient manoeuvre of putting the cart before the horse. It is therefore quite impossible for us to accept the principle of the Bill and to agree in Select Committee to try to get the horse in front of the cart, because we shall not be able to do it. I must therefore oppose the motion for Select Committee.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : If at this late hour I rise to speak, it is not to take up much of the time of the House but to give my whole-hearted support to the principles of the Bill on behalf of the members of the legal profession in Bengal. It is to be regretted that opinions have been collected mostly from individuals who care very little either for the dignity or prestige of the profession. To give pre-audience to King's Counsel who are generally given silk on the recommendation of the Lord Chancellor in England and to deny to members of the honourable profession in India the distinction of silk, is to my mind a grave injustice and lacuna in the statute. If the other Dominions can have silk I do not see why we in India should be deprived of the privilege. There may be some defects here and there in the Bill which my Honourable friend has brought forward, but they can be remedied in the Select Committee. I do not see how the Government can say that they do not accept the principles of the Bill. In fact, I see that many of the Judges whose opinions have been collected are in favour of the principles of the Bill. I support the motion for Select Committee.

**Mr. K. P. Thampan** (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I am not interested in this Bill except in my capacity as a Member of this House and as one who has to vote the one way or the other. What I am really anxious about, is that there must be able lawyers, good lawyers—not fleeing lawyers.

**Mr. Amar Nath Dutt** : Is not my friend casting a slur on the profession by speaking of fleeing lawyers ?

**Mr. K. P. Thampan :** I don't care for my friend's susceptibilities. We must also have able judges who will administer justice impartially without any distinction of caste or creed or race and at minimum cost. So long as that is done, as a layman, I am more than satisfied. I don't care if the lawyers are called vakils, advocates or King's Counsels. There is also another point about which I am equally anxious and it is this. No one of my countrymen, to whatever profession they may belong, should be debarred from rising to the highest rung of the ladder of his profession and there ought not to be any distinction between His Majesty's subjects in India and His Majesty's subjects in the Dominions or for the matter of that even in England. On that point, I hold very strong opinions. So far as the legal profession is concerned, this country has produced many eminent men. So far as my own province with which I am more acquainted is concerned, there were the late Sir V. Bashyam Iyengar, Sir Subrahmanya Aiyar, Mr. V. Krishnaswami Aiyar, Sir Sankaran Nair and even now we have, if I may refer to them, my distinguished friend, Sir C. P. Ramaswami Aiyar and Mr. Alladi Krishnaswami Aiyar, the present Advocate General, who are all stalwarts in their profession. All these eminent men could hold their own against any lawyer in England or in other countries. ("Hear, hear.") That these people are prevented from rising to the highest rung of their profession or treated as inferior to a certain class of lawyers is really a slur on the system of administration. Sir, it has been said that there are King's Counsel in the Dominions and also in little Ceylon. If the Dominions are allowed to have King's Counsel, I do not understand why this country should not have them.

Sir, I have a shrewd suspicion that it is professional jealousy or racial animosity that is behind the opposition to this Bill. Excuse me for saying it ; but I feel so from what I have heard in this House. Sir, I was very much impressed with one thing, that in the Bar Councils Act, to a certain section of which reference is made and which is being proposed to be amended, is a provision made for a species of people who are called King's Counsel. Why ? As long as you do not have such people here in this country and King's Counsels from elsewhere are not recognised as such what is the object of that ? You must either delete that provision in the Act or give effect to it. As a layman I can understand so much. Sir, if the Government of India cannot themselves give effect to it, I submit it is up to them to approach the proper quarters to achieve the object and they will be failing in their duty if they do not do so. My only suggestion is that that provision should not be kept a dead letter. With these words, Sir, I support the motion for reference to the Select Committee.

**Mr. B. R. Puri :** Sir, about 15 or 20 years ago a Civilian Deputy Commissioner of a district in the Punjab came back to this country after a period of privilege leave and of which he made very good use. For he came back as a married man and brought his wife to this country. On the day that he reached his headquarters all the gentry of the station had gone to receive him, and some of the big *Raises* were there to accord a welcome not only to their Deputy Commissioner but to his newly-wedded wife. The Deputy Commissioner introduced them to his wife as the principal and conspicuous people of the district. The first man stepped forward, and shook hands with the young lady. But the Deputy Commissioner stepped in and said, "Oh, my dear, these people neither expect nor deserve such recognition". Well, that incident happened many years ago. At that time the idea was that we people neither expected that we should be shown

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the courtesy of shaking hands with a European lady, nor, according to the views which then prevailed, did we really deserve such a concession. At the present day if we approach any subject or any measure in that spirit illustrated by that incident, I think we will be making a fatal mistake ; and I would remind some of my friends who are of the same school of thought that they should not approach this subject in that spirit but discuss it on its merits in an honest and academic spirit (Hear, hear).

I submit, Sir, that the weight of those opinions which have been received is entirely in favour of Sir Hari Singh Gour ; and my Honourable friend, Sir Lancelot Graham, has contributed precious little so far as his own observations and remarks go. Sir, I carefully listened every word that fell from his lips, but I find, that beyond referring to some of those opinions, he has not told us anything new or original.

Now coming to the merits of the Bill itself, I find that my Honourable friend and a former colleague, Mr. Brooke Elliott, has thrown a considerable amount of light upon this measure which is of a highly technical nature, and the House is really grateful to him for the information which he has laid at the disposal of the House. But I regret I cannot agree with him in the arguments which he has advanced, some of which have been adopted by my Honourable friend, Sir Lancelot Graham. Now the principal argument against the Bill which he advanced was that the tradition of the profession in England was that a K. C. could never come in direct contact with his client. He illustrated it by saying that the relative position of the client and the barrister was that of a sandwich ; the solicitor comes in between, and on one side is the client, and on the other side is the barrister, and the two never meet. He said that because in this country the conditions which prevail are entirely different and wholly opposed to the traditions prevailing in England, therefore the conferment of this distinction of K. C. would be incompatible and inconsistent with the dignity of a K. C. and the practice of this country. Let us carefully examine the value and the merit of this argument. I agree that this is the tradition which prevails in England, but this is not a tradition which is only applicable to K. C.'s. It is a tradition by which the members who belong to the utter Bar, those who are stuff gownsmen are also bound. If that be so, then may I ask a very legitimate question of my learned and Honourable friend Mr. Elliott ? How is it that the Inns of Court in England still confer the status of an utter barrister on people who practise in India ? They confer the diploma and the status of an utter barrister, knowing that these people are going to practise in a country where their ancient traditions cannot be respected and observed. My learned friend, Mr. Elliott, is practising now in a part of the country where that tradition is not observed. He himself conceded that in the course of his practice in this country he comes in contact with his clients directly.

**Mr. C. Brooke Elliott :** Sometimes yes, certainly.

**Mr. B. R. Puri :** If that be true, then I say that he is violating the traditions of his profession.

**Mr. C. Brooke Elliott :** I may say that if one is enrolled as an advocate in Madras, you must conform to the practices in Madras in relation to advocates. With regard to the other question, I do not see how you can import into India English silk with its traditions. If it can be solved, nobody will be more pleased than I.

**Mr. B. E. Puri :** If as a barrister he is permitted to violate that tradition, does it not *a fortiori* follow that with silk on he would not be committing any greater or higher sin if he did not observe those traditions, the tradition governing the ordinary barristers and K. C.'s being the same ?

**Mr. C. Brooke Elliott :** I would not call it a sin in either case.

**Mr. B. E. Puri :** If my learned friend, in coming into direct touch with his clients, is not conforming to those traditions, then the only thing he can do is to pack off tomorrow and go back to his country and practise where those traditions are really respected. What difference would it make if today my learned friend were given the distinction of a K. C. and he continued his practice here ? What new default or new sin would he be committing any more than he is committing at present ? He is violating that tradition now and he would be violating the same tradition then.

**Mr. C. Brooke Elliott :** Sir, I must really protest. I am violating no tradition. There is a tradition in England and you must not violate it there according to the rules of the legal trade union there. But when you come out here as an advocate and practise as an advocate, you have to observe the local tradition.

**Mr. Lalchand Navalrai :** Does the Honourable Member mean to say that if he goes to a country where there are only lame people, he should also be lame ?

**Mr. B. E. Puri :** Sir, am I arguing or are these two people arguing ?  
(Laughter.)

Sir, if this Bill is ever passed, one thing of which I am sure is that neither my friend Mr. Lalchand Navalrai nor myself are likely to get the K. C. and it is therefore not from any personal considerations that I am advocating that the Bill is a perfectly legitimate measure.

Now, Sir, proceeding further, the next point which was urged by my learned friend and old respected colleague Mr. Brooke Elliott was that, before we passed this Bill, it was up to us to ascertain the wishes of either His Majesty or that of His Excellency the Governor General. Now, Sir, I admit that the distinction of a K. C. could only be conferred by His Majesty either directly or through his agents. A case in point is where my learned friend was given the distinction of a K. C. through the Governor General of Ceylon.

**Mr. C. Brooke Elliott :** By the Governor of Ceylon.

**Mr. B. E. Puri :** As agent of His Majesty ?

**Mr. C. Brooke Elliott :** Yes.

**Mr. B. E. Puri :** I submit that if that could be done there, I do not see why the same process could not be repeated here.

**Mr. C. Brooke Elliott :** Hear, hear ; I entirely agree.

**Mr. B. E. Puri :** What my learned friend wants is that, before we open our mouth, before we say that we are entitled to be created K. C.'s in this country, we should in the first instance phone up the Viceregal Lodge and obtain His Excellency's permission, saying that we are going to discuss this matter and if His Excellency is in an accommodating mood we will continue, otherwise we will stop. Now, Sir, I do not see with what justification this novel procedure is being advocated. All I can say is that my

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learned friend need only look at Act XIII of 1927 in order to see that the thing is already there. It is embodied in a legislative enactment.

**Mr. C. Brooke Elliott** : That is where we differ.

**Mr. B. R. Puri** : If it is already part of a legislative enactment which has received the assent of the Governor General, what more is needed, it is already in the Statute-book itself. Therefore I say that it does not lie in the mouth of my learned friend to say that we should again start *de novo* and move the authorities to take steps to clothe themselves with the necessary power from His Majesty's Government. It was their look-out and it was up to them, when they knew that such a law was passed to which they themselves had given their assent, to have in the meantime obtained the necessary power in order to be able to carry out an Act which they themselves had passed.

These were the two principal arguments which were advanced by my learned friend and I think this is a plain and simple answer to them. Having regard to the time I do not wish to prolong the debate further.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I have listened very carefully to the arguments on this Bill and I must say that I do not understand the relevancy of same. What is the Bill before the House ? It is simply a Bill by which certain privileges which are conferred upon King's Counsel are to be taken away. That is the whole thing and nothing more. Then what is the object of discussing whether King's Counsel ought to be appointed in India and who are to be appointed King's Counsel ? The racial advantages and disadvantages of this question have been discussed threadbare. The grievances which Sir Hari Singh Gour made in the Statement of Objects and Reasons and which prompted him to introduce this measure are contained in paragraph 5 of the Statement :

"The inclusion of King's Counsel and giving them seniority over all Barristers was based on an assumption then made that some Indian Barristers would be granted English Silk and that failing, the Government of India would take steps to establish a Dominion Silk as is the practice even in the smallest of Crown Colonies, *e.g.*, Ceylon and British Guiana.

Four years have since passed but that assumption has not been realised", etc.

His objection is that a junior counsel getting silk in England would be able to practise here as senior, over ripe and senior men. But has that happened in India at all ? If my information is correct, King's Counsel are not allowed, either by procedure, practice, rule or some other thing to practise in India ; and so far as I know, although my experience extends to over 32 years, not a single King's Counsel has ever come out to this country to practise in our courts. The only two King's Counsel who ever came out to India were, as far as I recollect, Mr. Kenrick and Mr. Gibbons. They came out as Advocates General of Bengal, and they practised as Advocates General.

**Mr. C. Brooke Elliott** : And Sergeant Ballantyne appeared in one famous criminal case.

**Mr. S. C. Sen** : Take the case of the Calcutta High Court. During my time no King's Counsel ever came out to practise there. As regards Bombay, my information is that no King's Counsel came out there either. As regards Nagpur I have no knowledge, but Sir Hari Singh Gour may be

able to say whether any junior King's Counsel ever came to practise there over his head ; but I do not think such a thing happened. So far as Madras is concerned, my information is the same. Then what is the grievance of which Sir Hari Singh Gour complains ? The old adage that one should be hurt before he cries applies here also. No question has ever arisen as regards King's Counsel, and why should we rush to take out an advantage which has been given by the Bar Councils Act but which, as far as I know, will never be availed of ? In these circumstances I do not see the object or utility of this Bill.

**The Honourable Sir James Orerar (Home Member) :** Mr. President, it had not been my purpose to take part in this debate. My decision was perhaps based on considerations of prudence and common sense—of common sense because, the particular issues raised in the Honourable and learned gentleman's Bill are issues primarily of interest to lawyers themselves and of prudence because, in a combat in which members of that very distinguished profession are protagonists, an intrusive layman might find his position difficult. Nevertheless, whether I am departing from considerations of prudence or of common sense or whether I am playing a more heroic part, I desire to intervene for a few minutes. My intervention will be very brief and it is merely in order to correct one or two misapprehensions which appear to me to have arisen in the course of the debate. The position which Government take with regard to this Bill has been very clearly and lucidly explained by my Honourable friend, Sir Lancelot Graham, and I should like to take this occasion to deprecate the somewhat unnecessary heat, with which the Honourable gentleman from the Punjab, who I do not see at present here, characterised what appeared to me a perfectly natural expression of a very natural difference of opinion between the Honourable gentleman opposite and my friend on this side. I am sure that Sir Hari Singh Gour will impute no discourtesy to me if I make that observation. I also think it is proper on my part to say a few words because Sir Hari Singh Gour referred to the very brief part which I took in the measure to which he referred as committing me to his present Bill. I cannot, of course, admit this and that point was also made clear by Sir Lancelot Graham. But I have considerations of a more general character which I wish to lay before the House. The general trend of the speeches of Honourable Members who have supported this measure would be almost calculated to give to an observer the impression that they think that any opposition to this Bill must necessarily proceed from a desire to disparage a very distinguished profession, and more particularly those gentlemen in India who with great distinction practise that profession. Nothing is further from my mind. I think that for those of us who have spent long years in India and have identified ourselves with India, nothing can give greater gratification than to recall the very brilliant talents of the many brilliant lawyers that India has produced and with whom we have been brought into contact. Nothing, therefore, could be further from my mind or from the mind of Government than to intend any disparagement to distinguished Indian lawyers by opposing this Bill. Our opposition is based on totally different grounds. If we considered that this Bill was really conducive to raise the status of members practising the profession of law in India, if we believed that the particular method adopted for conferring upon that profession a higher status could be achieved by this Bill, our position would be different. The ground of our opposition is that the Bill—I venture to say with the utmost deference to the legal

[Sir James Crerar.]

talents of the Honourable and learned Gentleman opposite,—the Bill from that point of view is misconceived, whatever its original intention may be, if that is the effect intended. Therefore, I maintain that in opposing the Bill which we feel is not at all calculated to promote that object and may indeed in some respects be calculated to prejudice it, there is no disparagement of the profession of law.

The second point which I wish to impress upon the House was a point which was made with great emphasis and great lucidity by the Honourable and learned gentleman from Madras. He pointed out that India was now at a stage with great constitutional changes ahead and that in particular it is very probable that there will be very great changes in the machinery of the administration of law. He urged that until we know precisely what that position is going to be, till we know with greater precision that it is at the present stage possible for us to know, what kind of picture these new ideas are to present, we should postpone consideration of this matter, and that I think is a very material consideration. It weighs very strongly with me and I hope the House will accept the assurance I have already given that the views which we found it necessary to express on this side of the House do not proceed in the slightest degree from the motive which I fear some Honourable Members opposite were inclined to suppose. Very far from it. The position requires much more careful exploration and if the information we have with regard to the English practice in the matter is found to be deficient, I shall certainly act upon the suggestion of the Honourable and learned gentleman from Madras and take all proper steps to supplement it. These are the grounds very briefly on which we find it necessary to oppose the motion which will commit us to the principle of a Bill which we do not think is calculated to achieve the object in view and which it is certainly premature for this House to be called upon to accept.

**Sir Hari Singh Gour :** Sir, we have spent the whole day over the discussion of this very short Bill, and I am very sorry to find that no one on the Government Benches has yet explained how that phrase King's Counsel found its place in the Act of 1927. It was up to the Honourable the Home Member to explain what he intended by that phrase in the Act of 1927. That Act was intended to classify the legal practitioners in India and there is a provision in that very Act that the High Court shall enrol legal practitioners in the following order : amongst them occurs King's Counsel. He is the author of that Bill and it was up to him to explain what he meant by putting into the Bill of 1927 an imaginary entity. The Act of 1927 was intended to give effect to the declaration made by the Indian Bar Committee and accepted by the Government of India that the Indian Bar shall be an autonomous Bar. Autonomous Bar means that from top to bottom it will have an individuality and independence of its own. That was the underlying purpose of the Act of 1927.

I, therefore, submit that all the discussion, that has proceeded to-day,—shall we have King's Counsel in India or should we not have King's Counsel,—is entirely beside the mark. You have got it here on the statute of 1927 and what do you mean by it ? The Honourable the Home Member knew full well the weakness of his case and consequently he put up the Legal Secretary, relying fully upon his characteristic frivolity and irrelevance ; and not having any reply to give, all that he did say was

that his head was somewhat muddled on account of the financial crisis and that I should interrupt him as often as I liked so that his speech might be a short and inconclusive one. That, I submit, is all the reply that he has given. He has not been able to take the bull by the horns, which I expected him to do, and the only answer I can give is that my case is unanswerable. My friend refers to a meeting of the Calcutta Bar, overlooking the Resolution of the Bar Association of the Calcutta High Court.....

**Sir Lancelot Graham :** I read out the Bar Association's Resolution.

**Sir Hari Singh Gour :** The Bar Association has supported the Bill ; one point they made was that they were anxious to get English silk and not any Dominion silk. As a member of the Calcutta Bar, I can quite sympathise with their feelings. For the last twenty years the Calcutta Bar has been struggling for the distinction of getting English silk as distinct from local silk, and it is on that account that they oppose this Bill, except on the ground they say that, " If we get English silk then we are satisfied and we will support the Bill ". But neither the Calcutta Bar nor anybody nor any Judge has yet explained how you are going to make the provisions of the Act of 1927 effective, unless you define King's Counsel. My friend, Sir Lancelot Graham, says, " Oh ! you are taking away the privilege of the members of the English Bar who have been entitled to practise in India under the provisions of the Act of 1927 ". No Member who had anything to do with the Act of 1927—and I happened to be one of them because I took part and collaborated with the Government through all its stages including Select Committee—if I had once dreamt that there was a secret intention on the part of the Government to let in English King's Counsel under this clause and give them pre-eminence and superiority over Indian counsel, I would have been the last person to sign the report of the Select Committee which culminated in the enactment of this Act. I say if there was any Machiavellian design intended to entrap this House in 1927 by placing upon the Statute-book a terminology which I find is placed there with the secret intention to allow any English King's Counsel and place them in superiority over Indian barristers and Indian advocates, irrespective of their seniority and standing, then I submit that this House has not been a willing Legislature and has not willingly accorded its sanction to the Act of 1927. I cannot ascribe to the Government of that day that intention, and I must therefore feel that the Act of 1927 was an honest Act designed and constructed to give effect to the policy of the Government of India that the Indian Bar shall be a self-contained Bar. That, I submit, is the Act of 1927 and every patriotic Indian, who feels that this country should not be left in a position of subordination, will vote for this motion, regardless of what may happen in the Round Table Conference. We are always told, " Wait till the Round Table Conference ". Will the Honourable the Home Member assure us that he will withhold his Press Bill and his Foreign Relations Bill till the result of the Round Table Conference is known ? Here is a fair offer ; if he is willing to withhold his Bills, I am going to withdraw mine. (Laughter.) And as my friend, Mr. Elliott, says, ask him to include the Budget also. It is all very well to say that, when you do not want us to do anything, we should wait for the Round Table Conference. We have waited for four years, from 1927 till now ; we cannot wait any longer and I therefore press my motion.

**Mr. President :** The question is :

“ That the Bill further to amend the Indian Bar Councils Act, 1926 (Amendment of Section 2), be referred to a Select Committee consisting of the Honourable the Home Member, Sir Muhammad Yakub, Mr. B. R. Puri, Mr. Lalchand Navalrai, Mr. A. Hoon, Mr. T. N. Ramakrishna Beddi, Mr. Muhammad Muazzam Sahib Bahadur, Mr. Gaya Prasad Singh, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

The Assembly divided :

AYES—29.

Abdur Rahim, Sir.  
Aggarwal, Mr. Jagan Nath.  
Anwar-ul-Azim, Mr. Muhammad.  
Azhar Ali, Mr. Muhammad.  
Bhupat Singh, Mr.  
Chinoy, Mr. Rahimtoola M.  
Daa, Mr. B.  
Dutt, Mr. Amar Nath.  
Gour, Sir Hari Singh.  
Harbans Singh Brar, Sirdar.  
Ismail Ali Khan, Munwar Hajee.  
Jha, Pandit Ram Krishna.  
Jog, Mr. S. G.  
Kyar Myint, U  
Lalchand Navalrai, Mr.

Maswood Ahmad, Mr. M.  
Pandit, Rao Bahadur S. R.  
Patil, Rao Bahadur B. L.  
Puri, Mr. B. R.  
Puri, Mr. Goswami M. R.  
Rajah, Raja Sir Vasudeva.  
Reddi, Mr. P. G.  
Beddi, Mr. T. N. Ramakrishna.  
Sen, Pandit Satyendra Nath.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Suhrawardy, Sir Abdullah.  
Thampaa, Mr. K. P.  
Tun Aung, U

NOES—45.

Abdoola Haroon, Seth Haji.  
Abdul Qayum, Nawab Sir Sahibzada.  
Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
Anklessaria, Mr. N. N.  
Azizuddin Ahmad Bilgrami, Qazi.  
Bajpai, Mr. R. S.  
Banerji, Mr. Rajnarayan.  
Clerar, The Honourable Sir James.  
Dalal, Dr. R. D.  
DeSouza, Dr. F. X.  
Dyer, Mr. J. F.  
Fazl-i-Hussain, The Honourable Khan Bahadur Mian Sir.  
Fox, Mr. H. B.  
French, Mr. J. C.  
Graham, Sir Lancelot.  
Griffiths, Mr. G. I.  
Heathcote, Mr. L. V.  
Hazlett, Mr. J.  
Howell, Mr. E. B.  
Ishwarsingji, Nawab Naharsingji.  
Knight, Mr. H. F.  
Lal Chand, Captain, R. B.

Lall, Mr. S.  
Leach, Mr. F. B.  
Misra, Mr. B. N.  
Montgomery, Mr. H.  
Moore, Mr. Arthur.  
Mukherjee, Rai Bahadur S. C.  
Parsons, Mr. A. A. L.  
Rafuddin Ahmad, Khan Bahadur Maulvi.  
Rai, The Honourable Sir George.  
Rajah, Rao Bahadur M. C.  
Rama Rao, Rai Bahadur U.  
Row, Mr. K. Sanjiva.  
Roy, Mr. S. N.  
Sahi, Mr. Ram Prasad Narayan.  
Sams, Sir Hubert.  
Scott, Mr. J. Ramsay.  
Sher Muhammad Khan Gakhar, Captain.  
Shillidy, Mr. J. A.  
Studd, Mr. E.  
Sykes, Mr. E. F.  
Tait, Mr. John.  
Todd, Mr. A. H. A.  
Young, Mr. G. M.

The motion was negatived.

**Mr. President :** I understand that it is the general desire amongst non-official Members that we should adjourn now till Saturday. (*Several Honourable Members :* “ Yes, yes ”), and take up a Resolution on the statement made by the Honourable the Finance Member. That being so, I adjourn the House till 11 o'clock on Saturday.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 26th September, 1931.