

Wednesday, 9th March, 1927

THE
COUNCIL OF STATE DEBATES

VOLUME I, 1927

(8th February 1927 to 29th March 1927)

THIRD SESSION

OF THE

SECOND COUNCIL OF STATE, 1927



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COUNCIL OF STATE.

Wednesday, 9th March, 1927.

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

MEMBER SWORN:

The Honourable Mr. Alexander Montague Stow, O.B.E. (Delhi: Nominated Official).

QUESTIONS AND ANSWERS.

ACTION TAKEN ON THE RECOMMENDATIONS OF THE REFORMS INQUIRY COMMITTEE.

150. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to lay on the table a statement showing the action taken on each of the recommendations of the Reforms Inquiry Committee?

THE HONOURABLE MR. H. G. HAIG: There is nothing to add to the reply given to the Honourable Member's question No. 91, dated the 31st August, 1926, by Mr. Crerar except that the amendments to give effect to recommendations Nos. 19 and 30 have since been made.

REPORTS FROM PROVINCIAL GOVERNMENTS ON THE WORKING OF THE REFORMED CONSTITUTIONS.

151. THE HONOURABLE SIR PHIROZE SETHNA: Have Government called for and received reports from Provincial Governments on the working of the reformed constitution during the last two official years? If so, will they be pleased to place them on the table? If not, will Government be pleased to state why these have not been called for?

THE HONOURABLE MR. H. G. HAIG: Government have not asked for reports on the working of the constitution during the last two years, as they did not consider that annual reports were necessary. The question, however, of getting reports which will give a picture of the working of the second reformed Councils will be considered shortly.

RETRENCHMENTS IN THE EXPENDITURE OF THE GOVERNMENT OF BOMBAY.

152. THE HONOURABLE SIR PHIROZE SETHNA: Is it a fact that the Government of Bombay have submitted, for approval and sanction, certain proposals for retrenchment in their expenditure? If so, what are those proposals and have they been sanctioned?

THE HONOURABLE MR. A. F. L. BRAYNE: The question is not understood. If the Honourable Member would kindly let me know to what he refers I shall be glad to endeavour to give him an answer.

ACTION TAKEN ON THE RECOMMENDATIONS OF THE INDIAN AUXILIARY AND TERRITORIAL FORCES COMMITTEE.

153. THE HONOURABLE SIR PHIROZE SETHNA: (a) Will Government be pleased to state what progress has been made in the matter of the action to be taken on the recommendations of the Indian Auxiliary and Territorial Forces Committee?

(b) If Government cannot yet report, will they state their reasons for the delay?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) and (b). My Honourable friend is referred to the reply given on the 8th February to part (a) of question No. 26.

RULE 12-A OF THE BOMBAY LEGISLATIVE COUNCIL RULES.

154. THE HONOURABLE SIR PHIROZE SETHNA: (a) Referring to the new Rule 12-A of the Bombay Legislative Council Rules, will Government be pleased to state whether there was any correspondence with the Government of Bombay on the subject of the Rule?

(b) If so, will Government be pleased to place the correspondence on the table?

THE HONOURABLE MR. S. R. DAS: (a) The rule in question was inserted in all the Provincial Legislative Council Rules as a result of the recommendation contained in paragraph 80 of the Report of the Reforms Inquiry Committee, 1924. The Bombay Government, along with other Local Governments, was consulted regarding this recommendation before the rule was made.

(b) Government do not propose to lay the correspondence on the table.

ROCKEFELLER FOUNDATION FELLOWSHIPS.

155. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state:

- (a) whether they are asked to nominate any persons for scholarships tenable at the Rockefeller Institute in America;
- (b) if the answer to (a) is in the affirmative:
 - (1) what are the qualifications required;
 - (2) how many nominations have to be made every year;
 - (3) what is the amount of the scholarship and for what period is it given;
 - (4) whether Indians and Europeans or only Indians have to be nominated;
 - (5) names and qualifications of persons nominated, year by year, from the date of the first nominations;
- (c) (1) whether applications are invited by advertisements in the Press;
- (2) if not, what other steps are taken for selecting suitable candidates;

- (d) how many of the men selected were Government servants and how many were not in Government employ; and
- (e) (1) how many of the scholarship-holders have returned to India and whether they have been posted to any special work connected with the special subjects they have studied at the Institute;
- (2) details of such postings and the work done?

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

(b) (1) The candidate is expected to possess high professional and scientific qualifications besides a good character.

(2) No definite number of fellowships has been fixed.

(3) A fellowship provides for the payment of a definite monthly sum which varies according to the country in which a fellow happens to be studying. The usual rate in the United States is \$120 a month for a single and \$182 for a married fellow. Nor is a definite term fixed for a fellowship. The appointment is usually one year in the first instance, but can be extended for a further period by the Board.

(4) Only Indians can be nominated.

(5) Nominations were made for the first time in 1922, and again in 1926. The names and qualifications of the nominated persons are given in a statement which I have placed in the Library of the House.

(c) (1) No.

(2) Local Governments are asked to make nominations. The candidates so nominated are arranged in order of preference according to their qualifications by the Scientific Advisory Board and the final selection is made by the Rockefeller International Health Board itself.

(d) Only one of the selected candidates was not a Government servant.

(e) (1) Five. Every endeavour is made to find suitable employment in which the returned scholars can make practical use of their special knowledge and experience, but as public health is a transferred subject in Governors' provinces, the matter is one primarily for Local Governments to decide.

(2) The details are given in a statement which I have placed in the Library of the House.

THE HONOURABLE SIR PHIROZE SETHNA: I understood the Honourable Member to say that nominations are not made every year. If that is right, will the Honourable Member say at what interval of time a nomination or nominations is or are made?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR: As I have already said, they are not made every year.

THE HONOURABLE SIR PHIROZE SETHNA: Is there no limit, that so many are to be nominated in a year or so many every two years?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR: The nominations are made only when we are asked by the Board to nominate.

CONTRIBUTION BY INDIA TO THE LEAGUE OF NATIONS.

156. THE HONOURABLE SIR PHIROZE SETHNA: (a) Is it a fact that the contribution by India to the expenses of the League of Nations has now been fixed at 56 units out of the total of 987?

(b) If this is not correct, will Government give the exact figure, also stating in Rupees or Sterling the amount to be paid by India?

THE HONOURABLE MR. S. R. DAS: (a) As a result of Germany having been assessed at 79 units the total of the units in the scale of allocation is now 1,015, of which 56 are payable by India

(b) The actual amount payable by India in any year depends on the total amount of the budget for that year. For the current year the amount is approximately Rs. 7,17,615.

THE HONOURABLE SIR PHIROZE SETHNA: The number of units is now raised, according to the Honourable the Law Member, from 987 to 1,015, and yet I understood him to say that the units to be paid by India are the same as before. Is that correct?

THE HONOURABLE MR. S. R. DAS. That is so.

THE HONOURABLE SIR PHIROZE SETHNA: Should there not be a corresponding reduction?

THE HONOURABLE MR. S. R. DAS: The unit is the same, but the amount is less. It is Rs. 7,17,615.

NUMBER AND SALARIES OF INDIANS ENGAGED ON THE STAFF OF THE
LEAGUE OF NATIONS.

157. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state how many Indians are engaged on the staff of the League of Nations and what their respective salaries are?

THE HONOURABLE MR. S. R. DAS: Four including two who are employed in the International Labour Office. The salaries of two are 15,300 francs and 19,900 francs per annum, respectively. The salaries of the other two are not known.

EXEMPTION FROM INCOME-TAX OF THE PORTIONS OF PROFITS PAID BY
LIFE INSURANCE OFFICES TO POLICY-HOLDERS.

158. THE HONOURABLE SIR PHIROZE SETHNA: With reference to the answer to question No. 59 on 1st September, 1925:

(a) Will Government be pleased to state whether any decision has been arrived at by now?

(b) Are Government aware that, after the amendment to section 16 in the Finance Act of Great Britain, the amount of income-tax paid by Life Offices in Great Britain on the same amount of profits is appreciably less than what is paid in India?

THE HONOURABLE MR. A. F. L. BRAYNE: (a) The Honourable Member has already been informed by letters, dated October 5th and 22nd, 1925, of the decision arrived at by the Government. I place copies on the table.

(b) The Government have no information.

R. Dis. No. 15-I. T./25.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT (CENTRAL REVENUES).

Simla, the 5th October 1925.

From

V. S. SUNDARAM, Esquire,
Under Secretary to the Government of India,

To

The Honourable Mr. PHIROZE C. SETHNA,
Member, Council of State,

SIR,

Insurance Companies—Assessment of—Taxable income—Inclusion in, of profits allocated to policy-holders—Your questions in the Council of State and replies given thereto by the Hon'ble Mr. A. C. McWatters on 22nd January 1925 and 1st September 1925.

With reference to the replies given to your questions, I am directed to say that the Government of India have carefully considered the proposal to exempt from Income-tax the portions of profits which the Life Assurance Companies pay to policy-holders. The adoption of the proposal would involve a large sacrifice of revenue. Apart from this the Government of India consider that the sums in question *do* form part of the profits of the Companies. They therefore regret that they are not prepared to amend the Income-tax Act or rules as you suggested.

I have the honour to be,

SIR,

Your most obedient servant,

Sd. V. S. SUNDARAM,

Under Secretary to the Government of India.

D. Dis. No. 379-I. T./25.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT (CENTRAL REVENUES).

Simla, the 22nd October 1925.

From

V. S. SUNDARAM, Esquire,
Under Secretary to the Government of India,

To

The Hon'ble Mr. PHIROZE C. SETHNA,
Member, Council of State,
Canada Building, Hornby Road,
Bombay.

SIR,

Insurance Companies—Assessment of—Taxable income—Inclusion in of profits allocated to policy-holders—Your letter dated the 9th October, 1925.

In reply to your letter quoted above, I am directed to say that the Government of India regret that they are not prepared to reconsider their decision in regard to your suggestion.

2. Materials were not collected for an estimate of the total loss that its acceptance would entail, but the Government of India are satisfied that it would be very large.

I have the honour to be,

SIR,

Your most obedient servant,

Sd. V. S. SUNDARAM,

Under Secretary to the Government of India.

PURCHASE OF PAINTS BY THE MILITARY DEPARTMENT.

159. THE HONOURABLE SIR PHIROZE SETHNA: (a) Will Government be pleased to state if it is a fact that the Military Department purchase paints in India from only one firm, and that the prices they pay are higher than the rates ruling in the market?

(b) Are tenders invited? If not, why not?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) No, Sir.

(b) Invitations to tender for Army requirements of paints are issued to all firms with factories in India, which are considered suitably equipped and sufficiently extensive to produce a sufficiency of paints conforming in shade and quality to those required. Orders or contracts are placed with the firms offering the most favourable rates, after taking into consideration freight, delivery charges, etc., provided that the samples, which are tested by the Government Test House, Alipore, prove in every way satisfactory.

THE HONOURABLE SIR PHIROZE SETHNA: Will His Excellency inform us as to the number of firms from whom tenders were invited?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: In 1924-25, there were 7 firms; in the following year, I think, there were 6, and in the last year there were also 6.

TRANSFER OF ADEN TO THE COLONIAL OFFICE.

160. THE HONOURABLE SIR PHIROZE SETHNA: (a) Has the attention of Government been called to the rumour prevalent in Aden that Aden is soon to be transferred from the Government of India to the Colonial Office?

(b) Will Government state if there is any truth in such report?

(c) Has their attention been called to a representation sent by Indian, Arab and Jewish merchants of Aden to the Governor of Bombay quite recently protesting against any such possible transfer?

THE HONOURABLE SIR JOHN THOMPSON: (a) Yes.

(b) It has been decided that, with effect from the 1st April next, military and political expenditure at Aden will be borne by His Majesty's Government, with a fixed annual contribution from Indian revenues. His Majesty's Government have already been in political control for the past ten years.

The administrative control of the civil affairs of the settlement (which is and will continue to be part of British India) will remain with the Government of India.

(c) No.

RESOLUTION RE CONTROL OF THE CRAZE FOR MEDICINAL DRUGS.

THE HONOURABLE SIR HAROON JAFFER -(Bombay Presidency: Muhammadan): Sir, I have the greatest pleasure in moving the following Resolution:

"This Council recommends to the Governor General in Council to urge all Provincial Governments to take immediate measures to control the craze for medicinal drugs by legislation for the standardisation of the preparation and sale of such drugs."

Sir, at the outset, I desire to make it known that I do not intend in this Resolution to interfere directly with the provincial control over the ordinary narcotic drugs, such as opium, for much as I would like to see a more rigid control over the sale and distribution of these narcotics, I realise that it is a matter directly connected with the excise revenue and also that the excise policy is a transferred subject. Personally I am all in favour of a complete reversal of the official attitude towards the indiscriminate sale of narcotic drugs; but I fear I must restrain myself in that direction.

Sir, my aim in bringing forward this Resolution is not so much to attempt to lay down any definite policy or to outline any definite scheme to carry out my desire for a reformation; instead, I desire to bring once more into the limelight the grave dangers fast becoming apparent all over India by the indiscriminate use of drugs by doctors in their prescriptions. Lest it should be imagined that I am a mere layman speaking of that about which I know but little, I have no hesitation in referring to the very serious allegations along this line made at the Indian Science Congress held at Lahore recently and the grave warnings that were uttered by experts. At this gathering of medical scientists the drug craze in India and the tendency for it to reach dangerous proportions were very fully discussed, and at the end of the discussion it was unanimously agreed that some control was urgently needed. It is not for me to outline just how this control should be brought about, and so I desire merely to bring to the notice of Government the two main causes of the trouble and urge that detailed inquiry be made into the methods to be devised to stave off the threatened catastrophe.

Sir, according to those who have made a special study of this subject, the general knowledge of disease has undergone a great change in India during the past half century, and is now emerging from the empirical stage to that where it is based on an accurate foundation of physiology and chemistry, not to mention aetiology and pathogenesis. Yet, despite this increased knowledge and all that might result from it, it is an unfortunate fact that the non-critical and indiscriminate use of drugs is still very prevalent, probably because of the faith retained in the efficacy of many Ayurvedic remedies of a past age. I am not in any way decriing the careful use of these latter remedies, because I have in the past strongly urged the formation of Ayurvedic research laboratories and clinics; but I wish to point out that there is a danger in too rigid a dependence upon those empirical remedies of long ago without due regard to our present increased knowledge.

What I am particularly referring to is the great temptation there is to-day for doctors to prescribe what are professionally termed, "shot-gun" prescriptions, as well as to advise patients to use all kinds of novelties

[Sir Haroon Jaffer.]

introduced so frequently on to the drug market, only in many cases to survive a very short period. I would even go further still in my denunciation and declare that there is danger in the increased advocacy by certain of the medical profession of proprietary medicines the composition of which is not known and different kinds of patent foods when more simple remedies would do just as well. At the Science Congress to which I have already referred, when this matter came up for discussion, stress was also laid on the many kinds of digestive ferments and glandular products which are frequently inactive, especially in India where proteins are so liable to decomposition. I readily agree that there is a certain amount of glamour about taking a powder which is advertised to abolish all the ills of indigestion or which staves off old age for another half a century, but there is not always the happy ending to these experiments. Similarly, in India as in other countries, there is a growing demand among the general lay public for the injection of many different sorts of serums and vaccines, as well as an increasing craze for the administration of drugs by the intravenous or intramuscular routes, and it would almost seem that the idea has gained ground even amongst medical men that drugs are only really effective when given in this way. I have not yet heard of any case in India where the monkey gland has been grafted on to an old person to make him as frisky as a full-blooded boy, but I presume it is possible that many enthusiasts getting on in years have at least made inquiries about it based on what they have read of so-called successful graftings in the West.

Sir, in a nutshell it must be said that amongst both medical men and the lay public it does not seem to be realised that in addition to a large number of useful and potent drugs there must be a vast number of the other kind on the market whose claims have never been properly demonstrated and which are prepared merely to put money into the pockets of the manufacturers. As one expert recently said:

“Every mail from Europe brings to the practitioner in India a number of new drugs for which the chief evidence of efficiency depends upon their trial in a few cases of a particular disease treated mostly by individuals who are not trained investigators. The majority of these so-called remedies have a very short life, but during this period they often enjoy a rich harvest of patronage; they are, however, useless, and practitioners frequently try them on many of their patients without doing the least good.”

Sir, I might perhaps emphasise just here, that I am not launching out in this speech into a sweeping condemnation of the medical profession, for which I have the highest respect and regard. But I feel that in India, where there are so many unqualified, or only partly qualified and very inexperienced doctors practising a very rigid control should be exercised, for it is generally known that the drug habit can readily be contracted from the habitual taking of certain patent medicines, powders, and so-called tonics. I do not wish any member of the medical profession to take exception to these remarks on the drug craze and the part being played by some doctors in increasing that craze, for the cap must be worn only by those whom it fits. As I said in my opening remarks, to control this evil will be a very difficult problem, and that is why I, as a layman, have refrained from putting forward any concrete suggestions or cut-and-dried plan but have advocated a careful investigation by the different Provincial Governments into the ways and means by which my object can be attained. Such

an investigation, however, must be conducted, if possible, with the ready assistance of the medical profession, but if the very rigid professional etiquette of the medical fraternity comes in the way of giving this assistance, this obstacle must on no account be permitted to prevent the inquiry.

And in order to show that I am not taking a narrow or unbacked position, I would quote once more from the discussion at the Science Congress.

"There is also a tendency among practitioners to overdose their patients with drugs, which means that an enormous amount of money is wasted on medicines. The public in this country, more than anywhere else, have a child-like faith in medicines to cure all their ills, and judge the efficacy of a treatment by the number of medicines prescribed. Medical practitioners are often too compliant in satisfying this desire and sometimes even encourage it. It also frequently happens that a practitioner seeks new drugs because he has lost confidence in the old ones. This is due to the fact that a large number of drugs which appear for sale on the market in this country have not always the therapeutic activity which they are alleged to have. The factor of climate is of great importance; the high atmospheric temperature combined with a high degree of humidity produces deterioration of drugs during storage."

Sir, I admit that it will be a difficult problem to deal with this phase of the subject, but I submit that there should be absolutely no difficulty in seeing that the drugs and drug preparations manufactured in this country are subject to Government control to see that the quality of the preparation is at least up to the standard laid down in the *pharmacopœia*. There are many cases in which the local drug is absolutely useless, being inactive, not to mention the frequent use of inferior drugs which are often adulterated as well. The medical men also say that some preparations which can only be assayed by biological methods are put on the market without their potency ever having been tested, and boosted up by a number of so-called unsolicited testimonials from non-existent individuals.

I urge that the situation as I have pointed it to-day is no unimportant one and no transient one. The longer we leave it unattended, the more dangerous it will become and the more difficult to stem. All round the world there is a long trail of human misery and suffering due to the indiscriminate use of drugs, ostensibly as medicines but actually as narcotics and intoxicants. I have no hesitation in saying in this Honourable House that the drug problem has come to stay—until it is solved. I know we cannot solve it in a day, or in a year; but we must at least make a start to solve it. Moreover, like all problems affecting human life and welfare, it is not going to be solved by any small coterie of experts behind closed doors. It must be solved in the open, and the sooner we let the drug-purveyors see this, the sooner will our task become easy. The whole question must be studied from every point of view. No single set of dogmas will ever prevail. The facts as they are, unperverted by any propaganda, must be proclaimed, or else, as long as only a part is known or heeded, the drug menace will rise and rise again and not lie down. I admit that at present the demand must have its supply, but the least we can do is to see that that supply is as safe and as pure as possible. Drugs at the best of times are not permanently good for the system; but when those drugs are themselves adulterated or lifeless or impure, then the medicine taken as a remedy becomes a poison both to body and mind. And when we have controlled the supply, then we can turn our attention in full to a reduction of the demand, ever remembering however that an over-production always means a consequent increase of the evil.

[Sir Haroon Jaffer.]

I therefore commend my Resolution to this Honourable House, Sir, and bespeak for it the cordial support of the principles I have so humbly endeavoured to lay down and of the fight that must be waged against the threatened dangers to the people of this country. We are all aware of the grip which opium and other narcotics have on the illiterate masses of this land; surely we cannot afford to allow drugs of a more dangerous character to be recommended to the more intelligent middle classes in the guise of friends only to find that the friend was an enemy and that the remedy was only an aggravation of the disease or the originator of a still more serious malady.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: Nominated Non-Official): Sir, we are all indebted to our friend the Honourable Sir Ebrahim Haroon Jaffer for bringing up this important matter before this Council. I am not a medical man and cannot profess to speak on this question with any authority, but there is no doubt that during the last few years large quantities of deleterious drugs are disseminated broadcast throughout the country. I am not prepared to go to the extent of my friend Sir Ebrahim Haroon Jaffer and say that these drugs have been used by medical practitioners often with indiscrimination. That must be left to the medical profession to decide. But there is no doubt that some measure of control by Government is necessary to check the spreading and diffusion of doubtful preparations. There are various systems of medicines in the country with which nobody desires to interfere. But at the same time it must be acknowledged that it is the duty of Government to see that these deleterious and poisonous stuffs are not indiscriminately diffused without some sort of control by Provincial Governments. I must state—and I am certain my Honourable colleagues will agree—that in a matter like this it will be very difficult to exercise rigid control. If rigid control is exercised it might to a certain measure interfere with the ordinary work and occupations of many people and it might also unduly interfere with the work of the medical profession. At the same time we agree that something should be done in the matter. As I understand from the speech of my Honourable friend Sir Ebrahim Haroon Jaffer, his real object is that Government should take some steps towards preventing the indiscriminate use of many unknown medicines and also measures for the standardisation of preparation and sale of these medicines. But unfortunately, this Resolution has not been very happily worded. The Resolution asks the Government to take immediate measures to control the craze for medicinal drugs. Now, there are two matters embodied in this Resolution. In my opinion, it is impossible for Government to take immediate measures, and in the second place, I think it is also impossible to control the craze for medicinal drugs. How and what authority is to determine what is the nature of the craze and what is the volume and extent of that craze? I quite sympathise with the Honourable Mover of the Resolution that some sort of action is essentially necessary for preventing the indiscriminate use of some of these medicines, and I think that the Council ought to extend its sympathy to the Honourable Mover's Resolution to that extent only. I am not prepared to go further than that and I would, therefore, with your permission move an amendment to this Resolution in the following terms:

“ This Council recommends to the Governor General in Council to urge all Provincial Governments to take such steps as may be possible to control the indiscriminate

nse of medicinal drugs and to legislate for the standardisation of the preparation and for the sale of such drugs."

If my amendment is accepted it will place all Provincial Governments in a position to examine the question from all points of view and to adopt such measures as may be possible to control the indiscriminate use of medicinal drugs. I do not feel justified to accept the Honourable Mover's Resolution as it stands and I hope that, as we are all in sympathy with the object which he has in view and which he has expressed in the course of his speech he will agree to accept my amendment:

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That for the original Resolution the following be substituted:

'This Council recommends to the Governor General in Council to urge all Provincial Governments to take such steps as may be possible to control the indiscriminate use of medicinal drugs and to legislate for the standardisation of the preparation and for the sale of such drugs.'

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU (Madras: Non-Muhammadan): Mr. President, when I read the terms of the Resolution, I understood the phrase "to control the craze for medicinal drugs" to mean such drug habits as opium, morphia, cocaine, *bhanga*, *ganja* and other things, but from the speech of the Honourable Mover, I see that he does not mean to interfere with the craze for such drugs, but he has made an utter condemnation against doctors for no reason whatsoever.

THE HONOURABLE SIR HAROON JAFFER: I have not condemned them. I refer my Honourable friend to my speech.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: In his speech he spoke above "the indiscriminate use of drugs by doctors". I am extremely sorry to find that he knows nothing about doctors and their work. Unfortunately, this is not the place where we shall be in a position to discuss how doctors must treat their patients, what medicine they are to prescribe and generally how they are to behave. This is not the place for it; the place is elsewhere. But, Sir, to come to this Honourable House and accuse doctors of using drugs indiscriminately, I would call it nonsense and a libel.

Sir, doctors—I myself am a doctor for the last 30 years, and here is my Honourable colleague, the Director General of the Indian Medical Service, who controls the whole medical profession in India and he will bear testimony to it—doctors use medicine to prevent disease or cure disease, and they do nothing beyond that. There may be a dishonourable exception to the rule: there might be a doctor who might make money by prescribing morphia, cocaine and opium. If my Honourable friend had said that the use of narcotic drugs ought to be put an end to, I would have supported him. So far as opium and morphia are concerned, Government are taking every sort of precaution. They are taking the precaution of preventing doctors from prescribing drugs, whereas the man in the street can get a tola of opium without any control whatsoever. Government are so careful about doctors and doctors do not misuse the narcotic drugs. To say that doctors prescribe patent medicines for patients—I do not think that any doctor, so far as I know, who is qualified, prescribes patent medicines for patients. On the other hand, it will pay the doctor to prescribe his own prescriptions instead of patent medicines. By prescribing patent medicines he will not get more than a few annas, whereas by prescribing

[Rao Sahib Dr. U. Rama Rau.]

his own prescription he will certainly make more money. So, from his own standpoint, apart from the standpoint of the patient or the illness, the doctor is the last person to prescribe patent medicines. If at all some doctors prescribe patent medicines, they prescribe those patent medicines which have been accepted by the profession as the best, and which give their composition on the label. Only such standard patent medicines as are accepted by the profession as a whole are generally prescribed. But generally such patent medicines are very few and very few doctors prescribe such patent medicines and on that account a patient can never get into the habit of drugs.

My Honourable friend spoke of serum vaccines and things like that. I submit that this is not the place to bring up all those things; the place is elsewhere. He is no authority to talk on these drugs, serum and others, and things like intramuscular injection and intravenous injection, and if I were to explain them it would take not less than three hours. Sir, the craze for patent medicines is not because of doctors. It is because numerous advertisements appear in the papers, not only the Indian papers but also the English and other papers, in which the patent medicines are advertised to cure every illness on the face of the earth. If my Honourable friend had moved a Resolution to prevent these patent medicines from being advertised in India I could understand it, or if he had said that advertisements must not appear in the papers regarding patent medicines, I would have entirely supported him. Or if he had moved that there should be no importation of patent medicines from foreign countries to India, I would have entirely supported him. But to say that doctors are using drugs or patent medicines indiscriminately and they must be prevented from prescribing, is something which is beyond my comprehension, and no Government, however, capable it may be, will be in a position to prevent it. The doctor has got a licence to prescribe drugs. He has got a licence to make a patient unconscious, he has got a licence to prescribe poison, and no Government can prevent him from prescribing a patent medicine to the patient. As for the monkey gland, I shall leave it to my Honourable friend and others who advocate it, but we in India have nothing to do with monkey glands. As for patent medicines and proprietary foods, some of them are good and some of them are not, and those which are good are generally prescribed. Again, it is those people who read newspaper advertisements that use patent medicines. So, until and unless the Government have some control over these patent medicine advertisements, no amount of Resolutions passed in the Council will have any effect whatsoever.

Then, again, it is said that drugs prepared locally must be standardised. I do not know what the Honourable Member meant by that. If he means that every drug that is prepared here must be examined by the Chemical Examiner and certified to be of proper standard, I agree, or that the drugs must be prepared according to the British or Indian Pharmacopœia, I agree. Every drug that is sold by an allopathic chemist is prepared according to the British or Indian Pharmacopœia and no chemist will prepare any drug for the use of his patients in any other way. My Honourable friend further said that deleterious drugs are distributed all over the place. It is not done by the doctors. People who prepare patent medicines advertise them for their own benefit and distribute them all over the country. If

he wants that Government should prevent that, I entirely agree with him. I do not know whether this Council will approve of any of the conditions which are laid down in this Resolution. So, I strongly appeal to the House to throw out this Resolution without any consideration whatsoever.

THE HONOURABLE MAJOR-GENERAL T. H. SYMONS (Director General, Indian Medical Service): Sir, I have to thank the Honourable the Mover of this Resolution for making my task easy to-day by eliminating from the discussion any reference to narcotic drugs, and I presume he considers that they are sufficiently safeguarded by the Provincial Excise Acts. The Resolution to control the craze for medicinal drugs comes down to the question of two conditions. The first part of the Honourable Mover's speech was connected principally with drugs, the taking of drugs and the relations of the patient with the doctor. The second part of his speech was confined to asking Government to exercise some control over the preparation of drugs in India. To this Resolution an amendment has been made by my Honourable friend Sir Maneckji Dadabhoy, and in that amendment he has, if I may say so, made my task easy, by enlarging upon the latter part of the amendment with which, personally speaking, I am in sympathy, namely, that there should be some control exercised either by the Central Government or by the Provincial Governments over drugs which are manufactured in India. The rest of the speech made by the Honourable Mover, namely, the question of giving drugs to patients and their relations with the doctor, has been expounded by my Honourable friend Dr. Rama Rau, and I think I am safe in leaving the honour of the profession in his hands. I am sure the Honourable Mover will realise on due consideration that it is impossible for Government to interfere between the patient and the doctor. If they attempted to do such a thing, Government would step in,—where angels fear to tread. The Honourable Mover told us that there is a tendency in these days to put on the market—I use his words—"boosted up" serums, vaccines, etc., throughout the country, even when they have not been thoroughly examined, even when their contents have not been thoroughly analysed, and even when the medical man does not understand the possible or the subsequent effect of them. I do not wish to twit him, but if I remember aright, it was only two days ago when he recommended to this House that the Government should spend large sums of money in putting in the hands of certain patients a serum for which certain claims have been made, and which serum is to prevent or to cure the disease he mentioned. It may surprise him to hear that that serum, as far as the medical profession generally, specially in Great Britain, is concerned, is not accepted so readily as the Honourable Mover made out. In the first place, I think,—I am speaking subject to correction,—I am informed that even at the present moment that serum is more or less a semi-secret preparation, that it has been impossible to get hold of it and examine it thoroughly, so that one would hesitate, before one recommends such a serum being placed in the hands of a doctor, who does not understand the effects of it on the patient. To enlarge on this point, I may mention a case in connection with a particular disease where a professor at Oxford some years ago found that a certain preparation when administered had a much better effect.—I won't say cure,—than any other preparations that we knew of at the time. So careful was he that this preparation should not get into the hands of the ordinary professional men, —I may be excused for using the word,—that he decided to send that

[Major-General T. H. Symons.]

preparation to only one institution in India, and that institution, I am glad to say, was Madanapalle. So that before we can place these serums and these drugs in the hands of the ordinary medical men, one has to be very very careful and make sure of the preparation, its composition, and its effects. The Honourable Mover speaks also of what he calls "shot-gun" prescriptions. I presume he meant "firing into the frown" and thereby accused, I take it, medical men of putting in a large number of ingredients in their prescriptions hoping that one would hit the mark. Well, I must say that I have seen prescriptions of that nature. We have all seen them. But there again, it is the doctors who are driven to write these long prescriptions, because of the fancies of the patient. Patients as a rule are under the impression that they are not going to get well unless there are a large number of medicines put in the prescription, and it will take us a long time to remove this impression. I may say that I have been for thirty years trying to knock that idea out of their head, and I have not yet succeeded,—I do not think I will—and if the ordinary medical man in private practice is going to set up a standard for himself and for his patients and says that one drug, or two or three drugs would be enough in a prescription, the chances are that he will soon become unpopular, he will lose his practice and his patients will go elsewhere. Therefore, although I disagree with this method of treating patients, my sympathies to a certain extent are with the medical man.

Now, in order to show that Government, and especially some of the Provincial Governments, have made an attempt to prevent prescribing a large number of drugs, I may inform the House that the Madras Government two years ago appointed a Committee to inquire into, and to draw up a plan or schedule of the drugs which are considered to be absolutely necessary for running dispensaries and mofussil hospitals. I may say, Sir, that this Committee found on inspection that certain dispensaries contained some drugs, of which I had never heard myself and which were very expensive. This Committee, which consisted of three medical men in the Madras Presidency, recommended that the number of drugs to be supplied to these dispensaries, should be reduced, and we were able to cut down our drugs by one-half if not more. I know that has been followed by another Provincial Government. So there has been some attempt by Government to discriminate and also to limit the amount of drugs which was prescribed. As regards the other special drugs which he mentioned, namely, monkey gland grafting and serum injection, I think this is not the place either to decry their demerits or to praise their merits. So that I am sure the Honourable Member will see that it is a very difficult thing for the Government to step in between the patient and the doctor as regards the craze for drugs. On the other hand, as regards Government—either the Central Government or the Provincial Government—demanding a standard for drugs manufactured in India, there I am with him. One knows that there are certain factories existing at the present moment, especially in the north and south, where drugs are being manufactured and are being put on the market; and I would be pretty safe in saying that, if they were analysed, they would not come up to the standard which they profess; thereby committing two evils, first, letting the patient down inasmuch as he is only getting 25 or 30 per cent. of the drug he thinks he is getting, and at the same time letting the doctor down inasmuch as the doctor will be giving the wrong dose and perhaps wondering why the patient does not improve, and incidentally Western

medicine gets into bad repute. In Great Britain and in America there exist Acts which control the standard of drugs manufactured. May I deal with America first? The law in America particularly, I may say, deals with all these proprietary drugs. There are other drugs like the ordinary drugs found in the British Pharmacopœia which fully satisfy a certain standard and as such are recognised, but there are a large number of proprietary drugs especially in America, and these in the interests of the public are safeguarded by what is called the Food and Drugs Act. Also there is what is called the Council Pharmacy of the American Drugs Association, which puts forward the truth as regards new preparations. It investigates all put upon the market and publishes annually a publication which is called "New and Old Non-official Remedies". In Great Britain we have what is called the Therapeutic Act. But unfortunately the terms of that Act are not nearly as comprehensive as the Food and Drugs Act of America. The Therapeutic Act deals with biological products, such as toxins and serums and digestive ferments, glandular products and insulin. Now in India there are no safeguards against the manufacturing, advertising and selling of these patent drugs. You have been given to understand from the early part of my remarks that there are many firms in India putting on the market drugs in uncertain proportions inasmuch as they have not been standardised in India and no one except the manufacturer knows their correct composition. Therefore, I am with the Honourable the Mover of the amendment when he says that it is desirable that some steps should be taken whereby drugs manufactured in India should be standardised in some form or other. And I am therefore in favour of the amendment proposed which I will read, if I may, namely :

"That this Council recommends to the Governor General in Council to urge all Provincial Governments to take such steps as may be possible to control the indiscriminate use of medicinal drugs and to legislate for the standardisation of the preparation and for the sale of such drugs."

Whether such legislation would eventually become centralised, or whether it be provincialised, I cannot say at the present moment. All I can promise is that the Central Government would get into communication with the Provincial Governments, consult them and try and arrive at some method whereby such legislation could be effected.

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma: General): Sir, I am not a medical man and my only justification in speaking on this Resolution is that both the Resolution and the amendment do not take into account the mischief that will be done to both the Ayurvedic and the Unani systems of medicine if either the amendment or the original Resolution is adopted. Sir, we know the adoption of a Resolution of this kind would give the power for mischief to those people who are in favour of the allopathic system—in fact it would be those people who would have to say what drugs are necessary and proper and what drugs are not proper. In these circumstances, you are practically empowering the advocates of one system of medicine to effectively kill the other systems of medicine, because the allopathic doctors would not be in a position to know what the Unani and the Ayurvedic drugs contain, and it will not be possible for them to learn the composition of those drugs even with the aid of expert advice as they would be in a worse position than the layman to find out the efficacy of the Ayurvedic and the Unani cures. They

[Mr. P. C. Desika Chari.]

have got a natural bias and this natural bias will very greatly tend to put out of the market all Unani and Ayurvedic preparations. After all, it is admitted that these allopathic doctors are not quite numerous or adequate for the needs of the country and we find all over India and in Burma these indigenous systems of medicine doing very useful work with the masses of the population, and it is not possible to replace those people in the near future by allopathic doctors because it is not possible to find the funds nor is it possible to have as large a number of men as is necessary to give efficient medical aid to the masses of the population all over India and Burma.

With these words, Sir, I oppose the original Resolution as well as the amendment.

THE HONOURABLE SIR HAROON JAFFER: Sir, I thank the Surgeon General for the speech he has made and the sympathy he has shown with my Resolution. As regards the speech of my friend, Dr. Rama Rau, if he has understood that my Resolution included opium, then this Resolution would not have been on the agenda to-day, because he must know that opium is Excise which is a transferred subject. I have clearly mentioned in my speech that I am not launching any condemnation against the profession at all. (*The Honourable Rao Sahib Dr. U. Rama Rau*: "You have condemned them.") It is meant to be against the inexperienced and partly-qualified doctors, and if such doctors are displeased with my remarks then it appears that the cap fits them; therefore I am really sorry for them.

As regards doctors using drugs indiscriminately, if my friend had seen the proceedings of the Medical Research Section of the Indian Science Congress which was held at Lahore, he would have found that the President himself, in his presidential address, has stated that some doctors use medicinal drugs indiscriminately.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: He is not the authority to say so.

THE HONOURABLE SIR HAROON JAFFER: I have never been against the real Ayurvedic drugs; on the contrary, I have always supported them. To cut the matter short, Sir, I am prepared to accept the amendment moved by my friend the Honourable Sir Maneckji Dadabhoj and I hope the Council will pass it.

THE HONOURABLE THE PRESIDENT: The original question was:

"That the following Resolution be adopted, namely:

'This Council recommends to the Governor General in Council to urge all Provincial Governments to take immediate measures to control the craze for medicinal drugs by legislation for the standardisation of the preparation and sale of such drugs.'

Since which an amendment has been moved:

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

'This Council recommends to the Governor General in Council to urge all Provincial Governments to take such steps as may be possible to control the indiscriminate use of medicinal drugs and to legislate for the standardisation of the preparation and for the sale of such drugs.'

The question I have to put is that that amendment be made.

The motion was adopted.

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

The motion was adopted.

**RESOLUTION RE AMENDMENT OF THE INDIAN FOREST ACT,
1878.**

THE HONOURABLE MR. ANUGRAHA NARAYAN SINHA (Bihar and Orissa : Non-Muhammadan) : Sir, I beg to move the Resolution that stands in my name and that runs as follows :

“ This Council recommends to the Governor General in Council that he may be pleased to appoint a committee to examine Act VII of 1878 and other cognate Acts with a view to suggesting such revision thereof as may have become necessary.”

Sir, the object of my Resolution is very simple. The other day when the Forest Bill was under consideration in this House certain objections were raised as to the provisions of the Act. Act VII of 1878 is nothing else but the Indian Forest Act. It was passed in 1878. Nearly half a century has gone by and no serious changes have been introduced in the main provisions of this Act. So, when the Forest Bill was under consideration certain changes were proposed to be introduced in the main provisions of the existing Act. It was then stated that the Forest Bill was merely a consolidating Bill and it did not seek to change any of the existing provisions of the Act and that therefore those amendments were not in order. It was then suggested that if a Resolution was moved on the subject the Government will consider the desirability of introducing changes in the Act which may be considered necessary. In pursuance of that suggestion I have tabled this Resolution and I believe that the Honourable Members will find no difficulty in accepting this humble request of mine.

It is perhaps not known to Honourable Members here that the working of this Act has been causing great hardship to various members of the public in the neighbourhood of which this Act is being applied. Only recently this Act has been applied to two districts in my own constituency which has resulted in considerable hardship to the residents of that place. It was pointed out then that some of the provisions of this Act are so drastic that immediate notice ought to be taken thereof so that the objectionable features may be removed. It was suggested that the Act works great hardship in the case of those who are not familiar with the various intricacies of law inasmuch as their rights are taken away without proper notice being given to them. I may refer to certain sections of the Act as they exist and make my comments to show that these sections ought to be immediately revised. The Honourable Members of this House may be aware that under section 3, the Government is empowered to constitute any forest land or waste land into a reserve forest with the consequence that all rights which may accrue in those lands cease to accrue from the moment the Government publishes its notification in the local official *Gazette*. Then the Government appoints a Forest Officer. This Forest

[Mr. Anugraha Narayan Sinha.]

Officer is authorised to notify the villages and towns in the neighbourhood of that forest land which is intended to be declared a reserve forest to the effect that any claim which exists in the population of those towns and villages should be preferred before the Forest Officer. You know, Sir, that section 6 says that such notification will be issued to towns and villages and not to the residents of those towns and villages, so much so that these notifications are insufficiently distributed and many of the residents of these localities never know anything about it. Generally three months' time is allowed for preferring claims. If any of the residents does not choose to prefer any claim either through ignorance or for any other reason the effect of this omission on their part is that they cease to have all rights which must have accrued to them from time immemorial, which they may have been in enjoyment of for ages long gone by. This omission on the part of these villagers to prefer a claim before the Forest Officer within a prescribed time entails such great hardship upon them as to extinguish all their existing rights in those forest lands which they have been enjoying from time immemorial. Sir, that is a very serious defect in the Act. They have got no right of appeal to a higher authority as to this deprivation of their rights. They must content themselves with their lot and leave the matter as it is. Probably the Honourable Members of this House do not realise what difficulty the villagers are put to on account of this drastic provision of the Act. Then, if they choose to make their claims to the Forest Officer, what happens next? It is entirely within the authority of the Forest Officer to admit their claims or reject them. They have no doubt got the right of appeal to an officer who is appointed for that purpose, but you must remember that that officer is none else than another executive officer to whom the appeal is taken from the decision of the Forest Officer. One executive officer sitting in judgment upon another executive officer is not likely to inspire confidence in the people. We know very well that we are eminently satisfied with the judgment of the High Court and the judicial officers, but we have not got that amount of faith in the judgment of the executive officers where our rights are involved. We know in some cases the executive officers themselves are interested in these rights and it is not possible for them to do justice to the claims of other people in those matters in which they themselves are interested. For this reason it is very necessary that a revision ought to be undertaken of the existing provisions of the Act. The Madras Act, as it exists at present, has very many salutary provisions in it. From the decision of the Settlement Officer or the Forest Officer a party has a right to take the matter in appeal to the judicial officers and from their decision another appeal lies to the High Court. If this provision is extended to other parts of the country, it will certainly be greatly appreciated. There are other defects also in this Act. I do not propose to take the House at length into those sections of the Act, since my purpose is only to convince the House of the desirability of examining it with a view to removing all those defects which admittedly exist in the present enactment. I believe there will be no difficulty on the part of this House in acceding to this humble request of mine. With these few words I commend the Resolution to your acceptance.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"This Council recommends to the Governor General in Council that he may be pleased to appoint a committee to examine Act VII of 1878 and other cognate Acts with a view to suggesting such revision thereof as may have become necessary."

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: Nominated Non-Official): I have an amendment standing in my name. On further consideration I have thought it necessary to drop a few words from my amendment with your permission. I want in the second line after the word "Governments" to drop the words "of the Provinces where the Indian Forest Act (Act VII of 1878) is in force". This I do because the Forest Act contains a provision that the Governor General in Council may extend the provisions of this Act to other provinces to which it has not already been extended. At present this Act has not been extended to all the provinces in India, and I think it is advisable that the Local Governments of all the provinces should be consulted in the matter. In clause (a) also I wish to substitute the words "the Indian Forest Act, 1878" for the words "the said Act".

Sir, we are all in deep sympathy with this Resolution, and we are all obliged to our Honourable friend, Mr. Sinha, for bringing forward this matter before the House. He has explained at some length the many defects existing in this Act. I do not wish to go over the same ground again, because only a week ago this question was fully discussed in this House and my Honourable friends, Sir Sankaran Nair and Mr. Ramadas Pantulu, pointed out some of the most objectionable features of the existing Act, the removal of which has my entire sympathy. This Act was passed as far back as 1878 and many of its provisions have now become obsolete, or, at any rate, they are not suitable to existing conditions. It is essentially necessary that a revision of this Act should be undertaken without any further delay. We are in agreement with the Honourable Mover of this Resolution to this extent that some of the hardships which are caused by the operation of the existing Act should be immediately removed. But the Resolution of my Honourable friend is that a recommendation should be made to the Governor General in Council that he may be pleased to appoint a committee to examine the Act. I am afraid he has selected a wrong forum for the consideration and examination of this matter. The Central Government is constitutionally unable to entertain any such request, and the Honourable the Leader of the House has so often explained with great lucidity the position of the Central Government in this matter that it would be impossible for us to press this Resolution again for the consideration of Government as it stands. Only the other day he at great length explained in this Council the position of the Government of India when a Resolution about agricultural indebtedness and the constitution of mortgage banks in India was moved by my Honourable friend, Mr. Ramadas Pantulu. I do not therefore desire to take up the time of this Council by a repetition of those arguments. I will only say that this is not the right place where a Resolution of this character can be discussed and even less adopted. The Joint Parliamentary Committee which examined the Government of India Bill has laid down definite rules and instructions and in a matter of this nature the Central Government has been divested of its powers and authority. I will draw Honourable Members' attention to those instructions as it will shorten the discussion on this Resolution as well as the amendment:

"Over transferred subjects the control of the Governor General in Council, and thus of the Secretary of State in Council should be restricted in future within the narrowest possible limits, which will be defined by rules under sub-clause (f) of clause 1 of the Bill."

[Sir Maneckji Dadabhoy.]

And in pursuance of this the Secretary of State has made the rules. They are as follows :

“ The powers of superintendence, direction and control under the Act or otherwise shall, in relation to transferred subjects, be exercised only for the following purposes—

- (1) to safeguard the administration of central subjects;
- (2) to decide questions arising between two provinces in cases where the provinces concerned fail to arrive at any agreement;
- (3) to safeguard Imperial interests; and
- (4) to determine the position of the Government of India in respect of questions arising between India and other parts of the Empire.”

My Honourable friend will observe that this Resolution does not come within the limitations prescribed in these rules, and therefore it is impossible for the Central Government to entertain this Resolution as it stands. All the same we desire that this Act should be fully examined further without any delay and that those of its provisions which are not in consonance with existing conditions should be modified or substituted by other more suitable provisions. I therefore move my amendment.

THE HONOURABLE THE PRESIDENT: Amendment moved :

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

“ This Council recommends to the Governor General in Council that Local Governments may be asked for their opinion as to—

- (a) whether the Indian Forest Act, 1878, needs any revision, and
- (b) whether, in the event of revision being decided on, the appointment of a committee would be the most suitable procedure for revising it.”

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I am in agreement with the amendment moved by my Honourable friend, Sir Maneckji Dadabhoy, but at the same time, I must make it clear that I do not agree with any one of his reasons. I do not agree with him when he says that this Council has only the right to pass the Indian Forest Act in a consolidated form, but that it is not the proper forum for discussing the question of its revision. If any Council has got a right to do it, it is this Council which passed the Act. I have already said on a different occasion that to consolidate an Act is merely a process of scissors and gum. Acts which are as old as the hills are sometimes pieced together in the name of consolidation and the occasions are not availed of for revising them as they ought to be. I think this Council ought to have considered the question of revision also when it was consolidated. I did not agree with the Leader of the House then and I do not agree to-day with my Honourable friend, Sir Maneckji Dadabhoy, on the so-called constitutional aspect. The constitutional aspect was unfortunately put forward many a time to evade the real issue. The Government of India, I am afraid, is very anxious to evade its responsibility in many matters by raising the bogey of the conflict between the Central Government and the Local Governments. In matters in which the Central Government ought really to move but on which they are not prepared to express themselves one way or the other, they seem to take shelter under the pretext that the matter is for the Provincial Governments and not for the Central Government. However, without agreeing with any of the reasons put forward by the Honourable Sir Maneckji Dadabhoy, I am able to support his amendment for other reasons. The present

Indian Forest Act applies only to five provinces, and a portion of a sixth province. There are other provinces to which it may be extended. Therefore, I agree that it is only the Local Governments which can really advise the Central Government as to what is the proper Act that is required for the administration of the forest laws in a particular locality. The Government of India is not in a position to decide what revision this Act requires, because the Act, as it stands at present, applies only to Bombay, Bengal, Bihar and Orissa, the United Provinces, the Central Provinces and a portion of the Punjab. There are the other provinces to which it does not apply, and in which there are various local laws in operation. Therefore, the proper procedure would be to ask the Local Governments to suggest what revision is required in the Act and also to consult them if a Committee is necessary to undertake the revision. Therefore, for these reasons which are entirely different from those advanced by the Honourable the Mover of the amendment, I support it.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH Sahib Bahadur (Education, Health and Lands Member): Sir, in this case also, as in that of the Resolution which was discussed a little while ago, my task has been considerably lightened. I would indeed have felt great hesitation to accept the Resolution as it originally stood on the agenda, whatever my sympathies in favour of that Resolution might have been, because of its exact wording. But the amendment that has been moved by my Honourable friend Sir Maneckji Dadabhoy has clarified the position to such an extent that, I think, I may safely say, I can raise no objection to it whatsoever. I refrain from entering into a discussion at this stage of any of the provisions of the Act which need revision. The Honourable the Mover of the Resolution has drawn the pointed attention of the House to certain provisions which he regards as highly objectionable, but I shall, as stated already, refrain from such temptation, for inasmuch as it is now conceded that the question as to whether any revision of the Act is necessary at all should be referred to Local Governments and their opinions elicited, it is unnecessary at this stage to lay any emphasis on particular provisions of the Act.

One impression, however, I think I may correct at once. I believe it has been said by everybody that this Act is as old as 1878, and that it has undergone no revision since. I may at once state for the information of Honourable Members that the Act has indeed undergone several revisions up to the year 1911. My Honourable friend, Mr. Ramadas Pantulu, while giving his blessings to the amendment that was tabled by my friend Sir Maneckji Dadabhoy, referred once more to the difference which has always existed between me and himself as regards the constitutional position governing subjects which come under the domain of the Provincial Governments, and he asked the question whether, if this Council had the authority to give its assent to the consolidation of the law relating to Forests, it had not the power to amend or alter the law, if it felt that it was objectionable. The view that was expressed by the Honourable the Law Member the other day on this identical question, and the view that has often been expressed by me in this House on kindred questions may well be recalled to mind. So far as the present Act is concerned, the Honourable the Law Member said that it was not up to this House to alter or amend the law at the stage of consolidation. But now that we have passed that stage and we are now considering my Honourable friend Ramadas Pantulu's point of view that this House has got the right to amend or alter the law, I would invite his

[Sir Muhammad Habibullah.]

attention to section 80A (2) of the Government of India Act. It is not the opinion of the Joint Parliamentary Committee, it is not an interpretation of it by the Secretary of State, it is not a venture—some attempt on my part to interpret the expression of opinion of the Joint Parliamentary Committee. But in that Act, as my Honourable friend will find, it is stated that it is open to the local Legislature of any province to repeal or alter in respect of that province any law made by any authority in British India, provided that in certain cases this can be done only with the previous sanction of the Governor General.

THE HONOURABLE MR. V. RAMADAS PANTULU: Does it mean that we cannot do it here, Sir? Local Legislatures may also repeal or alter it. The section does not take away our power.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR: Now, what I wanted to make sufficiently clear was that this provision was introduced in the Act for the purpose of enabling each Legislative Council to alter an Act though it might not have been passed by the Legislative Council itself if it felt that its provisions militated against the requirements of that particular area, because it is impossible for this House to envisage the local conditions of every province and so alter the Act as to fit in with the requirements of each province. It would, therefore, mean that the Act will have to be so amplified as to codify separate provisions in it which would be of application to each and every province in India. Indeed, at the present moment the Act of 1878 does not apply to all the provinces in India. It does not apply to Madras; it does not apply to the Punjab; it does not apply to Assam; it does not apply to Ajmer-Merwara, and so on. Each of these provinces has got its own enactments. In spite of the fact that the Act of 1878 existed, and in spite of the fact that in that Act there was a specific provision giving power for its extension to any province or part of a province as the Governor General in Council may direct, these excepted provinces did not ask for the extension of the provisions of this Act to their respective areas. But in the light of their own requirements they considered it necessary to pass their own laws and those laws are now in force. Therefore, there is very great appropriateness in leaving to each Local Government and to each local Legislature to frame what laws they think are necessary for their respective areas. There is, thus, nothing wrong in the statement which was made by my Honourable friend Sir Maneckji Dadabhoy that this would be indeed a question for each Local Government and for each local Legislature to consider. I think, Sir, in response to the expression of opinion which my Honourable friend the Law Member gave the other day, that, if the Honourable Members of this House considered that the time had come for the revision of this ancient Act of 1878, it was open to them to move a Resolution, my Honourable friend Mr. Sinha has moved this Resolution and my Honourable friend Sir Maneckji Dadabhoy has brought forward a very appropriate amendment thereto. In these circumstances, I accept the amendment.

THE HONOURABLE MR. ANUGRAHA NARAYAN SINHA: Sir, without entering into a discussion of the reasons adduced in favour of the amendment, I hasten to accept the amendment moved by the Honourable Sir Maneckji Dadabhoy.

THE HONOURABLE THE PRESIDENT: The original question was:

"That the following Resolution be adopted, namely:

'This Council recommends to the Governor General in Council that he may be pleased to appoint a committee to examine Act VII of 1878 and other cognate Acts with a view to suggesting such revision thereof as may have become necessary.'

Since which an amendment has been moved as follows:

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

'This Council recommends to the Governor General in Council that Local Governments may be asked for their opinion as to—

(a) whether the Indian Forest Act, 1878, needs any revision, and

(b) whether in the event of revision being decided on, the appointment of a committee would be the most suitable procedure for revising it.'

The question that I have to put is that that substitution be made.

The motion was adopted.

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

The motion was adopted.

RESOLUTION RE LEADERS OF INDIAN DELEGATIONS TO THE LEAGUE OF NATIONS.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, I beg to move:

"That this Council recommends to the Governor General in Council to appoint an Indian of suitable rank and qualifications to be the leader of the Delegation representing India at the next session of the Assembly of the League of Nations and similarly at subsequent sessions thereof."

I make no apology for bringing forward this Resolution once again. I do so because this Resolution raises an issue which is of great moment to the status of India in the Councils of the Empire, and I regard it as a duty to the country to bring it forward again and again until Government have been prevailed upon to accept the principle that the head of the Indian Delegation to the Assembly of the League of Nations at Geneva should be an Indian and thereby the wishes of this House and the country at large be respected. It is exactly three years since I first brought forward this Resolution. I moved it on the 10th March 1924. The Honourable Sir Muhammad Shafi was then the Law Member. He was most sympathetic to the Resolution. I will quote two sentences from his speech:

"The Government of India fully recognise that the wish expressed in the Resolution which has been moved by my Honourable friend Mr. Sethna is natural. . . . The Government of India fully recognise that fact, and the House may rest assured that the proposal will receive the most careful consideration of the Government of India when the time for appointment arrives."

On this assurance and at Sir Muhammad Shafi's request, I withdrew my Resolution. The time for making the appointment was only a few months later, in September. The head of the Delegation in 1924 was not an Indian. In 1925 it was the same and I thought it was incumbent upon me tabling forward the Resolution a second time, which I did on the 17th February of

[Sir Phiroze Sethna.]

last year. Sir Muhammad Shafi was no longer the Law Member. He was succeeded in that high position by our Honourable friend Mr. Das. Mr. Das in the course of his speech made the following remarks :

“ All that I can say to him is that since he moved that Resolution in, I believe, March 1924, the Government have been giving very serious consideration to it, and I am afraid I am not in a position to-day to make any definite statement as to what the Government propose to do with reference to that Resolution, but the Government hope, this year at any rate, (*that is, 1926*), to be able to make an announcement before very long as to how far Government can give effect to the proposal at the next session of the Assembly. I can only repeat what my predecessor said on the last occasion in March 1924, that the Government recognise the wish, have the fullest sympathy with the motion, and subject to what I have said as regards the constitutional position, they have every sympathy with the motion, and though I am not in a position now to accept the motion because, as I have said, it is still under very serious consideration and no definite decision has been arrived at, we do not propose from the point of view of the Government to oppose that Resolution.”

Government did not oppose the Resolution and the Resolution was passed in February 1926.

The announcement of the *personnel* of the Delegation was made on the 1st of July, and again we were disappointed. I happened to be in England at the time. On July 2nd, the *London Times* had an article. It condemned the appointment of Sir William Vincent as the Leader, not from the point of view of this Resolution, but from an absolutely different point of view. The *London Times* found fault with the appointment because during the four previous years the leadership was in the hands of such persons as Lord Hardinge of Penshurst (twice), Lord Chelmsford and Lord Willingdon. I addressed a letter to the *London Times* which was published on July 21st and, with your permission, I propose to read the last paragraph of that letter :

“ The names now announced show that the Government have once again flouted the wish expressed by the Legislature and have so far given no reasons whatsoever as to why they have not selected a suitable Indian as the Leader of the Delegation. In the past such eminent Indians as Lord Sinha, Sir Ali Imam, the Right Honourable Srinivasa Sastri, Sir Sivaswamy Iyer, Mr. Hussan Imam, Sir Dadiba Dalal and Sir Atul Chatterjee were selected as members of the Delegation. Any one of the above would have been selected as the Leader this year, or, if the Government desired to make fresh appointments, they certainly could have nominated some other prominent non-official Indian. If they considered it necessary that the Leader should be an official, then surely the present High Commissioner for India in London is an Indian and an official, and if he had been chosen for the position the appointment would have met with universal favour in India and would have been appreciated as an act on the part of the Government in conformity with the Resolutions moved in the Council of State, with which on both occasions, Government have expressed their entire sympathy.”

Now, Sir, according to the announcement, there were three Delegates and three Substitute Delegates and out of a total of six, four were Indians, two as Delegates and two as Substitute Delegates. So far, therefore, as the numbers were concerned, we have nothing to say but every reason to be satisfied, but the point we have insisted upon and which Government themselves favoured, both Law Members expressing their approval of the suggestion made in my Resolution, has not yet been met. And when this announcement was made, there was a feeling in the country that Government, as I said in my letter to the *London Times*, had again flouted the wishes of this House. I cannot do better than quote a few lines from a leaderette which appeared in the *Indian Daily Mail* and which correctly

voiced the wishes of the whole country. This leaderette appeared in that paper in its issue of July 7th. It said:

"Government seem to be unaware of the painful impression which their persistent and deliberate action in making the brown man, however eminent, play second fiddle to a white man, however, mediocre, is calculated to create and does create among the nations who are represented at these Conferences by their own nationals. If it is the object of the Government to proclaim on these occasions to the world that India is a dependent country and that Indians are a subject race, they could not adopt a more effective course than the one which they have been adopting notwithstanding the protests of Indian public men. We regard the choice of Sir William Vincent to lead the Indian Deputation, as a calculated insult to the intelligence and self-respect of the Indian people."

As I have stated, the announcement of the *personnel* was made on the 1st of July. The statement which the Honourable the Law Member had promised to make was made at the meeting of the Council of State at Simla on the 24th of August. Before I quote his words on the subject let me remind the House that Sir Muhammad Shafi had informed the then Council that there was no one actually ever appointed as a leader, but in the same breath he informed the House that in actual practice it was the British member of the Delegation who, because of his position and qualifications, was chosen as the leader. The present Law Member, the Honourable Mr. Das, does not say that no selection is made of the leader. I will now quote to you his words:

"The discussions of the meeting of the Assembly invariably include in their scope difficult questions of foreign policy and internal relations. For these in the case of India under the present constitutional arrangements, the Secretary of State for India is responsible, and as a member of the British Cabinet, he is of necessity fully acquainted with the trend of the policy of His Majesty's Government in regard to these matters. It has been customary to appoint persons to lead the Delegation who, in addition to possessing personal knowledge of India and Indian conditions, have been in a position to appreciate the guiding principles of His Majesty's Government's foreign policy and are thereby specially empowered to carry out the responsibilities devolving on the Secretary of State in this regard."

Then follows this sentence:

"This system has worked satisfactorily in the past, and in present circumstances, it is thought unnecessary to depart from it."

Mr. President, I am sure the House will agree with me when I say that I regard this answer as most unsatisfactory and disappointing. It is in utter variance with the generous expressions of sympathy conveyed in this House both by the Honourable Mr. Das and by his immediate predecessor on behalf of Government. It is a strange irony of fate that the most careful consideration of the recommendation made in this Resolution should have borne fruit not in its acceptance but on the contrary in the announcement of a policy which is a direct negation of what was recommended in the Resolution, and supported by Government. In fact, the announcement sets at naught the wishes of this Council and of the country at large.

Now, let us proceed to examine the grounds upon which it is proposed to oppose the recommendation that has been made. The first is that the agenda of the Assembly of the League of Nations includes matters relating to foreign policy and international relations, secondly, that the British member alone can appreciate the guiding principles of the foreign policy of His Majesty's Government, and thirdly, it is the British member alone, and not an Indian, who can carry out the responsibilities of the Secretary of State in this regard.

[Sir Phiroze Sethna.]

As regards the first point, we do not for a moment dispute that in the agenda there are questions of foreign policy. May I ask, are there not questions of foreign policy involved in the affairs of the Government of India? And are not there Indian Members on the Council of His Excellency the Viceroy and Governor General? Are these questions set apart and isolated from the questions of foreign policy and international relations, such questions, as for example, of defence or overseas? Therefore I contend that an Indian Member is as capable of looking after these questions at the Assembly of the League of Nations as a British member of the delegation.

The second and third claim is made in favour of the British member as against the Indian member inasmuch as the Indian member will not understand the position as well. If such a contention were put forth on behalf of a member of the British Cabinet, we certainly would have nothing to say. But to advance such a claim in favour of every Britisher who is appointed as the head of the Delegation is unsound, unwarranted and amounts to casting an unjustifiable slur on the capability of a suitable Indian heading the Delegation. In fact, Sir, the suggestion is that there is no Indian, no matter however able, however distinguished his services, however high and eminent his official or public position may be, who can fill this position and be able to appreciate the guiding principles of British foreign policy. This is exactly what the statement of my Honourable friend amounts to, and I say the remarks made therein and the opinion offered is absolutely unwarranted and unjustified.

If, on the other hand, there is a suggestion which has not been made but perhaps thought of that if the head of the Delegation were an Indian he would in discussing questions of foreign policy be blind to, or would not sufficiently safeguard the interests of, the Britishers, then I say again, any such idea would do a grievous wrong to Indians placed in such high positions. We know from experience that Indians placed in high positions have invariably striven, and striven hard, to uphold the position of Europeans here and elsewhere, and if an Indian were appointed as the head of the British Delegation, there will be no fear of his not safeguarding the interests of Britishers. Indeed, to my mind, it seems that an Indian, if he were the head of the Delegation, with the support which he would get and the co-operation that would be extended to him by his colleagues, both British and Indian, and also with what expert knowledge will be available to him—and in passing I may observe that such expert knowledge is absolutely essential to all the members of the Delegation, and particularly to the Leader, be he Indian or European—with such co-operation and with the help of expert knowledge, that Indian would be able not only to fully appreciate the guiding principles of British foreign policy, but also to discharge the responsibilities devolving upon the Secretary of State in this regard.

The Honourable the Law Member has rightly observed that under the present constitutional arrangements the Secretary of State is responsible for foreign relations. Nobody disputes that. Perhaps he implies that on that account the Secretary of State has the last word in the matter of the appointment of the Leader of the Delegation. If that be so, then we urge on the Secretary of State through the Government of India to accede to the wishes of this Council and of the Indian public and to appoint an Indian as the head of the Delegation. If he does so he will be respecting

Indian sentiment, and what is more, he will draw India and England closer together. If, in the past, the Secretary of State has had any fears in regard to the capability of Indians to discharge such responsible duties, then I am sure the Government of India, from their recent experience, will be able to convince him that an Indian head is able to discharge such important functions to their entire satisfaction. I refer of course to the appointment of the Honourable Sir Muhammad Habibullah as the Leader of the South African Delegation. The Government of India themselves have expressed their cordial approval of the work done by him. I have no hesitation in saying that the appointment of an Indian member as the head of that Delegation was a master stroke on the part of the Government of India, and I hope their example will be followed by the Secretary of State. It cannot be said that suitable Indians are not available to lead the Indian Delegation to the League of Nations. Suitable Indians are available both from the official and from the non-official ranks. We do not want a Prince. We want a commoner, one who has the confidence of the people of India and who has the ability. If such a person were selected I say it would redound very greatly to the credit of the Secretary of State and help matters greatly. Sir, when reading out the statement of the Honourable the Law Member, I laid stress on his last sentence and I will read it out again. He said:

"This system has worked satisfactorily in the past, and in present circumstances, it is thought unnecessary to depart from it."

This is a very lame excuse and adds insult to injury. Does it mean that because it has worked satisfactorily in the past there is no reason to change it? The same sentence might be used as a stock reply to all attempts on our part for advancement. Because a certain system has worked satisfactorily in the past, make no change whatever. I wish this sentence had not appeared in the Honourable Member's statement. It is not in conformity with the tendency of the age; it is not in conformity with the oft-expressed professions of Government that whenever possible they will advance the interests of Indians, and further that India is to be regarded as an equal partner in the Empire. It is for these reasons that I have brought forward this Resolution once again, and I hope this time with success.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"This Council recommends to the Governor General in Council to appoint an Indian of suitable rank and qualifications to be the leader of the Delegation representing India at the next session of the Assembly of the League of Nations and similarly at subsequent sessions thereof."

THE HONOURABLE MR. S. R. DAS (Law Member): I congratulate my Honourable friend on the moderate and very effective manner in which he has again placed his arguments in this House in support of this Resolution. The House will remember that when a similar Resolution was moved by my Honourable friend in February of last year I explained to the House the constitutional position of India in relation to its representation in the League of Nations, and while sympathising with the object of my Honourable friend, I explained that the Government had not at that time made up their mind and I promised that the arguments advanced by my Honourable friend would be taken into serious consideration by Government and an announcement would be made as soon as possible thereafter. As my Honourable friend has informed the House, on the 24th August last I made that announcement, a portion of which has been read out to the Council by my Honourable friend. That announcement was made after very

[Mr. S. R. Das.]

serious consideration by Government of the weighty arguments which had been advanced by my Honourable friend and other Honourable Members of this House on the last occasion. I regret that I am not in a position to announce on this occasion any alteration in the statement which I made in August 1926. I can only repeat that the Government is in full sympathy with the purpose underlying this Resolution. They realise the weight of the arguments which have been advanced in favour of the course suggested by my Honourable friend, but they are confronted by considerations which, for the present at any rate, seem to Government to carry greater weight.

I am glad that my Honourable friend has referred in such appreciative terms to the leadership of my Honourable colleague, Sir Muhammad Habibullah, of the Delegation which was sent to South Africa. But I am sure this House will recognise that the two cases are not parallel. The Indian Delegation to South Africa had to deal with questions which affected India alone *vis-a-vis* the South African Government. The Delegation to the League of Nations, on the other hand, have, as I have stated in my announcement, to deal with difficult questions of international politics and questions in which Great Britain is vitally interested; questions in which under the present constitution India must be guided more or less by the interests of Great Britain. I trust that my Honourable friend will recognise that the appointment of an Indian as the Leader of the Delegation to South Africa, at any rate, constituted a step forward in the direction in which my Honourable friend desires to move. Further, I trust this House will also consider that the fact that an Indian was appointed to lead that Delegation shows that the Government of India are always ready, whenever they are convinced that it is really to the interests of India that a particular delegation should be led by an Indian, to appoint an Indian to lead it. In this particular instance, that is to say, the Delegation to the League of Nations, the Government, for reasons which I have stated in my announcement, do not feel or do not find that it is absolutely necessary in the interests of India that an Indian should lead the Delegation on all occasions. That is the difference between the two delegations.

Though I am not in a position to accept this Resolution or to make any statement which would show a move in the direction that my Honourable friend desires, I trust that my Honourable friend will not think that the Resolution which was passed on the last occasion and the Resolution of which notice has been given is without any effect at all. As my Honourable friend has mentioned in the course of his speech, in the last Delegation the number of Indians represented on it was very much larger than on any of the previous occasions. They were in a majority; there were 4 Indians and only 2 Englishmen. On the last occasion, the Government, while not accepting the Resolution, did not oppose it as my Honourable friend has mentioned. They had not at that time given full consideration to that question. Since then, I have made an announcement to the House and they have come to a conclusion after giving every weight to the arguments which have been advanced not only by my Honourable friends here but throughout the country. Since that decision they see no reason for the present at any rate, to alter or add to the statement which they have made. The Government are, therefore, obliged on this occasion to oppose the Resolution. I would, however, be sorry to carry the Resolution to a division

and I would ask my Honourable friend to be satisfied with the progress that has been made, at any rate, in the increase of the number of Indian delegates and not to press this Resolution to a division.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab: Nominated Non-Official): When I first saw the Resolution I was against it from this point of view that the English people and we are under one Crown and that we need not say that India should be represented by an Indian subject of His Majesty and not by an Englishman who knows about India just as well and also about the English policy. But I have changed my view because when the English people are our great friends and want India to progress, to show to the world that India has got no representative of her own to be able to represent her interests will be a great slur on Indians, and I am sure that our friends, simply for the sake of our friendship alone, would see that such a slur is not cast on Indians. I had certain arguments to advance in this behalf, but my Honourable friend, Sir Phiroze Sethna has brought forward all the possible arguments and it is difficult for one to repeat them. For instance, I wanted to point out that, if there is anything so confidential that only an Englishman should be in the

1 P.M. know of it and thus nobody else can represent India, we may say that we have always had Indian Members in the Executive Council from whom nothing is hidden, and I think all of them have proved quite up to the mark when taken into confidence. Now, I do not know why an Indian should not be taken into confidence, and whenever an Indian has been taken into confidence, he has always justified his selection as will be seen from the success that has attended, the labours of our illustrious Leader of the House in the last Delegation to South Africa. There is, however, one thing that Government can do, and it is quite easy. When England is represented at the League of Nations by one of her own delegates, and when India is to be represented by an Indian, I think a capable Indian can be selected and can be placed under the English delegate selected from England; you can say the Indian selected can be called an assistant to the delegate selected to represent Great Britain at the League of Nations. The important consideration should be that the principal delegate should be an Englishman, while our own delegate should be an Indian who should be guided in all matters of foreign policy by the English delegate; in that case, the Indian representative will not be able to do anything without consulting the wishes of his English colleague. Therefore, I think, Sir, it would be quite feasible if an able Indian is selected. If it is said that there are no Indians capable enough to be selected to represent India at the League of Nations, then it will mean casting a slur upon the whole country. Another thing is that when this House has passed this Resolution once, and now it has again to pass it, I do not think it will change its views so very soon on this important question.

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma: General): Sir, we find in this matter that we have not been progressing, though we were asked by the Honourable the Law Member that we should be satisfied with the progress which has been made so far. Now, Sir, what do we find? In the first year there was an assurance, and it was a satisfactory assurance. In the second year in which I took part in the debate, there was no opposition, but the Government would not accept it. Now, this year we have progressed so far in the other direction that the Honourable the Law Member says he opposes the Resolution; and what little sympathy he expresses in the other portions of his speech is practically taken away

[Mr. P. C. Desika Chari.]

by the opposition which he makes to this Resolution. After all, Sir, I am not much convinced by the reasons which have been put forward for opposing this Resolution. "Sir, we are told that difficult questions of international importance are brought forward before the League of Nations. Who is not aware of it? The League of Nations assemble for the very purpose of discussing and arriving at decisions on complicated matters of international importance. It is also said that Great Britain is vitally interested in it and that it is necessary that India should follow the lead of Britain. I am not disputing it at all. But is it necessary, because Great Britain is vitally interested in it, that India should be practically excluded, that Indians should not take the part which they ought to take as representing one of the original members of the League of Nations? If Great Britain is vitally interested, and if the explanation which has been given is accepted, then it means that it is to the interests of Great Britain to have one more vote in the name of India. And this is what I said with reference to the leader of the Delegation not being an Indian during the discussion of the Resolution last year, and I would repeat it once again. "If Indians are made to play second fiddle, then the fact that Indians are there in the delegation is not of much consequence at all". There is already the cry of six votes to one so far as the other members representing various other countries are concerned. They say that Great Britain has taken six votes in the name of India and the other Dominions, and practically their interests are identical and England has taken six votes unnecessarily. Is it not necessary to remove this aspersion in the fair name of England? Is it not necessary to give India a proper leader who would voice the feelings of India, who would show to the other members of the League of Nations that India has got a cause of her own to advocate, and that she is not blindly following the lead of Great Britain? Is it not necessary that an Indian leader who can chalk out a line of his own should be appointed, to impress upon the other members of the League of Nations that England, after all, by procuring the membership of the other Dominions, has not done so for the purpose of votes which she has indirectly secured? I say, Sir, in the interests of Great Britain and in the interests of India, the leader of the deputation representing India at the League of Nations should be an Indian. It is not enough that some more Indian members are appointed to the Delegation. It cannot be said that no Indian can be found with the requisite qualifications. It has already been explained by the Honourable the Mover of the Resolution that it is quite possible to find suitable Indians with the requisite qualifications, be he an official or non-official, to represent Indians. If that is not disputed, I do not see any reason why the Government of India should not urge upon His Majesty's Government to appoint an Indian to lead the deputation to the League of Nations. With these words, Sir, I heartily support the Resolution.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative): Sir, I wish to support this Resolution, because it appears to me that the reasons which have so far been advanced for the non-acceptance of the Resolution are very inconclusive. First of all, it was said that questions of international importance would be discussed there and therefore no Indian would be suitable. I do not understand the argument. International law is widely published. We all read it and we all know it. Then why should not an Indian be able to express an opinion on international questions? What is the difficulty about it?

Then I go further. Suppose an Indian is appointed as leader of the Delegation to the League of Nations. I believe before the Delegation leave this country, the Government of India give its representatives certain instructions; I believe the Government of India place all the information in their possession; I also believe that the Government of India tell the representatives who are selected by them as to what the general policy of the Government of India is on certain matters. When these representatives go to England, I suppose they will have interviews with Members of the Cabinet and with the representatives of the British Government and the Indian Empire sitting together, and the Indo-British Empire sitting together. There are the representatives of the British Empire sitting together there—representatives of all the Colonies and of India and the British Government sitting together. They probably think out a line of policy that is to be adopted. If that is so, how is an Indian disqualified from being a member of that and giving his own views. It may be said that because they sit together and they think it out, therefore it is not necessary that a particular country should be represented by a particular person. I say that is the very reason why it should be. I remember reading in these debates—I think it was an Irishman who got up and said: The Indian is not my equal, he does not represent India, and I represent Ireland. Well, that is a direct insult given to India and given in the League of Nations. You may put up with a bad word said in the street or elsewhere, but said and uttered in that way and in the League of Nations, I think that is an insult which cannot be borne—at least I felt very angry when I read that aspersion of his. An Indian gentleman will be a gentleman of suitable qualifications: that is to say he will know how to steer the ship of State. Then he will have to advise his Indian colleagues. What is the danger of his being there? Why should he not be able to lead a deputation of Indians? It may be said that he has views of his own. So much the better. Then he will urge his views and the British Government will urge their views, and after all the world is governed not only by the will of one person or by the will of two persons but by the resultant of the wills of a number of persons. The Indian Empire has to be ruled and the British Empire has to be ruled, not by the wishes of England alone or the wishes of Canada alone, but the resultant of the wishes of all the members composing that Empire. If so, an Indian differing and having original views will be more welcome and he will be an advantage. Consider therefore all these things put together and the insult that was openly given and what was the misfortune of the thing that on that occasion when that gentleman gave that insult there was no reply attempted by anybody. The Indian could not speak and the representative of the British Government did not think it necessary to correct the Irishman. Now, if that is the thing we have got to put up with in international matters and be put down by our own Government and the British Government of which we form part, well I say in these circumstances I think we had better not exist at all. What is the good of being in existence if you are insulted and if you are ignored as unfit? There may be very valid reasons so far as the Government of India think, but I myself think that the Government of India have not thought the matter out properly or if they have, there are these other factors that have not been taken into consideration. These factors are very important. A man had better go hungry than go insulted. If you deprive him of his property, he will not mind, it will not be so bad in an Oriental country, and India is an Oriental country. I do not mind if a man takes away

[Mr. G. S. Khaparde.]

my purse. But he who takes away my good name, as Shakespeare says, takes away what enriches him not but leaves me poor indeed.

So, for all these reasons, I support this proposition with all the force that I can command.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: Nominated Non-Official): Sir, as I feel that the Honourable the Mover of this Resolution will press his Resolution to a division, I think it necessary to explain my position in this matter, as I propose to remain neutral. I am not satisfied either with the speech of the Honourable the Mover of the Resolution, or with the laboured apology given by my Honourable friend, Mr. Das. The Resolution as it is worded is in the nature of somewhat invidious character. If my Honourable friend, Sir Phiroze Sethna, had drafted his Resolution in a more reasonable manner I should have been the first to give him my support and my heartiest support. But when he proposes to shut out exclusively Englishmen as head of the Delegation for all time to come, I certainly disagree with him: He referred in his speech to equal partnership in the Empire, and yet he words his Resolution in a manner that shuts out Englishmen for all time to come from becoming a leader of the Delegation in this matter. (*An Honourable Member*: "Amend it like that.") No, I do not want to amend it at all. I think both the parties are unreasonable. I do say and I press the point, that the manner and the tone and the language of the Resolution are objectionable. My friend the Honourable Mr. Khaparde talks of insults. That feeling ought to be mutual and reciprocal. Is it not an insult to our English fellow-subjects in India, that no Englishman should ever be appointed leader of such Delegation? It is a most unreasonable demand in my opinion to make and I certainly shall not lend my support to it. On the other hand, I am entirely dissatisfied with the explanation given by my Honourable friend Mr. Das about the difficulties and the complexities of the situation and there not being an Indian who would be in a position to deal with the important problems of international law that would be placed before the League of Nations for their decision. Surely you could find one Indian out of hundreds of eminent Indians who are undoubtedly well up in International Law. Does anyone contend that my Honourable friend, the Honourable Mr. Das, knows less of international law than any European? (*An Honourable Member*: "What about Sir Maneckji Dadabhoy?") I am not satisfied. I cannot swallow an explanation of the character which has been vouchsafed by my Honourable friend, Mr. Das, on the subject. I think some *modus vivendi* ought to have been found by Government to meet the situation and I think it would be appropriate to the sentiments and aspirations of India if sometimes Government makes such appointments of Indians as head of the Delegation. Indians have been appointed as members. Why is it not possible to find one Indian as qualified to deal with and to lead the Delegation. As I find both parties are in the wrong, I shall neither support nor oppose the Resolution but remain neutral.

THE HONOURABLE SIR PHIROZE SETHNA: Sir, I think I will begin by replying to my Honourable friend, Sir Maneckji Dadabhoy. My Honourable friend considers my proposition as most unreasonable.

THE HONOURABLE SIR MANECKJI DADABHOY: Very.

THE HONOURABLE SIR PHIROZE SETHNA: Thank you. And he is not going to support it because he thinks it is not reasonably worded. May I ask my Honourable friend why he did not find fault with the identical Resolution on two previous occasions. If I remember rightly, my Honourable friend was one of my supporters.

THE HONOURABLE SIR MANECKJI DADABHOY: I challenge it. I was not present when you moved that Resolution.

THE HONOURABLE SIR PHIROZE SETHNA: May I ask if you were not present on both occasions?

THE HONOURABLE SIR MANECKJI DADABHOY: Yes, so far as my memory goes.

THE HONOURABLE SIR PHIROZE SETHNA: I am not quite sure. I have not all the debate reports by me, but my recollection is that he did support it.

THE HONOURABLE SIR MANECKJI DADABHOY: I did not.

THE HONOURABLE SIR PHIROZE SETHNA: I will accept his statement. Well, if he is not going to support me, it is fortunate he is not going to support Government, either. He refers to the Honourable Mr. Das as one understanding international law very well and consequently fit to be selected as leader.

THE HONOURABLE SIR MANECKJI DADABHOY: I shall be very glad if he is.

THE HONOURABLE SIR PHIROZE SETHNA: And I shall be very glad if Sir Maneckji Dadabhoy is himself selected as leader. He understands international law just as well as any European, who has headed the Delegation.

THE HONOURABLE SIR MANECKJI DADABHOY: That, Sir, is beside the point.

THE HONOURABLE SIR PHIROZE SETHNA: I should have thought that, if Sir Maneckji Dadabhoy had come prepared with his remarks this morning, he would have changed the views he expressed after hearing the Honourable Member who spoke before him. Mr. Khaparde drew pointed attention to the deliberate insult offered to the Indian Delegates by the Irish Delegate. Here is India, an independent member of the League of Nations, and yet an Indian does not head the Delegation. That is my answer for the manner in which I have worded the Resolution, and I hope, Sir Maneckji will not therefore consider it as unreasonable as he thinks it to be. I have worded the Resolution as I have, but doubtless it was open to Government to come forward with an amendment in terms of Sir Maneckji's recommendation, but they have not chosen to make any such suggestion.

Now, Sir, as to the speech of my Honourable friend the Law Member. The Law Member has stated that there is going to be no alteration from the statement he made on the 24th August, and yet he goes on to say, "I repeat, the Resolution has my fullest sympathy." I think my Honourable friend Mr. Chari correctly pointed out what progress this Resolution was making when he said that it is going no farther but is moving backwards. Full sympathy the first time, in 1924, better still next time.

[Sir Phiroze Sethna.]

namely, no opposition in 1926, and to-day going backwards by Government saying, "We will oppose it." If the Honourable the Law Member has the fullest sympathy with the Resolution, I appeal to him to translate that sympathy into action, and the sooner he does it the better. He has given us some hope. He said, the appointment of an Indian Member as the head of the South African Delegation was a step forward, and if we waited patiently perhaps we may get an Indian to head the Delegation to the League of Nations some day. We may go on waiting for years and not get it. A promise was given in 1924, but nothing was done in that year or in 1925. In 1926, the Honourable the Law Member gave a further assurance which I am sure every Member of this House accepted as definite, that the head of the Delegation would in that year be an Indian. This was again not so.

Whether the leader is a Britisher or an Indian, will my Honourable friend say that such a leader acts on his own? He certainly does not. He is the mouth-piece of Government, whether the authority be the Government of India or the Secretary of State. He cannot act on his own. If that is so, then are Indians not even competent to carry out your instructions?

Again, my Honourable friend said that the case of the Honourable Sir Muhammad Habibullah heading the Delegation to South Africa is not on all fours with my proposal. I dispute that statement. There too there were international relations and foreign policy involved. Was there not the question of the Britishers settled in South Africa and did not Sir Muhammad Habibullah acquit himself to the entire satisfaction of the Government of India and, I hope, of the Home Government? And will not an Indian acquit himself likewise at the League of Nations? So much, Sir, in reply to my Honourable friend.

Take the case of other countries. Has any but its own national ever represented that country at the Assembly of the League of Nations? I have here a complete list of the names of delegates who went to the League of Nations from the different parts of the Empire for the six years 1920—25 inclusive. I am not going to weary you with the names, but I will just give a summary as to how they were represented. Australia, in 3 years was represented by its High Commissioner, in the other 3 years, 1920, 1921 and 1924, not by its High Commissioner but by members of the Australian Government. In 1920, the Minister of Repatriation, in 1921 a very senior Member of Parliament, and in 1924 the Attorney General for the Commonwealth headed the Delegation. Take Canada. Of the six years, in 1920 the Minister of Trade and Commerce, in 1921, the Minister of Justice

THE HONOURABLE THE PRESIDENT: Order, order. This is hardly suitable material for the Honourable Member's reply. I have not heard it suggested in the course of the debate that other countries are not being represented by their own nationals.

THE HONOURABLE SIR PHIROZE SETHNA: I will skip these particulars if you so rule. I may state to the House the reason why I refer to them. We have a High Commissioner in England. The High Commissioner is an Indian. If the Government desire to appoint an official, the Government cannot do better than follow the example of these different

parts of the Empire who, in the great majority of cases, have always appointed their High Commissioner in London.

THE HONOURABLE SIR MANECKJI DADABHOY: I quite agree.

THE HONOURABLE SIR PHIROZE SETHNA: My Honourable friend says he quite agrees. May I also point out to Sir Maneckji that it is the wish of this country that the High Commissioner for India should always be an Indian? I hope my friend

THE HONOURABLE SIR MANECKJI DADABHOY: It is certainly the wish, but it has not been laid down that the High Commissioner for all times will be an Indian.

THE HONOURABLE SIR PHIROZE SETHNA: I hope that will be the practice.

THE HONOURABLE SIR MANECKJI DADABHOY: I hope it will be, but you cannot altogether shut out the Englishmen also.

THE HONOURABLE THE PRESIDENT: Order, order.

THE HONOURABLE SIR PHIROZE SETHNA: Now, Sir, I would like to quote from an interview which one of the delegates—not a substitute delegate—gave to a Bombay paper just before embarking on his mission in July or August last. I quote from the interview of Khan Bahadur Abdul Quadir. He said:

“It is satisfactory to India that this time two of us have been nominated by Government to be members of the Delegation of Geneva. It is also felt that there should be more scope given to the Government of India in making arrangements for the representation of India than is done at present. There is no reason why India should not have a more effective voice in its representation, when its status as a member of the League of Nations, in its own right, is recognised.”

I quote this to show that the delegates themselves think that there is something radically wrong which needs to be looked and remedied.

Now, Mr. President, I will not keep the Council longer. I repeat once again, as I said in the concluding portion of my opening speech, that I hope I do not move my Resolution this time in vain. I note that it will be an important concession. Without such concessions you will not advance us in the path of self-government. It is necessary; whether an Indian is appointed every year or, as my Honourable friend Sir Maneckji suggests, on some occasions.

THE HONOURABLE SIR MANECKJI DADABHOY: Or alternately.

THE HONOURABLE SIR PHIROZE SETHNA: . . . the concession is necessary. Concessions are interpreted by some as “a policy of scuttle”. But that is a mistake to my view of thinking. It is the “die-hards” who have to scuttle when popular feeling grows too strong for them. There can be no greater loss of prestige than to concede to clamour what was refused to common sense. And in the name of common sense I appeal to the Government once again to consider this Resolution and to carry out the wishes recommended there.

THE HONOURABLE THE PRESIDENT: The question is:

“That the following Resolution be adopted, namely:

‘This Council recommends to the Governor General in Council to appoint an Indian of suitable rank and qualifications to be the leader of the Delegation representing India at the next session of the Assembly of the League of Nations and similarly at subsequent sessions thereof.’”

The Council divided :

AYES—25.

Akbar Khan, The Honourable Major Nawab Mahomed.
Annamalai Chettiyar, The Honourable Sir S. R. M.
Desika Chari, The Honourable Mr. P. C.
Govind Das, The Honourable Seth. Jaffer. The Honourable Sir Haroon. Khaparde, The Honourable Mr. G. S.
Mahendra Prasad, The Honourable Mr.
Manmohandas Ramji, The Honourable Mr.
Muhammad Ali Muhammad Khan, The Honourable Maharaja Sir, of Mahmudabad.
Mukherji, The Honourable Srijut Lokenath.
Oberoi, The Honourable Sardar Shivdev Singh.
Ram Saran Das, The Honourable Rai Bahadur Lala.
Ramadas Pantulu, The Honourable Mr. V.

Rama Rau, The Honourable Rao Sahib Dr. U.
Ranga Rao, The Honourable Raja Sri Ravu Swetachalapati Ramakrishna Bahadur, of Bobbili.
Sankaran Nair, The Honourable Sir Chettur.
Sethna, The Honourable Sir Phiroze C.
Sett, The Honourable Rai Bahadur Nalininath.
Singh, The Honourable Raja Sir Harnam.
Singh, The Honourable Raja Sir Rampal.
Sinha, The Honourable Mr. Anugraha Narayan.
Suhrawardy, The Honourable Mr. M. Umar Hayat Khan, The Honourable Colonel Nawab Sir.
Wacha, The Honourable Sir Dinshaw Edulji.
Zubair, The Honourable Shah Muhammad.

NOES—18.

Brayne, The Honourable Mr. A. F. L. Charanjit Singh, The Honourable Sardar.
Commander-in-Chief, His Excellency the.
Corbett, The Honourable Mr. G. L. Das, The Honourable Mr. S. R.
Evans, The Honourable Mr. F. B.
Forest, The Honourable Mr. H. T. S.
Habibullah, The Honourable Khan Bahadur Sir Muhammad, Sahib Bahadur.
Haig, The Honourable Mr. H. G.

McWatters, The Honourable Mr. A. C.
Misra, The Honourable Pandit Shyam Bihari.
Rainy, The Honourable Sir George.
Stow, The Honourable Mr. A. M.
Swan, The Honourable Mr. J. A. L.
Symons, The Honourable Major General T. H.
Tek Chand, The Honourable Diwan.
Thomas, The Honourable Mr. G. A.
Thompson, The Honourable Sir John Perronet.

The motion was adopted.

THE HONOURABLE SIR ARTHUR FROM (Bombay Chamber of Commerce): Sir, I have a suggestion to make to Honourable Members of this Council. The list of business to-morrow is an extremely short one and I would suggest that the Honourable Mr. Ramadas Pantulu's Resolution be taken at the end of to-morrow's business—this, of course, if the Honourable the Leader of the House has no objection and if you yourself are in agreement with my suggestion. I would say that I have asked the Honourable Mr. Ramadas Pantulu and he has no objection to his Resolution being postponed by one day.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: I think it will generally meet the convenience of the House if we do not meet again this afternoon for the purpose of discussing the only Resolution left. It may very well be taken up to-morrow and then we shall have business which will be sufficient up till the lunch hour.

THE HONOURABLE THE PRESIDENT: I would remind Honourable Members that arrangements have been made for the taking of a photograph before to-morrow's meeting at 10-30 A.M. After what has been suggested and accepted by Honourable Members the Council will now adjourn till to-morrow morning at 11 o'clock.

The Council then adjourned till Eleven of the Clock on Thursday, the 10th March, 1927.