

Monday, 3rd April, 1939

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THE
COUNCIL OF STATE DEBATES

VOLUME I, 1939

(23rd January to 18th April, 1939)

FIFTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1939

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COUNCIL OF STATE.

Monday, 3rd April, 1939.

The Council met in the Council Chamber of the Council House at Eleven of the the Clock.

(Preceded by the Mace, the Honourable the President entered the Chamber and took his seat.)

PRESENTATION OF A MACE TO THE COUNCIL OF STATE BY THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA.

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar : Non-Muhammadan) : Mr. President, I beg, in all humility, to request you to accept this Mace for the Council of State as a token of my high esteem for the House and yourself—its first non-official President.

Sir, the House of Darbhanga has been represented in this House ever since it has been established and I can claim that I have been familiar with its atmosphere for a much longer period than since it has been my privilege to have a seat in this House. It has already earned its reputation for sobriety and soundness and notwithstanding its limitations has amply justified its existence. Now that second chambers have been established in several provinces the character, dignity and conduct of this House are bound to influence them and I am sure it will leave a rich legacy to its successors when the Federal part of the constitution comes into operation. Whatever the critics may say, Federalism and bi-cameralism go together ; and if we dispassionately look at the second chambers functioning throughout the world we will notice that no State, irrespective of its form and government, whether federal or unitary, monarchical or republican, presidential or parliamentary, constitutionally flexible or constitutionally rigid, is willing to dispense with a second chamber. Each country has evolved it to suit its own conditions. Federated India will do the same ; and I trust that in doing so it will look back upon the high traditions established by this House with pleasure and pride.

Sir, a Mace is the symbol of authority and I always felt that this outward mark of power, dignity and respect for procedure should be present in the oldest second chambers in this country. I therefore heartily welcomed the proposal which you made to me in March last year about presenting one to this House. It is again largely due to the valuable help and guidance I have received from you that I am able to perform this ceremony today. You were kind enough not only to obtain the permission of His Excellency the Viceroy for the presentation of this Mace and through His Excellency that of His Imperial Majesty the King Emperor for getting it made after the Mace used by the Lord Chancellor in the House of Lords but also to take a keen interest in getting it perfectly made. For all these I am deeply beholden to you. But if I may say so, apart from these, what may be called personal considerations,

[Sir Kameshwar Singh of Darbhanga.]

I have found in you a President, who has played a very important part in maintaining, nay raising, the respect for the House in the hearts of all concerned and has earned for himself a name for impartiality and justice and courtesy. I am therefore particularly happy to find you here to accept it.

Sir, on an occasion like this I feel that I shall be failing in my duty if I do not express my heartfelt gratitude to His Imperial Majesty and His Excellency for the favours shown by them and thank Sir Howard D'Egville, the distinguished Secretary of the Empire Parliamentary Association, London, for supervising the making of the Mace and assisting the makers Messrs. Goldsmiths and Silversmiths in getting access to St. Stephen's.

Sir, in praying that this humble gift of mine be accepted I hope that it will receive the same respect which Maces in other Houses of Parliaments receive. (Applause.)

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Mr. President, the Mace was originally a weapon of offence capable of breaking through the strongest armour. The prototype of the ceremonial Mace which the Honourable Maharaja Bahadur of Darbhanga is presenting to this House has gathered round it other associations during the course of centuries of political struggle and is no longer an emblem of the might of force but is, on the contrary, a symbol of a different political philosophy—ordered freedom through self-governing institutions.

It is but right and proper that at this critical moment in the world's affairs, when some powerful nations are reverting to the principles and practices of state craft that have disfigured so much of human history, we in this House should proclaim our faith in the vitality of democratic institutions and in the settlement of differences through rational argument and peaceful negotiation, by adopting a symbol which protects the person of the Speaker or President, maintains his dignity and upholds the rights and privileges of parliamentary institutions.

Today's ceremony will remind us, lest we forget, that we are here for public service to be faithfully discharged without fear or favour, that the freedom of speech that we enjoy within the precincts of this Chamber in the advocacy of causes which we hold dear, has for its main purpose the reign of justice in its widest significance and that all that tends to divide races and religions into hostile camps is a grave menace to the cause of free institutions and to the growth of human liberty.

May the Legislatures in India grow from strength to strength drawing within their fold all that is best and wisest among the peoples who inhabit this ancient land, and may today's symbolic ceremony strengthen us in our determination to oppose that ideal of the State which makes force the arbiter of our destiny. (Applause.)

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Leader of the Opposition): Sir, the Honourable the Leader of the House has not left much for me to say. I endorse all what he said. I feel grateful to our esteemed friend and colleague the Honourable Maharajadhiraja Bahadur of Darbhanga for his kindness in presenting this House with a Mace which is a sign of dignity and power. Sir, it is also a matter of pleasure for all of us to find that this exalted Member of our Chamber has by presentation of the Mace increased the dignity of this House. This illustrious House of Darbhanga is well known in India for its philanthropy and charities. I also join in the

wish of the Honourable the Leader of the House that God may give us power and strength to safeguard the interests of our country and to discharge our duty in the Legislature without fear or favour. I again congratulate and thank the Maharajahdiraj for his kindness in presenting this Council with a Mace and also our Honourable President at whose instance it was done. We feel deeply grateful to His Imperial Majesty the King Emperor and His Excellency the Viceroy for the permission to accept this Mace.

THE HONOURABLE MR. RAMADAS PANTULU (Leader of the Congress Party) : Sir, it gives me great pleasure to associate myself on behalf of the Congress Party, in this Chamber, with this felicitous and solemn function. The pleasure is all the more genuine for the gift of the Mace comes from a distinguished colleague of ours. The Darbhanga House has been represented in this Chamber by its Rulers, as elected representatives of their constituency ever since the inception of the bi-cameral legislature under the Government of India Act, 1919. Indeed, the parliamentary associations of the Darbhanga Raj are even older than the birth of the Council of State for the late Sir Rameswar Singh, the illustrious father of the donor of the Mace, was for many years also a Member of the old Supreme Legislative Council of India. There is thus something very appropriate in the present Maharajahdiraja of Darbhanga presenting this House with a well-known emblem of parliamentary dignity and authority. I wish to convey to him our sense of deep gratitude for his generous and magnificent gift.

To us in India who wish to develop a parliamentary system of government on the British model the Mace must signify much more than the prestige and powers of the legislature. It must be looked upon as a true symbol of real democratic traditions the supremacy of right over might and an emblem of liberty and fraternity. Let us recall one notable incident in the history of the Mace of the British House of Commons. 285 years ago on the 19th of April, 1653, the Mace was removed from the House of Commons by an order of Dictator Cromwell who as you know called it a bauble. But the British democracy put it back in its place in less than three months on the 8th day of July the same year. Let us hope and trust that the Mace installed today in the Upper Chamber of India's Parliament will similarly symbolise the true spirit of democracy in times to come and that no dictator will ever be allowed to lay his hands on it.

Sir, while the safe custody of the Mace is in the hands of an officer of the House—sergeant-at-arms—who will no doubt be appointed soon for this House, the maintenance and defence of the dignity and authority of the Mace is in the hands of the House and you, Sir, represent the House in that behalf. You, Sir, like the members of the donor's family possess a long and unbroken record of distinguished connections with the Indian Legislature almost dating back to its historic beginnings. As the first non-official President of this Chamber which office I know you accepted at considerable sacrifice and solely actuated by a desire to serve the Legislature with which you have been so long and well associated, you spared no pains to preserve and uphold the rights and privileges of this Chamber and no section of this House can withhold its tribute to you as the zealous custodian of the dignity and prestige of this House. You always stood firm in your advocacy of equal rights and equal attention to the Upper House in the Central Legislature and if we have secured today even partially such rights and attention, it is mainly through your efforts. It is therefore, Sir, in the fitness of things that this Mace should be installed in your term of office as the President and that you should be the recipient of the gift on behalf of the House. Parliamentary institutions have come to stay in India

[Mr. Ramadas Pantula.]

and two provincial legislatures are already said to possess a Mace. But the significance of the Mace in this House will be much greater. The ceremony of the presentation of this Mace today will, I hope, be regarded as a landmark in the parliamentary history of India.

Sir, while we heard a great deal about the ceremonial significance and pacific functions of the Mace we have also heard something awe-inspiring about it. We understand that the sergeant-at-arms can arrest Members with the Mace without any written authority and that when the Speaker is accompanied by the Mace he has powers to order Members into custody without previous order of the House for disrespect and other breaches of privileges committed in his presence and so on. But we entertain no such fears for in the first place we are by tradition and temperament a very law-abiding lot and this House even without a Mace is already the home of dignity and prestige and in the next place in you we have a President, who through tact, patience and courteous handling can enforce order without resort to any disciplinary measures. We are further greatly relieved to know that even if you are succeeded by a less tactful and more severe Speaker in future, the Mace in England does not vest in the Speaker of the House of Lords the same plenary powers that it vests in the Speaker of the House of Commons. If the British Parliamentary practice is adopted here, then in the enforcement of the rules for maintenance of order the President of the future Council of State like the Speaker of the House of Lords will depend more largely upon his ability to secure the concurrence of the House in his opinions by his own personal weight and the dignity of his office than on the powers associated with the Mace. In other words, the tradition set up by you in regard to the conduct of the proceedings in this House will be continued with the added dignity imparted by the Mace to your office.

The Council of State is destined to play a great and useful part in a genuine Federal Legislature which is bound to be set up with the full consent and concurrence of the people of this country at no distant future. As the traditions of the House in its future role in the constitution of a self-governing India grow, I have no doubt that the wisdom and foresight of those to whose initiative and effort the Mace owes its origin will be sincerely appreciated and reverentially remembered.

*THE HONOURABLE MR. HOSSAIN IMAM (Leader of the Muslim League Party): Mr. President, on behalf of my Party I wish to associate myself and the Party in all that has been said by the previous speakers. We, Sir, realise the importance of presentation of the Mace and we are grateful to the Honourable Maharajadhiraj of Darbhanga for having made up this deficiency commensurate with the dignity and the position enjoyed by this House. The Leader of the House has very appropriately pointed out its significance as an emblem of the authority of the people and democracy, and as such we all welcome it as signifying the establishment of some sort of parliamentary government in India.

Sir, we are grateful to the Honourable the Maharajadhiraj.

THE HONOURABLE RAJA CHARANJIT SINGH (Nominated Non-Official): Sir, on behalf of the nominated Members I congratulate the Council and you, Mr. President, on our having a Mace which is the symbol of authority. It is a matter for gratification that we are following the precedent

* Not corrected by the Honourable Member.

of the Mother of Parliaments and we are grateful to His Imperial Majesty the King Emperor and His Excellency the Viceroy for very kindly permitting our Honourable friend and colleague the Maharaja of Darbhanga to present this Mace, and we express our sincere thanks to him for this gift.

THE HONOURABLE MR. R. H. PARKER (Leader of the European Group) : Sir, I have a very vivid memory of my first visit to the Houses of Parliament in London. The three things I remember being impressed with most were the Speaker, the Mace, and Lord Rosebery, to whom I was introduced as I passed through the lobby and I felt very honoured. I do think that my Honourable friend the Maharaja of Darbhanga has done a very noble thing in carrying this suggestion out, and on behalf of the European Group I would like to express our high appreciation of the regard he has shown for you, Sir, and this House by giving this Mace today.

(The Honourable the President then stepped down from his Chair on to the floor of the House and standing in front of the Mace, which lay on a table, addressed the Honourable the Maharaja of Darbhanga, who stood facing him.)

THE HONOURABLE THE PRESIDENT : Honourable Maharaja of Darbhanga, I accept your generous gift on behalf of the Honourable Members of the Council of State and their successors in office, with the permission of His Imperial Majesty the King Emperor of India, obtained through His Excellency Marquis of Linlithgow, the Viceroy and Governor General of India.

(The Honourable the President then touched the Mace in token of acceptance and loyalty and saluted it.)

THE HONOURABLE THE PRESIDENT : Let the Mace be installed in its proper place now.

(The Honourable the Maharaja of Darbhanga and the Honourable Raja Charanjit Singh then installed the Mace in its place, the Honourable the President saluted it again and went back to his Chair.)

THE HONOURABLE THE PRESIDENT : Honourable Members of the Council of State, one of my long-standing ambitions to see that this House owns a Mace has reached its fruition today. I have been connected with the Indian Legislature for nearly thirty-two years and during the latter part of this period I have been for over six years as President of the Council of State, and it has always been my keen desire to see that this august House—the supreme chamber in India—should have its prestige and dignity suitably raised and be placed on a footing of Parliamentary status as in the case of the Mother of Parliaments. I have ceaselessly striven to introduce and establish since I have been the President of the Council of State not only parliamentary traditions within the sphere of our activities but now by the introduction of a Mace in this House—which is the gift of a generous Member of this House—we are today taking a step forward in the direction of obtaining parliamentary equipment for this House. I know that you will attach considerable and significant importance to today's brief ceremony in placing a Mace in this House which we all realise is not only a regal emblem of power and authority, but a symbol of deep loyalty and which also confers solemn dignity and additional prestige to the House. We are all deeply indebted and grateful to our esteemed friend

[Mr. President.]

and colleague the Honourable Sir Kameshwar Singh, Maharajadhiraja of Darbhanga, for his generosity in presenting this Mace which I may say is a replica of one in the House of Lords. The Maharajadhiraja has been a nominated Member of this House for several years and latterly an elected representative of an important constituency, and I readily and thankfully accepted his offer some time ago of presenting a Mace to the Council of State. The noble Maharajadhiraja like his late revered father is distinguished for his liberality and it is in the fitness of things that out of a generous heart he should present the Mace which he felt that this House ought to possess and which would enhance its importance and dignity and reflect on the solemnity of our proceedings. I could not take advantage of his kind offer without soliciting the permission of His Excellency the Governor General as I am very pleased to state that His Excellency who has since his appointment to the exalted office of the Governor General has taken a deep interest in the affairs of the Central Legislature and who has shown much regard for all parliamentary traditions and constitutional principles readily and graciously authorised me to accept the offer of the Maharajadhiraja of Darbhanga, but as the Mace which you see here today is the replica of the House of Lords in England it could not be placed in this House without the express permission of His Imperial Majesty the King Emperor. His Excellency the Governor General gladly undertook to obtain the permission of His Majesty and he very kindly did so when he had the audience of His Majesty during his brief visit to England last summer, and we are therefore profoundly grateful to His Excellency the Governor General for kindly obtaining the necessary permission of His Imperial Majesty for the Council of State to possess a Mace similar to one in the House of Lords. I also highly appreciate the reference made by the Maharajadhiraja to Sir Howard d'Egville for the valuable assistance rendered by him in this connection. I am also grateful to the Honourable Sir Kameshwar Singh and others for their kindly reference to my work. It is needless at this juncture to recount the history of the earlier ceremonial Maces beyond stating that in England they were introduced by Richard I. In the House of Commons the Mace is said to have been introduced in 1649 and which is the one at present in use there, but certain portions of which were replaced by one with regal symbols at the Restoration. In the House of Lords there are two Maces placed there, the earliest dating from the reign of William III.

I may mention here that I feel today is the proudest day of my life, as in my capacity of President I am privileged to perform this brief ceremony of accepting this Mace for installation in our exalted Chamber, and I know all Members who have the honour to be either nominated or elected to this premier House will take just pride in this most beautiful and majestic emblem of power and authority and resolve both individually and collectively in future to maintain and support its dignity. I have the fullest confidence that you will all enthusiastically and zealously guard its prestige and its position, which doubtlessly after all is truly your own prestige and position. As you are fully aware that in the great country of England from time immemorial a Mace is borne to the House before the commencement of the work as an emblem of justice for the exercise of its power and prerogative. Pray allow me to state that today in placing this Mace in this House we are indirectly undertaking to shape the policy of this House on the model of the British Parliament and let this Mace remind you of the past glory and traditions of parliamentary practice and procedure and that in future you all, Honourable Members, will consider your

sacred duty to work in this House on the same traditional system adopted in the British Parliament and follow the noble, just and ancient traditions of that House. Let everyone of us and our successors resolve today that the placing of this regal symbol in this House is an exhortation to all of us to maintain and preserve the great dignity of parliamentary life in the capital of India and to carry on our deliberations as men in power who shall constantly work with due respect to constituted authority and in conformity to our allegiance to the Crown, and finally, I now appeal to the Honourable Members of this House that they will ever stand together as defenders of the Mace which it is my proud privilege to commit to your solemn charge today. (Loud Applause.)

The Council then adjourned till Eleven of the Clock on Tuesday, the 4th April, 1939.