

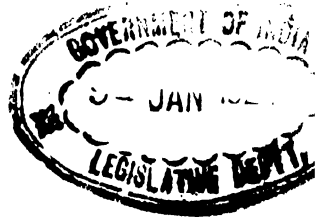
19th July, 1923

THE  
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

VOL. III

PART VII



(16th to 28th July, 1923.)

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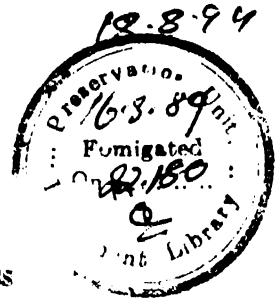
THIRD SESSION

OF THE

LEGISLATIVE ASSEMBLY, 1923.



SIMLA  
GOVERNMENT CENTRAL-PRESS  
1923



# LEGISLATIVE ASSEMBLY.

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## *The President.*

The Honourable Sir FREDERICK WHYTE, KT.

## *Deputy President.*

Sir JAMSETJEE JEEJEEBHOY, BART., K.C.S.I., M.L.A.

## *Panel of Chairmen.*

Maulvi ABUL KASEM, M.L.A.

Sardar Bahadur GAJJAN SINGH, M.L.A.

Mr. N. M. SAMARTH, M.L.A.

Colonel Sir HENRY STANYON, KT., C.I.E., V.D., M.L.A.

## *Secretary.*

Mr. L. GRAHAM, M.L.A., I.C.S.

## *Assistants of the Secretary.*

Mr. W. T. M. WRIGHT, I.C.S.

Mr. S. C. GUPTA, BAR.-AT-LAW.

Mr. G. H. SPENCE, I.C.S.

## *Marshal.*

• Captain SURAJ SINGH, Bahadur, I.O.M.

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# LEGISLATIVE ASSEMBLY.

Thursday, 19th July, 1923.

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

## QUESTIONS AND ANSWERS.

### INCOME-TAX AT DERA ISMAIL KHAN.

274. \*Dr. Nand Lal : 1. Is Government of India aware that the citizens of Dera Ismail Khan (North-West Frontier Province) called a public meeting at which it was complained that the Income-tax Department was raising taxes indiscriminately and exorbitantly and assuming awfully high profits percentage ?

2. Has Government of India received any resolution or complaint by telegraph or otherwise relating to the grievances alluded to in Question No. 1 ?

3. If the answer be in affirmative, will Government of India be pleased to state as to what action they have taken to redress the grievances of the citizens of Dera Ismail Khan in connection with their complaint against the Income-tax Department ?

**The Honourable Sir Basil Blackett :** The Government of India are aware that a public meeting was held ; but they have received no communication on the subject.

### INCOME-TAX AND APPEALS AGAINST AT AMRITSAR.

275. \*Dr. Nand Lal : Will the Government of India be pleased to lay on the table a statement showing the number of such income-tax and super-tax cases (a) in which the income-tax assessed, at Amritsar, amounted to more than rupees ten thousand in each case, in years 1920-21 and 1921-22 ; (b) giving the total number of appeals preferred in such cases ; (c) giving total number of appeals accepted in such cases ?

**The Honourable Sir Basil Blackett :** The information is being obtained and will be supplied to the Honourable Member in due course.

### INCOME AND SUPER-TAX.

276. \*Dr. Nand Lal : 1. Is it a fact that the years 1920-21 and 1921-22 were bad ones so far as the trade in general and piece-goods in particular are concerned ?

2. Is it a fact that before 1920-21 the amount of the income-tax and super-tax received by the Government did not exceed two lacs ?

3. Is it a fact that the amount of income-tax and super-tax, for the year 1920-21 approximately amounted to 13 lacs ?

4. Will the Government of India be pleased to state the total amount of the income-tax and super-tax (a) assessed (b) realized by the Government in the following years separately :

- (1) 1919-20.
- (2) 1920-21.
- (3) 1921-22.

5. Will Government of India be pleased to enlighten this Assembly as to what are the causes of the increase in the last two years ?

**The Honourable Sir Basil Blackett :** (1) I am informed that on the whole the years in question were not good ones for trade generally or for the piece-goods trade in particular.

(2), (3) and (4). The information is being obtained and will be supplied to the Honourable Member in due course.

(5) The explanation is previous under assessment.

**Dr. Nand Lal :** Will the Honourable the Finance Member be kind enough to enlighten this Assembly as to why there is an increase in the aggregate total of the income-tax realized in the teeth of the fact that there is stagnation in trade and the people of Amritsar, so far as their business goes, seem to be thrown out ?

**The Honourable Sir Basil Blackett :** I think the House was enlightened by my last answer, which I hope will now enlighten the Honourable Member. The explanation is previous under assessment.

#### DISCONTENT AMONG INCOME-TAX ASSESSEES AT AMRITSAR.

277. \***Dr. Nand Lal :** 1. Is the Government of India aware of the great discontent prevailing amongst the income-tax assessees at Amritsar ?

2. If the answer to this question be in affirmative then will Government of India be pleased to state as to what steps they have taken to remove that discontent ?

**The Honourable Sir Basil Blackett :** Some discontent was manifest in the earlier part of 1922 but appears now to have disappeared.

#### CASUALTIES, CONVICTIONS, ETC., AMONG MOPLAHS.

278. \***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state :

- (a) Total number of Moplah casualties during Martial Law in Malabar ?
- (b) Total number of Moplahs convicted during Rebellion Period and thereafter in connection with Malabar Rising ?
- (c) Total number of Moplahs who were awarded *Capital* punishments for participation in Malabar Rebellion, the number of them who have been hanged, and the number of those whose *Capital* punishments have been transmuted to various terms of imprisonments ?
- (d) The exact period for which Martial Law lasted in Malabar ?
- (e) Total number of Moplahs wounded during Malabar disturbances in various encounters with the Military and the Police ?

**The Honourable Sir Malcolm Hailey :** (a) and (e). Killed 2,339, wounded 1,652. In addition 5,955 were captured ; and 39,348 surrendered to the military or to the police voluntarily.

(b) and (c). The information has been called for and will be supplied when available.

(d). Six months.

REVENUE FROM UNIFIED STAMPS ON PROMISSORY NOTES.

279. \* Rao Bahadur C. S. Subrahmanayam : (1) Will the Government be pleased to state whether any account is kept of the revenue derived from the use of unified stamps on promissory notes and receipts ? If so, what is the amount realized from these sources in 1920-21, 1921-22 and 1922-23 ?

(2) If not, has the Government been able to estimate the amount of unified stamps used annually on promissory notes and receipts ?

(3) Will the Government be pleased to state to which head of receipts is the value of stamps used on promissory notes and receipts credited ? Is it credited to Posts and Telegraphs ?

**The Honourable Sir Basil Blackett :** (1) and (2). No.

(3) The sale proceeds of unified postage and revenue stamps are credited to the head " Posts and Telegraphs ", but a fixed amount based upon the net profit from the sales of unified stamps used for revenue purposes over a period of years is transferred annually from this head to the credit of each province.

**Mr. N. M. Joshi :** May I ask when the new Stamp Act is passed whether there will be separate stamps or postal stamps used for that purpose ?

**The Honourable Sir Basil Blackett :** I understand it is proposed to continue using the unified stamps.

**Sir Deva Prasad Sarvadhikary :** Would the Government please state what the basis of the division among the provinces is ?

**The Honourable Sir Basil Blackett :** For the purpose of estimating the amounts to be paid by the Post Office on account of unified stamps used for revenue purposes returns of sale proceeds of one anna receipt stamps for the 20 years 1885—1905 were split up into groups of 5 years and the average taken of each group. The percentage of the increase of these average sales over the average sales of the preceding period was calculated and the mean taken of these percentages. The amount to be transferred was estimated at the average sales of the last five-yearly period increased by this mean percentage. This calculation was made separately for each province.

**Sir Deva Prasad Sarvadhikary :** And are the provinces satisfied with the results of such calculation, or does Government propose to take into consideration their demands and make a more liberal division ?

**The Honourable Sir Basil Blackett :** As soon as the new Act becomes law it will be necessary and it is the intention of the Government to recalculate the percentages in order to give the provinces the benefit of the increased duty.

SALARIES OF MILITARY ASSISTANT SURGEONS.

280. \* Lieutenant-Colonel H. A. J. Gidney : Will the Government of India be pleased to refer to the answer given to Question No. 585 asked

by Rai Bahadur S. P. Bajpai on the 22nd September 1921, and state (a) Whether the proposals for increase of salary have been put into operation for all Military Assistant Surgeons in Civil Medical Employ in the various Provinces? (b) If the answer is in the negative, will the Government be pleased to state what Provinces have not put these into effect?

PAY OF MILITARY ASSISTANT SURGEONS, UNITED PROVINCES.

281. \*Lieut.-Colonel H. A. J. Gidney : (1) Is the Government aware of the fact that increments of pay to Military Assistant Surgeons of the I.M.D. have not been sanctioned by the United Provinces Government, in the same terms as have been granted by other Provincial Governments?

(2) Will the Government be pleased to state if it is a fact that, it was on its recommendation after being consulted by the United Provinces Government that this distinction has been made between Military Assistant Surgeons now employed by the United Provinces Government, and those employed by other Local Governments?

Mr. M. S. D. Butler : With your permission, Sir, I will answer questions 280 and 281 together. When the answer referred to by the Honourable Member in his question No. 280 was given it had not been realised that under the reformed constitution it rested with Local Governments to decide whether they would employ military assistant surgeons in their civil medical department and what salaries should be paid to them if they were so employed. The Government of the United Provinces claimed their rights in this matter. As a result of correspondence the position now reached there is that civil assistant surgeons holding the post of civil surgeons are paid at the rate of Rs. 600—50—900 with a selection grade of Rs. 1,000; whereas military assistant surgeons holding the same posts will, subject to the vote of the local Legislative Council, be paid as follows provided they possess registrable qualifications :

	Rs.
(a) When they had reached the 1st grade of military assistant surgeons before appointment as civil surgeons .. .. .	600—50—1,000
(b) When they had reached the 2nd grade of military assistant surgeons when they were appointed civil surgeons .. .. .	500—25—600—50—1,000
(c) When they had reached the 3rd grade of military assistant surgeons when appointed civil surgeons .. .. .	400—25—600—50—1,000

Somewhat lower rates will be fixed for officers not possessing registrable qualifications who may be appointed civil surgeons. Such officers will be restricted to a maximum salary of Rs. 800.

It will thus be seen that, subject to the vote of the Legislative Council, military assistant surgeons who possess registrable qualifications



will stand practically on the same footing as civil assistant surgeons. For the rest the matter concerns the Local Government and I would refer the Honourable Member to the proceedings in the Legislative Council of the United Provinces of the 15th of March 1923 for a statement of the position.

**Lieut.-Colonel H. A. J. Gidney** : Will the Honourable Member in charge, Sir, kindly tell me why, with two classes of Service doing the same kind of work, a difference in pay should be made ?

**Mr. M. S. D. Butler** : The one class of officer has registrable qualifications, and the other has not ; and the Local Government, in pursuance of their rights, have decided to pay them differently.

**Lieut.-Colonel H. A. J. Gidney** : If the Honourable Member's answer is to be accepted, and I do so, Sir, is there any reason which Government can assign for paying less for the market value of the degree of the Department ?

**Mr. M. S. D. Butler** : If that is a fact, the Honourable Member would do well to have the point pursued in the local Legislative Council.

**Mr. W. M. Hussanally** : Is it a fact that the qualifications of Military Assistant Surgeons are lower than those of Civil Assistant Surgeons ?

**Mr. M. S. D. Butler** : Those who possess registrable qualifications are on the same footing, and those who do not possess them naturally have lower qualifications.

PROTECTION BY CENTRAL GOVERNMENT OF I.M.D.

282. \* **Lieut.-Colonel H. A. J. Gidney** : Is the Government aware of the fact that the I.M.D. as a service, is an all-India Service, and that its future prospects depend largely on the protection afforded it by the Central Government ?

**Mr. M. S. D. Butler** : The Indian Medical Department is not an all-India Service as defined by the rules under section 96-B (2) of the Government of India Act. Members of the Indian Medical Department, when transferred for service under a Local Government, form part of the provincial medical services and are under the control of the Local Government.

**Lieut.-Colonel H. A. J. Gidney** : A supplementary question : Is it a fact that the pay of this Department is subject to the approval and the sanctioning authority of the Secretary of State ? If the answer is in the affirmative, I maintain, with all respect to the Honourable Member, that this is an all-India Service ?

**Mr. M. S. D. Butler** : An all-India Service is a Service defined as such under the rules which I have quoted, and I am afraid the Honourable Member's opinion to the contrary cannot get over that fact.

**Lieut.-Colonel H. A. J. Gidney** : Is it a fact that the orders of the Secretary of State which directed an increase of pay on equal terms to the Indian Medical Department and Provincial Civil Assistant Surgeons from the 1st April 1920 were so put into effect by the United Provinces

Government, that Provincial Civil Assistant Surgeons of 6 years' standing and over have benefited to the extent of Rs. 12,000 each, during the three years 1920—1923, while Indian Medical Department Civil Assistant Surgeons (who have British registrable qualifications and who do exactly the same work) of 10 - 18 years' service, have received nothing whatever for the same period ?

**Mr. M. S. D. Butler :** Sir, the Honourable Member is trying to put as a supplementary question, a question which has been disallowed by you.

**Lieut.-Colonel H. A. J. Gidney :** I have not put in a question ? If you will kindly answer.....

**Mr. M. S. D. Butler :** The Honourable Member has not taken in the reply which I gave to his first question. A member of the Indian Medical Department who, for his own benefit, takes service under a Local Government, thereby becomes subject to the control of that Government, and it is that Government which fixes his salary so long as he is in civil employ. If he remains on the military side of the department, then he remains under the Government of India.

**Lieut.-Colonel H. A. J. Gidney :** I think, Sir, with your permission I will ask a supplementary question again.—It is not a duplication of the one before.—Is it a fact, can the Honourable Member tell me, that this is accepted—and I claim no racial advantages but only equality of fitness, equality of treatment—that during the ensuing four years, 1923—27 provincial Civil Assistant Surgeons will receive Rs. 19,200 each, whereas the Indian Medical Department Civil Assistant Surgeons will only receive Rs. 3,900 each ? The provincial Civil Assistant Surgeons will therefore in seven years 1920—27 be benefited by Rs. 31,200 each, and the Indian Medical Department Civil Assistant Surgeons by Rs. 3,900 each ? Can the Honourable Member, if he cannot answer that question, kindly assure me that he will inquire into it ?

**Mr. M. S. D. Butler :** My contention is that this question of pay is a matter for the Local Government and not for the Government of India.

**Lieut.-Colonel H. A. J. Gidney :** May I ask another supplementary question—that during the period 1920—1923 several I. M. D. men in civil employ will draw less than their military grade pay—will the Honourable Member inquire into the matter from the Military Department, because this affects the pay of an all-India Service ?

**Mr. M. S. D. Butler :** If the Honourable Member wishes his calculations with regard to any particular officer checked I will be very glad to have this done ; but this decision as to the salary to be paid does not rest with the Government of India.

**Lieut.-Colonel H. A. J. Gidney :** Will the Government of India kindly give the matter their sympathetic attention ?

#### DIPLOMAS OF MILITARY ASSISTANT SURGEONS.

283. \* **Lieut.-Colonel H. A. J. Gidney :** (a) Will the Government be pleased to state whether Diplomas which are issued to Military Assistant Surgeons, are registrable qualifications or not ?

(b) Is the Government aware of the fact that Military Assistant Surgeons, holding these Diplomas, are often placed in independent charge of British units, when they carry out all the duties performed by R.A.M.C. Officers ?

(c) If the answer is in the affirmative, can the Government assign any reason, why Military Assistant Surgeons, in Civil employ, who possess these diplomas, are considered to possess inferior Medical qualifications to Civil Assistant Surgeons ?

**Mr. M. S. D. Butler :** (a) The Diplomas usually obtained by Military Assistant Surgeons are qualifications registrable in India.

(b) The occasions on which Military Assistant Surgeons are placed in medical and sub-medical charge of British units are few and in the main occur when small bodies of troops are moving by road or rail or are temporarily detached and a Royal Army Medical Corps officer is not available. Attention is invited to the replies given by Sir Godfrey Fell on 21st March 1921, to the Honourable Member's questions Nos. 516 and 517. A Military Assistant Surgeon has not the power to carry out all the duties performed by a Royal Army Medical Corps officer.

(c) The medical qualifications held by Civil Assistant Surgeons are in a majority of cases registrable in the United Kingdom, whereas in the case of Military Assistant Surgeons, the medical qualifications are registrable in India only.

**Lieut.-Colonel H. A. J. Gidney :** With all respect to the Honourable Member, may I ask whether he will be good enough to institute inquiries from the department and give me a subsequent answer on this, because I am afraid the reply given to (b) is not tenable, Sir, as far as the facts are concerned ?

**Sir Deva Prasad Sarvadhikary :** Is not the question of registrable qualifications a provincial question ?

**Mr. M. S. D. Butler :** What does the Honourable Member mean by a provincial question ?

**Sir Deva Prasad Sarvadhikary :** Do not the provinces deal with the question of qualifications for registration under their own Act so far as local registration is concerned ?

**Mr. M. S. D. Butler :** The registrable qualification in dispute in this case is a qualification registrable in the United Kingdom.

**Sir Deva Prasad Sarvadhikary :** Not in India ?

**Mr. M. S. D. Butler :** There are two kinds of qualifications. One is registrable in India. The diplomas which I have referred to are such. They are not registrable necessarily in the United Kingdom. The other qualification is registrable in the United Kingdom.

**Sir P. S. Sivaswamy Aiyer :** May I know whether Government will consider the *raison d'être* of the I.M.D. as a separate service ?

**Mr. M. S. D. Butler :** I think the Honourable Member should give notice of that question.

## I.M.D. IN CIVIL EMPLOY IN THE UNITED PROVINCES.

284. \*Lieut.-Colonel H. A. J. Gidney : Will the Government of India be pleased to state what steps they propose to take to remedy the present position of the I.M.D. in Civil employ in the United Provinces ?

Mr. M. S. D. Butler : The Government of India, as already explained, have taken such action as was deemed necessary to protect the interests of officers of the Indian Medical Department actually in civil employ in the United Provinces and are satisfied that their pecuniary interests will not suffer if the rates of salary proposed by the United Provinces Government are voted by the Legislative Council. For the rest, as already explained, the matter is within the competence of the Local Government.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member, in view of the facts that I have placed before him to-day, kindly make further inquiries in the matter ?

Mr. M. S. D. Butler : I have already stated that the Government of India have taken such action as was deemed necessary.

Lieut.-Colonel H. A. J. Gidney : I mean further action on the facts.

Mr. M. S. D. Butler : The matter now rests with the Local Government.

## UNIVERSITY FOR RAJPUTANA.

285. \*Sir Deva Prasad Sarvadhikary : Would the Government be pleased to state in what stage the question of an University for Rajputana now is and whether the Government proposes to take early steps for assisting in the formation of an University ?

Mr. Denys Bray : Official proposals on the subject have not yet been received by the Government of India. The question has been under consideration locally. It is understood that the proposals of those locally interested are likely to take more definite shape in August. The foundation of a University in Rajputana must depend largely on the support lent to the scheme by the Indian States.

Mr. Harchandrai Vishindas : Will Ajmer-Merwara be included in this Rajputana University if it is established ?

Mr. Denys Bray : It is a hypothetical question to me. I am rather chary of giving a definite answer. As the Honourable Member probably knows I am merely acting as the Political Secretary's spokesman in the matter.

## USE OF STATE PLANT AND MACHINERY.

286. \*Sir D. P. Sarvadhikary : Will the Government be pleased to state :

- (i) Whether any decision has been arrived at in connection with the recommendations of the Incheape Retrenchment Committee that plants and machineries of the Government for which there is no immediate Government use, partially or fully,

should not be allowed to be used by the outside public for private purposes and that a nucleus staff should be maintained for looking after the State plants and machineries while they are not fully or partially in Government use ?

- (ii) Whether the Government propose to allow user of such plants and machineries for private purposes, and if not, would the Government be pleased to state the objections in support of such non-user ?

**Mr. E. Burdon :** (a) and (b). I lay on the table a copy of a letter recently addressed by the Government of India to the Secretary, Associated Chambers of Commerce of India and Ceylon, Bombay, which explains fully the policy and intentions of Government in this matter.

*Copy of a letter from the Secretary to the Government of India, Department of Industries and Labour, to the Secretary, The Associated Chambers of Commerce of India and Ceylon, Graham's Buildings, Bombay, No. S-368, dated Simla, the 12th July 1923.*

**SUBJECT.—Government competition with private enterprise.**

I am directed to refer to the correspondence resting with your letter No. 565-A.G., dated the 17th May 1923, on the above noted subject, and to request you to convey to the Associated Chambers of Commerce the following observations of the Government of India on the subject of the Resolution passed at their meeting held on the 9th January 1923, dealing with certain transactions of the Ichapore Rifle Factory.

2. The Resolution states that the Association views with misgivings the action of the Ichapore Rifle Factory in making sales to the public, and asks the Government of India to declare its policy and to assure the Association that it is contrary to the policy of Government to compete with private enterprise. I am in the first instance to refer to the latter portion of the Resolution and to explain briefly the policy followed by Government in the matter of manufacture in ordnance factories. It is doubtless, unnecessary to explain at length the reasons which render it necessary to maintain ordnance factories in India. These factories have been instituted and maintained with the sole object of enabling munitions of war to be produced in India, and in order to make them fully effective it is necessary that their output should be capable, not only of supplying the peace-time requirements of the Army in India, but also of rapid expansion to meet an emergency consequent upon the occurrence of a state of war. The plant installed in these factories and the strength of the staff employed in them are regulated solely by this criterion. Starting from this basis it is incumbent upon Government in the interests of economy to ensure, as far as possible, that the plant and the nucleus staff are kept fully employed. It follows as a corollary that in time of peace, if the requirements of the Army do not suffice to keep the plant and staff fully employed, the ordnance factories should be allowed to execute orders for other consumers.

3. The policy of the Government of India has, therefore, mainly to be determined by the proposition explained in the preceding paragraph. At the same time they have always recognised the principle that the transactions of Government factories and workshops must be conducted in such a way as to interfere as little as possible with private enterprise. With this object in view the orders governing the transactions of the ordnance factories prescribe that the surplus output of the factories must be utilized as far as possible in supplying other Departments of Government and that supply to private consumers should be a last resort. Further the production by ordnance factories of articles required either by Government Departments or by private consumers is confined so far as possible to articles which are not manufactured by private enterprise in India. Finally, in order to guard against unfair competition, the maintenance of proper costing accounts and the fixation of fair prices for stores produced are also prescribed. I am to say in this connection that the costing accounts of the factories as now maintained have been certified to be on a correct basis by a firm of accountants of acknowledged reputation, namely, Messrs. Price, Waterhouse and Company.

4. Turning now to the particular case which gave rise to the Resolution referred to above, the Government of India doubt whether the facts were correctly placed before the Association. They observe that in the opening speech of the mover of the Resolution (Mr. N. F. Paton) the following statement occurs :

“ The indictment that has been laid before our Chamber is that the Ichapore Factory is now being utilized almost exclusively for the manufacture of brass sheeting for *lotas* working to the order of a prominent merchant and on a scale to keep the Factory's rolling mills fully engaged for about five years.”

This indictment is based on inaccurate information. The brass melting and rolling mills in the Ichapore Factory constitute only a part of the Factory and that part has to manufacture all the brass cartridge cases, gun and rifle, for the Army.

Mr. Paton further stated that according to the information given to the Bengal Chamber of Commerce, Government were believed to be buying brass scrap in England for the purpose of the order in question. This information was also incorrect. The brass which the Factory is rolling consists of brass cartridge cases which the firm concerned purchased from the Government of India and from surplus stock in India belonging to the British Government.

Mr. Paton also mentioned the manufacture in the Factory of shovels, electric fans and railway signalling material. Certain orders for these classes of stores have been taken from the Public Works Department, the Military Works Services and railways in accordance with the principle which has already been explained.

5. Finally, the Government of India consider that it would not be out of place to allude to another aspect of the question, since the discussion at the meeting of your Association appears to have seemed that manufacture in Government workshops is necessarily inimical to private enterprise. In the first place, many private manufacturing firms come to the ordnance factories for assistance in the manufacture of articles necessary for their own purposes, and it is believed that such firms, some at least of which are doubtless constituents of the Chambers of Commerce, would themselves acknowledge the advantage which they have derived from the establishment by Government of factories which are still the only institutions capable of turning out certain classes of material. Secondly, it is perhaps, unnecessary to remind the Association that the industrial policy of the Government of India is mainly directed towards the establishment in India of manufacturing industries which will, so far as is possible render the country self-supporting. Such a policy demands in some cases, as was clearly recognised by the Indian Industrial Commission, the establishment by Government of pioneer and demonstration factories. Several instances, of which the manufacture of cordite and machine-beltting are two, can be cited to illustrate the value of work performed in the ordnance factories in demonstrating the possibility of manufacture in India. Indeed, it was remarked by Mr. Paton himself in his speech that the only mills in India for rolling brass sheets are those belonging to Government. The statement made by him, to the effect that the Government undertaking was to the obvious detriment of industrial progress appears to the Government of India to ignore the aspect of the question to which allusion is made at the beginning of this paragraph. The Government of India consider, on the other hand, that they may fairly claim to have shown the way to private enterprise in the matter of training the Indian workmen and of establishing manufacture in important branches of metal working.

Copy forwarded to the Chief Controller of Stores, Indian Stores Department, for information.

#### STATUS OF ADVOCATE GENERAL BENGAL.

287. \*Mr. Harchandrai Vishindas : (a) Will the Government be pleased to state whether the Advocate General of Bengal is an official or holds office in the service of the Crown in India within the meaning of section 63-E or 80-B of the Government of India Act ?

(b) If the answer is in the negative will the Government be pleased to state the reasons ?

(c) If the answer is in the affirmative how is it that the Advocate General of Bengal is an *elected* member of the Bengal Legislative Council ?

**The Honourable Sir Malcolm Hailey** : The Advocate General, Bengal, is not a whole time servant of Government and therefore is not an official within the meaning of rule 2 of the Non-Official (Definition) Rules framed under section 134 of the Government of India Act. He is therefore not debarred under section 80B from standing for election to a legislative body.

#### LIABILITIES OF THE IMPERIAL BANK ON THE FAILURE OF THE ALLIANCE BANK.

**The Honourable Sir Malcolm Hailey** (Home Member) : Sir, with your permission I desire to make a statement to the House arising from certain misconceptions which have been brought to my notice in regard to yesterday's debate on the Alliance Bank. Those misconceptions are due to the fact that no other Member of the Executive Government supported the Honourable the Finance Member in opposing the Resolution before the House and since that Resolution was in terms directed against the Finance Department it has been suggested that other Members of Government had some hesitation in supporting the action of the Finance Department. I do not think that this impression was felt in the House itself, but since I have heard it voiced outside I have craved your permission to make this statement. The facts are that both the Honourable Mr. Chatterjee and myself, the only other Members of the Executive Government in this Assembly, had come prepared to support the Government case against this Resolution, and the only reason why we did not rise to do so was that a number of non-official Members put forward the closure. I, on behalf of Government, did not oppose that motion, because I believed from what I had seen and heard round about me that the House at large was prepared to accept the able statement of the case that had been put forward by Sir Basil Blackett and did not desire to support the Resolution. In that calculation events showed that I was incorrect. But that was the only reason why we did not rise to prolong the discussion, and if the discussion had been prolonged, we should have supported the Honourable the Finance Member to the best of our ability. That is my statement of fact. I wish to add a declaration on behalf of Government. The action taken in regard to the Alliance Bank was not, as the Resolution would seem to suggest, the action of the Finance Department itself. The action taken had been under the full notice of the Governor General from the very first and had his full approval, and the final decision in the matter was the final decision of the Governor General in Council.

#### THE ADOPTION (REGISTRATION) BILL.

**Dr. H. S. Gour** (Nagpur Division : Non-Muhammadan) : Sir, I beg to move :

“ That the Bill to prescribe a registered instrument as necessary for a valid adoption be referred to a Select Committee consisting of the Honourable the Home Member, Mr. T. V. Seshagiri Ayyar, Mr. K. C. Neogy, Mr. N. M. Samarth, Mr. N. M. Joshi, Colonel Sir Henry Stanyon and myself.”

[Dr. H. S. Gour.]

Honourable Members will see that when I introduced this Bill some months back the House was sharply divided upon its utility. The opinions of the provinces and the High Court Judges since collected very clearly show a sharp conflict of opinion on the subject of my Bill. I hope, therefore, the House will extend its indulgence to me when I explain to it the position I now wish to take up in regard to this measure. If the collected opinions are examined, it will be seen that those who oppose the measure do so upon purely religious grounds and those who support it do so on the ground of broad public utility. Take, for instance, the Madras High Court. Twelve learned judges were consulted. Eight of them are strongly in favour of the Bill while four learned judges oppose it on the ground which I shall briefly state to the Honourable House by reading the opinion of Mr. Justice Kumaraswami Sastri, which is typical of the other dissentient judges of that Honourable Court.

Mr. Justice Kumar Shastri says :

"I am entirely opposed to the Bill. The Hindu notion as to the spiritual benefits conferred by a son, either natural or adopted, makes an adoption a religious and not merely a secular duty. Adoptions are often made by persons under circumstances which would not leave much room for doubt as to the fact. Ceremonies are required to constitute a valid adoption and subsequent conduct often leaves little difficulty in determining the factum. It is the determination of the legality of an adoption that gives more trouble. There are no doubt cases where the factum is disputed, as there are cases where the factum of a marriage is disputed. Cases have arisen where there is a difficulty owing to the absence of a written contract and it has been wished that there was one. I do not think one would suggest that all marriages or contract should be evidenced by registered documents."

I have said this opinion is typical of the many opinions recorded on my Bill, and if you analyse the opinions, you will find that there is a good deal of truth in the criticism that adoption being a religious ceremony, my Bill should not affect the personal status of the adoptee. At the same time it is conceded in that opinion, and it cannot be denied, that there are cases in which the factum of adoption is denied and considerable expense is incurred in proving it. The Honourable Judge of the Madras High Court says that if adoptions are to be compulsorily registrable, there is no reason why contracts should not be equally compulsorily registrable. Well, Sir, coming as it does from a learned Judge of the Madras High Court, I should, *prima facie*, bow to him ; but I beg with due respect to point out that all important contracts dealing with immovable property are compulsorily registrable, and they are not only registrable, but there is such a thing as the Transfer of Property Act, which makes them absolutely void unless they are registered by registered instrument as therein provided. (*Mr. N. M. Samarth* : "Not all.") I am therefore surprised to read a statement made by a gentleman learned in the law that the contracts do not require compulsory registration. (*Honourable Members* : "What about movable property ? What about contracts of a value below Rs. 100 ? What about wills ? What about marriages ?") An Honourable Member interjects. What about movable property ? What about contracts of a value below Rs. 100 ? And another Honourable Member interjects. What about wills ? Still another Honourable Member ejaculates, What about marriages ? Well, Sir, I have still to learn that marriage is property. I have still to learn that a will is property. (*Dr.*



**Nand Lal** : " With due deference, adoption is not property." If Honourable Members will only take notes of the objections they have to my Bill, they will very soon find that, before I resume my seat, I shall have quelled all their reasonable doubts. I do not propose to deal with unreasonable arguments. I am not here in the midst of religious fanatics, but I am here, Sir, to convince people who keep their reason and who are prepared to listen to the voice of reason.

**Mr. J. N. Mukherjee** (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, I rise to a point of order. The point of order is, that Dr. Gour's Bill, in September 1922, after it had been introduced and a motion had been made to refer it to a Select Committee, was withdrawn by leave of this House, and his promise at the time was that he would redraft the Bill and present a new Bill to this House. Now, the old Bill having been withdrawn completely, I submit, under no Standing Order and under no circumstances can it be considered to be a pending Bill, that is to say, it cannot be treated as a Bill which remains in the House as a Bill already introduced. Therefore my submission to the House is that he cannot now treat it as a pending Bill, much less as one which has reached the stage of second reading and therefore can be asked to be referred to a Select Committee. My submission is that the mover can introduce a new Bill ; but he cannot proceed with his old Bill which has been withdrawn. Whether he redrafts his old Bill or not, is his own look out. That was, however, his promise and that was the condition upon which his old Bill was allowed to be withdrawn. The whole thing, therefore, is out of order, and there is no Bill before the House, at all now. The House cannot consider an abandoned Bill as one now at its present stage. The Bill now before the House is the same old Bill, which was withdrawn. The Statement of Objects and Reasons is the same as was attached to the Bill, long ago and completely withdrawn. If the present procedure is allowed, we shall have no peace, but we shall be confronted with attempts to renew abandoned Bills over and over again for no rhyme or reason. Is the time of the House to be wasted in this way ? The House will see that the Bill now before it bears date 8th April 1921, below the Statement of Objects and Reasons. There cannot be any doubt therefore that this is the very Bill which was wholly withdrawn, and which was promised to be redrafted, and if permitted presented to the House as a new Bill. I therefore submit, Sir, that the motion is out of order.

**Mr. President** : The Honourable Member has raised two points, one which concerns the Chair and one which does not. I shall take the point that does not concern the Chair first. No doubt it is true that Dr. Gour, in the debate on the 12th September last year, did propose to redraft the Bill ; and if he has not done so to the Honourable Member's satisfaction that is a good reason for voting against the Bill now, but it is not a point of order.

The point I am concerned with is whether Dr. Gour is in order in moving this motion. I hold he is. The Bill was never withdrawn ; the motion to refer it to a Select Committee was withdrawn ; and therefore Dr. Gour's motion does not come under Standing Order 31 which says :

" A motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same session."

[Mr. President.]

The motion having been withdrawn, the Assembly gave no decision on the subject.

**Mr. K. B. L. Agnihotri** (Central Provinces Hindi Divisions : Non-Muhammadan) : On a point of order, could a similar motion be made at the same session in which it was withdrawn ? This motion was withdrawn in September 1922 and this session being in continuation of that session the present motion cannot be made and could only be made in the new session.

**Mr. President** : This is still the same session that began in September 1922. But as I have just pointed out to the House, Dr. Gour's action does not come under Standing Order 31 because on that occasion the House gave no decision. The motion to refer the Bill to Select Committee was withdrawn with the permission of the House. That was not a decision on the merits of the question.

**Sir Deva Prasad Sarvadhikary** (Calcutta : Non-Muhammadan Urban) : Is not leave to withdraw a motion a decision on the point ?

**Mr. President** : No, it is a refusal to take a decision.

**Dr. H. B. Gour** : I am very glad my friend Mr. Mukherjee has reminded me that the Bill requires to be redrafted. I hope my friend will assist me to redraft it in Select Committee.

I shall be very glad indeed to add his name to the Members of the Select Committee and to obtain his valuable co-operation in redrafting it there. If that is all that my Honourable friend has to urge against my motion, I welcome his intervention.

Now, Sir, I resume my argument. The opinion of the learned Judge of the Madras High Court is, as I have already pointed out, distinctly based upon a misconception of fact and of law. Another typical opinion is that of the Advocate General of Madras. I shall read it and point out to the House that, while he professes to be against my Bill, he gives every reason in favour of it. He says :

" I have perused this Bill to prescribe a registered instrument as a prerequisite for a valid adoption. I agree that the absence of registered instruments often tends to perjury and the fabrication of evidence, and there are no *prima facie* reasons why a registered instrument should not be insisted upon ; but there are certain difficulties with regard to the Bill as at present framed. In the first place, a person may have properties in an Indian State or he may be a permanent resident of Nepal or some other independent State. An adoption made in that State may not require registration, but, if the person concerned has properties in British India, then the Bill, if passed into law, will create an anomaly that the adoption will be perfectly valid and may give rise to all the rights and obligations from the religious point of view that devolves upon the adopted son and may further vest in him properties in the Indian State in question, but the adoption will be invalid in regard to properties in British India. There would be the further complication that, if by any means moveable properties in British India were taken away into the Indian State, the adopted son would acquire absolute right to such property, whereas he would not establish his title to the property so long as it is in British India."

Now, Sir, I welcome such reasoned criticism of my Bill. I appreciate the difficulty which the learned Advocate General of Madras has pointed out. He says the Bill is necessary but needs certain safeguards to

over-come the difficulties which he has pointed out. It is for that purpose that I want to go into Select Committee so that the numerous difficulties that have been pointed out in the several criticisms on my Bill may be considered by the Members and duly disposed of. There is a consensus of opinion on the part of all, whether favourable or unfavourable critics of my Bill, that, so far as it is directed against the suppression of fraud and affords facility of evidence to prove *bona fide* adoptions, there is a good deal to be said in its favour. As the Advocate General of Madras has pointed out, it is necessary and a *prima facie* case has been made out for a Bill of the character I have drafted. Other opinions also converge upon these two points. These points are that adoption is a religious act and it should not affect the personal status of the adoptee. I recognise the force of that objection and I shall ask the Select Committee to make an exemption in favour of the view that, nothing contained in this Bill shall affect the personal status of the person adopted. I am also prepared to concede that there is a good deal of strength in the criticism to which I have listened just now in the numerous interruptions about moveable property or about small property. I quite concede, Sir, that in the case of small properties and in the case of moveable properties an exemption is possible. I am also prepared to concede that in the case of death bed adoptions an exemption might be introduced that nothing herein contained shall affect an adoption made within a month of the death of the adoptor. (*Dr. Nand Lal* : "The life will be out of your Bill.") These, I submit, are reasonable objections to which I am prepared to accede ; but there are those who say, they imply if they do not say so—my friend Mr. Mukherjee is an example of such protagonists—though they profess to be enamoured of the Bill, but say that this Bill is inopportune, the safeguards cannot be made in the Select Committee, the safeguards are insufficient and various constitutional objections will be trotted out to circumvent the Bill. To them I say that, if you are anxious that your adoptions should be above reproach, if you are anxious that fraud and perjury should be suppressed, and if you are anxious equally to further the ends of justice, the rule of evidence which I provide in this Bill should not be objected to. I do not, Sir, in this Bill attack any religious rite or ceremony ; I do not ask or prescribe that certain ceremonies shall be gone into before a valid adoption is recognised by the courts ; I do not ask that any formalities which have already been undergone shall be ignored by the courts. All I ask is that a registered instrument shall be the sole evidence to prove an adoption ; but a thing may exist and yet it may be incapable of proof in a court of law. (*A Voice* : "What is the use then ?") We know that there are a very large number of technical rules which shut out evidence though it is evidence of fact outside the court. The mere fact, therefore, that I require the execution of a registered instrument to prove an adoption in a court of law does not disprove the fact of adoption elsewhere and it does not destroy the status of the adoptee. If there be any doubts about it, the Select Committee will, I have no doubt, make that point perfectly clear. I therefore submit that, in the midst of divergence of views, there is singular unanimity in favour of the principle of my Bill. Not a single opinion that has been recorded, not a single voice that has been heard here, has objected to the main principle of my Bill which provides a rule of evidence for the purpose

[Dr. H. S. Gour.]

of facilitating the proof of adoption. Does anybody deny the necessity or the utility of such a wholesome rule? Nobody denies it. What then is at the back of the opposition? (*A Voice*: "Orthodoxy.") My friend says "Orthodoxy" is at the back of this opposition. I cannot bring myself to believe that orthodoxy has anything whatever to do with this plain and simple provision of this Bill which deals with the rule of evidence. I therefore submit that the only reasons that can be given against my Bill are the reasons which I have summarised. And I have given an assurance to this House that so far as lies in my power I shall ask the Select Committee to introduce those safeguards and if the House further desires that after those safeguards are inserted in the Bill, the Bill should once more go out to the country for eliciting further opinion, that it be republished so that we may be able to educate and elicit public opinion, I should not be averse to the adoption of such a course. I submit, Sir, that is a more reasonable attitude to take with regard to this motion and I ask the House to support the motion which I bring before it, because I think that they will be advancing the cause of justice in going into the question as to whether the rule of evidence which I have formulated should not be adopted with or without modification. Sir, I move my motion.

**The Honourable Sir Malcolm Hailey** (Home Member) : It may be as well that I should at once declare the attitude of Government on this measure, without pretending to discuss it at any great length. When the motion to refer to a Select Committee came up in September, 1922, Government, speaking through Sir Tej Bahadur Sapru, pointed out the many difficulties in this Bill, but ended with the conclusion that the only legitimate position for Government was an attitude of neutrality. In the course of the subsequent discussion on that motion, we heard many objections voiced against the principle and the details of the Bill. It was withdrawn at the time on the promise that it would be redrafted. It has not been redrafted, and we have consequently reconsidered our position. We have decided that our position should no longer be one of neutrality. I am not sure whether Dr. Gour will consider that I am helping him or injuring him when I say that we are prepared to give the measure the benefit of the opposition of Government. I have not brought down my serried battalions with me to vote on this occasion, but I shall ask such of my friends as are here to vote against the measure. It is one which we have now considered with care, and in view of the opinions recorded both by members of the legal profession and by those engaged in the administration of the law as to the dangers and implications of the Bill, we have decided that it is not one which we can any longer view with neutrality.

**Rai J. N. Majumdar Bahadur** (Presidency Division : Non-Muhamadan Rural) : Sir, I rise to oppose this Bill of Dr. Gour's. Our Honourable friend has already got the credit of having introduced and passed many Bills, and I think he should refrain from further trespassing on Hindu Law. Registration I do not think will be a remedy for what my Honourable friend thinks is a defect at present in the matter of adoption. The evidence of a deed having been registered does not make it genuine, for it is only one of the proofs....

**Dr. H. S. Gour :** Sir, I think it will shorten discussion if in view of the announced hostility of Government, I announce my intention to withdraw the Bill if you will give me leave.

**Mr. Harchandrai Vishindas** (Sind : Non-Muhammadan Rural) : Might I inquire whether Dr. Gour has asked leave to withdraw his Bill for want of any kind of support ?

**Mr. President :** Did the Honourable Member ask leave to withdraw the motion ?

**Dr. H. S. Gour :** And the Bill.

**Mr. President :** Is it the pleasure of the House that the motion be withdrawn ?

The motion was, by leave of the Assembly, withdrawn.

### THE LEGAL PRACTITIONERS BILL.

**Rao Bahadur T. Rangachariar** (Madras City : Non-Muhammadan Urban) : Sir, I beg to ask for leave :

“ To introduce a Bill to consolidate and amend the law relating to Legal Practitioners in India.”

Honourable Members will remember that at the very first meeting of this Assembly in Delhi our friend Munshi Iswar Saran—who I am sorry to see is not in his place to-day—brought forward a motion in these terms :

“ The Assembly recommends to the Governor General in Council that the Government do undertake legislation with a view to creating an Indian Bar so as to remove all distinctions now enforced by Statute or practice between Barristers and Vakils.”

That motion was amended in the Assembly and carried in this form without any opposition. We had a sympathetic speech from the Honourable the then Law Member and also from my esteemed friend Mr. Eardly Norton who gave his support to the motion. The motion as finally carried ran thus :

“ The Assembly recommends to the Governor General in Council that the Government do undertake legislation for creating an Indian Bar. Government should take the opinions of Local Governments, High Courts and other legal authorities as also different branches of the professions of barristers, vakils and solicitors and of the public as to the desirability of removing the distinctions enforced by Statute or practice between barristers and vakils.”

The motion was adopted, as I have already stated. Since then the Government of India, as I know as a member of the Madras Vakils' Association, circularised the various High Courts and various public bodies and have collected a large mass of opinion which contains valuable information on the subject. The subject is so complicated that the Government have not thought fit yet to introduce their own piece of legislation, and I was waiting to see whether the Government was going to introduce their own measure ; but as I find they have not done so as yet, I have taken the liberty of introducing a Bill throwing out tentative suggestions as to the lines on which legislation may proceed on this most important complicated and somewhat ticklish question of an Indian Bar for India. We are

[Rao Bahadur T. Rangachariar.]

all aiming at autonomy in several directions and in this most vital matter, where legal opinion is almost unanimous in its demand for the creation of an Indian Bar, it is but right that we this Legislature should give the start to a discussion of this question. I know several people who have examined this question felt the difficulty of offering an opinion on the six points raised in the memorandum circulated by the Government of India for the want of concrete proposals on which they should base their criticisms. In fact, some of the Honourable Judges in Madras felt the difficulty, and they would have welcomed concrete proposals in the shape of a Bill, so that they might offer constructive suggestions on the proposals. I have to the best of my ability given some consideration to the question and shaped my views in the various sections which are embodied in the draft Bill before the House. The first question which will have to be considered will be whether there should be legislation on the subject at all ; and from what I have been able to gather from discussions both with judges and with practitioners, the opinion is almost unanimous that legislation should interfere in this matter, and the matter should not be left entirely to rules to be framed by the various High Courts under the Letters Patent. For it is an all-India question. The second question which has to be considered is this. It is a very important question and after consideration I have come to one line of thought, and that is whether an all-India bar is at all feasible in this country, whether in view of the proposed federation of the several states from the various provinces, it is not more advisable that we should have bar councils or provincial bars in the various provinces, leaving it to them to make their own rules for common consultation on matters affecting the profession generally throughout the country. I have in my Bill chosen the line of providing provincial bar councils to be composed of Judges and of practitioners who will hereafter have jurisdiction over all matters relating to the profession, including calling to the Indian Bar persons who are qualified according to the rules which they have to make, in order to be enabled to be called to the Indian Bar. That is the line I have adopted, although some people seem to be of opinion that an all-India bar is perhaps preferable. But the majority of opinion is in favour of creating a bar council in each province rather than an all-India Bar Council. That is one line which I have adopted in my Bill.

Another important question which will have to be considered is the question of in whom should the disciplinary jurisdiction over the bar be placed, whether it should be, as it now is, in the hands of the various High Courts, or should it be in the hands of the bar council. I have adopted in this Bill both the suggestions ; I leave to the bar councils the duty and the privilege of deciding all questions of discipline in regard to the members of the bar. At the same time in order that we may move slowly in this matter I have provided that the jurisdiction of the High Court which now exists should not be interfered with by this piece of legislation. Let us see how the new proposals work before we remove entirely the jurisdiction of the High Courts in this matter. Therefore, I have provided that in matters of discipline the High Courts should continue to have jurisdiction ; but in the matter of calling to the bar I have entirely removed the

jurisdiction of the High Courts, and conferred that jurisdiction on the Bar Council ; the Bar Council also will consist of judges of the High Court. Therefore I want an Indian Bar, an autonomous Bar, an independent Bar, and we ought not to depend upon other countries for recruiting to the Bar of this country. While I am aiming at it, at the same time I am not unmindful of the great services done to this country both by English and Indian barristers, who have had their training in England. Nowadays people are not called to the Bar so easily in England as they used to be some years ago. The educational qualifications now imposed ensure proper men being called to the Bar in England ; and the spirit of independence which they acquire there, the training they got, the experience they have and the people with whom they come in contact, all that vast experience and knowledge will be of great use to this country also, and therefore I provide in my Bill that persons who have been called to the English Bar shall be entitled to be admitted to the Indian Bar. There was some apprehension which was felt whether the creation of an Indian Bar would not exclude the English Bar altogether from this country ; in order to avoid any such apprehension I have provided that they shall continue to be entitled to be called to the Indian Bar. But at the same time I provide that they should first become members of the Indian Bar before they become entitled to practise in this country. That is necessary. We want our own Bar ; at the same time there is another troublesome question, which would have to be faced ; the conditions vary from province to province and therefore I have not attempted to introduce legislative provision in this Bill as to whether persons shall be entitled to act and plead alone or act alone. That is a matter which will have to be decided according to local conditions and therefore I have left such matters to be decided by the bar council of each province who will be familiar with the conditions and the necessities of the case ; and without all-India legislation providing a uniform method here, I think it is advisable that legislation should proceed cautiously in that matter.

I have made these tentative proposals ; these are the main features of the Bill. The object of the Bill is to create an Indian bar, about which there is a large volume of opinion in favour ; I may say that Indian opinion is almost unanimously in favour in that matter, and as regards these galling restrictions between the various branches of the profession which are felt much more largely in Calcutta and I believe to a lesser extent in Bombay than in other provinces these are matters again which I do not think the central legislature ought to embark upon settling. These questions must be left to the local bar council, where I am sure they will come to some common agreement. I see Honourable Members belonging to the profession in Calcutta, leaders of the profession there including Sir B. C. Mitter, are in favour of creating an Indian Bar and are in favour of abolishing these distinctions. But they have got certain suggestions to make which I am sure will be available to us when this Bill comes back to us after being circulated for opinion, which I propose to ask this Assembly to allow me to do at the next meeting if they give permission to introduce this Bill to-day ; and again it will have to be considered carefully by an expert Select Committee of both the Houses where eminent lawyers present here and in the Council of State will have an opportunity of examining the provisions of the Bill. At this stage it is unnecessary for me to enter into

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[Rao Bahadur T. Rangachariar.]

more detail. The subject has been long engaging the attention of the Indian public and especially persons belonging to the legal profession, and therefore the time is now ripe when we should have some measure of this sort for consideration so that the legislature might provide some legislation in this most important matter. I therefore, Sir, ask leave to introduce this Bill.

**The Honourable Sir Malcolm Hailey** (Home Member) : I do not formally rise to oppose this motion for introduction, and though I should properly be entitled to make a speech on the subject only if I were proposing to oppose it, yet nevertheless I ask your permission to make a short statement on the subject. It must be of the shortest for I realise that I am precluded from any criticism of the Bill or any arguments on the subject. If we thought that this Bill could proceed further in this session we should have opposed it in its present form for there are many portions of it to which we are bound to take exception. But the whole question is one which has been engaging the anxious consideration of the Governor General in Council for some time. The opinions on this difficult subject vary widely in different parts of India ; the interests engaged are diverse ; and any change which would involve an infringement of the long standing rights and jurisdiction of the High Courts, would be so momentous and could only be taken with the greatest hesitation. We are in consequence unwilling to proceed to legislation of any kind on the material now before us. We believe that the only solution is to appoint an authoritative committee of the best representatives we can find of the High Courts and of the various branches of the profession to examine the whole subject. We have before this Legislature, not only this Bill, but two others dealing with different aspects of this question—not aspects in themselves perhaps of the highest importance, but still intimately concerned with the main question. I say at once that it is our desire to get the whole of that legislation put on one side until we have received the Report of the Committee to which I refer, which will, we hope, deal in a comprehensive manner with the whole question, and if legislation is to be undertaken at all, will enable it to be framed in a more satisfactory form and spirit than now appears possible.

The motion was adopted.

**Rao Bahadur T. Rangachariar** : Sir, I introduce the Bill.

**Mr. President** : This House now stands adjourned till Monday morning, July the 23rd, at 11 o'clock, provided that Honourable Members may receive a communication from the Secretary of this Chamber informing them that a meeting will be held on Saturday. Failing such a communication the House now stands adjourned till Monday morning.

The Assembly then adjourned provisionally till Eleven of the Clock, on Monday, the 23rd July, 1923.