

PROCEEDINGS
OF THE
STANDING JOINT COMMITTEE
ON
INDIAN AFFAIRS
(Session, 1925).

WITH THE ORDERS OF REFERENCE OF BOTH
HOUSES OF PARLIAMENT.

*Ordered, by The House of Commons, to be Printed,
16th February, 1926.*

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HOUSE OF LORDS.

ORDERS OF REFERENCE.

Die Jovis, 19^o Martii, 1925.

Moved. to resolve, That it is desirable that a Standing Joint Committee on Indian Affairs, of both Houses of Parliament be appointed to examine and report on any Bill or matter referred to them specifically by either House of Parliament, and to consider with a view to reporting, if necessary, thereon any matter relating to Indian affairs brought to the notice of the Committee by the Secretary of State for India (The Earl of Birkenhead): *agreed to: Ordered,* that a message be sent to the House of Commons to communicate this resolution, and to desire their concurrence.

Die Mercurii, 25^o Martii, 1925.

Message from the Commons that they concur in the Resolution of this House communicated to them on the 19th instant, That it is desirable that a Standing Joint Committee on Indian Affairs of both Houses of Parliament be appointed to examine and report on any Bill or matter referred to them specifically by either House of Parliament, and to consider with a view to reporting if necessary thereon any matter relating to Indian Affairs brought to the notice of the Committee by the Secretary of State for India.

Die Martis, 31^o Martii, 1925.

Moved, That the following Lords be appointed to serve on the Standing Joint Committee on Indian Affairs, and that the Committee have power to agree with the Commons upon the appointment of a Chairman—

Earl of Midleton.
Viscount Chelmsford.
Viscount Willingdon.
Lord Harris.
Lord Amptill.
Lord Islington.

Lord Hardinge of
Penshurst.
Lord Southborough.
Lord Clwyd.
Lord Meston.
Lord Olivier.

(The Earl of Clarendon on behalf of the Earl of Birkenhead) : *Agreed to:* Then a message was ordered to be sent to the House of Commons to acquaint them therewith, and to request them to appoint Eleven Members of that House to be joined to the said Committee.

Die Martis, 7^o Aprilis, 1925.

Message from the Commons to acquaint this House that they have appointed a Committee of Eleven Members to join with the Committee appointed by this House as mentioned in their Lordships' Message of Tuesday last.

Die Lunar, 4^o Maii, 1925.

A message ordered to be sent to the House of Commons to propose that the Joint Committee do meet in Committee Room A, on *Tuesday the 12th instant, at Twelve o'clock.*

Die Martis, 5^o Maii, 1925.

Message from the Commons that they have ordered that the Select Committee appointed by them to join with the Select Committee appointed by this House on Indian Affairs, do meet the Lords Committee in Committee Room A, on *Tuesday next, at Twelve o'clock*, as proposed by their Lordships.

HOUSE OF COMMONS.

ORDERS OF REFERENCE.

[*Thursday, 19th March, 1925*]:—Message from The Lords,—That they communicate that they have come to the following Resolution, viz. : “ That it is desirable that a Standing Joint Committee on Indian Affairs of both Houses of Parliament be appointed to examine and report on any Bill or matter referred to them specifically by either House of Parliament, and to consider with a view to reporting, if necessary, thereon any matter relating to Indian Affairs brought to the notice of the Committee by the Secretary of State for India.”

[*Tuesday, 24th March, 1925*]:—*Ordered*, That so much of the Lords Message of 19th March as communicates the Resolution, That it is desirable that a Standing Joint Committee on Indian Affairs of both Houses of Parliament be appointed to examine and report on any Bill or matter referred to them specifically by either House of Parliament, and to consider with a view to reporting, if necessary, thereon any matters relating to Indian Affairs brought to the notice of the Committee by the Secretary of State for India, be now considered.—(*Colonel Gibbs.*)

So much of the Lords Message *considered* accordingly.

Resolved, That this House doth concur with the Lords in the said Resolution.—(*Colonel Gibbs.*)

Message to the Lords to acquaint them therewith.

[*Tuesday, 31st March, 1925*]:—Message from The Lords,—That they have appointed a Committee consisting of eleven Lords, to join with a Committee of the Commons, as a Standing Joint Committee on Indian Affairs, and request the Commons to appoint an equal number of their Members to be joined with the said Lords.

[*Monday, 6th April, 1925*]:—*Ordered*, That the Lords Message [31st March] relating to the appointment of a Committee on Indian Affairs be now considered.—(*Colonel Gibbs.*)

Lords Message *considered* accordingly.

Ordered, That a Select Committee of Eleven Members be appointed to join with a Committee appointed by the Lords as a Standing Joint Committee on Indian Affairs.—(*Colonel Gibbs.*)

Message to the Lords to acquaint them therewith.

Committee nominated of,—Brigadier-General Charteris, Sir Henry Craik, Mr. Fisher, Sir George Lloyd, Mr. Wardlaw-Milne, Sir Frank Nelson, Mr. Pilcher, Mr. Scurr, Mr. Snell, Mr. Wallhead, and Sir Victor Warrender.

Ordered, That the Committee have power to send for persons, papers, and records.

Ordered, That Five be the quorum,—(Colonel Gibbs.)

[Monday, 4th May, 1925] :—Message from The Lords,—The Lords propose that the Standing Joint Committee on Indian Affairs do meet in Committee Room A, on Tuesday 12th May, at Twelve of the clock.

Lords Message considered.

Ordered, That the Committee appointed by this House do meet the Lords Committee as proposed by their Lordships.—(Commander Eyres Monsell.)

Message to the Lords to acquaint them therewith.

LORDS AND MEMBERS PRESENT AND MINUTES
OF PROCEEDINGS AT EACH SITTING OF THE
COMMITTEE.

Die Martis, 12^o Maii, 1925.

PRESENT :

| | |
|-----------------------------|--------------------------|
| Viscount Chelmsford. | Brig. General Charteris. |
| Lord Ampthill. | Sir Henry Craik. |
| Lord Islington. | Sir George Lloyd. |
| Lord Hardinge of Penshurst. | Mr. Wardlaw-Milne. |
| Lord Southborough. | Sir Frank Nelson. |
| Lord Clwyd. | Mr. Pilcher. |
| Lord Meston. | Mr. Wallhead. |
| Lord Olivier. | Sir Victor Warrender. |

The Order of Reference is read.

It is moved by Sir *Henry Craik* that the Lord *Meston* do take the chair.

The same is agreed to.

The Course of Proceedings is considered.

It is resolved that the Committee shall meet on Tuesdays, at Eleven o'clock, when there is business to transact.

After deliberation it is resolved that an invitation be sent to the Secretary of State for India to attend the next meeting of the Committee in order to address them on the Government of India (Civil Services) Bill and to give his views on certain amendments which are to be proposed.

Ordered, That the Committee be adjourned to Tuesday next, at Eleven o'clock.

Die Martis, 19^o Maii, 1925.

PRESENT :

| | |
|-----------------------------|--------------------------|
| Lord Harris. | Brig. General Charteris. |
| Lord Ampthill. | Sir Henry Craik. |
| Lord Islington. | Sir George Lloyd. |
| Lord Hardinge of Penshurst. | Sir Frank Nelson. |
| Lord Southborough. | Mr. Pilcher. |
| Lord Clwyd. | Mr. Scurr. |
| Lord Meston. | Mr. Snell. |
| Lord Olivier. | Sir Victor Warrender. |

The Lord *Meston* in the Chair.

The Order of Adjournment is read.

The Proceedings of Tuesday last are read.

The Government of India (Civil Services) Bill [H.L.] is considered.

The Title is read and postponed.

The Preamble is read.

The Secretary of State for India is heard to make a statement as to the policy and views of the Government with regard to the Bill.

The Under Secretary of State is heard to make a further statement.

The Committee proceed to discuss the amendments which are proposed.

Ordered, That the Committee be adjourned to Tuesday next, at Eleven o'clock.

Die Martis, 26^o Maii, 1925.

PRESENT:

Lord Ampthill,
Lord Islington.
Lord Clwyd.
Lord Meston.

Brig. General Charteris.
Sir Henry Craik
Sir George Lloyd.
Mr. Pilcher.
Mr. Snell.
Mr. Wallhead.
Sir Victor Warrender.

The Lord MESTON in the Chair.

The Order of Adjournment is read.

The Proceedings of Tuesday last are read.

The Government of India (Civil Services) Bill [H.L.] is again considered.

Clause 1 is read.

It is moved by the Lord Ampthill, page 2, Clause 1, after line 16 to insert the following new paragraph:—

“(d) Certain named persons appointed before the first day of April, nineteen hundred and twenty four, by the Governor-General in Council or by a local government, or by the High Court or Chief Court of a Province in respect of whom the Secretary of State in Council shall have certified that exemption is justified by the circumstances of their original appointment.”)

and page 3, Clause 1, after line 4 to insert the following new paragraph:—

“(e) Certain named persons appointed before the first day of April, nineteen hundred and twenty four, by the Governor-General in Council or by a local government, or by the High Court or Chief Court of a Province in respect of whom the Secretary of State in Council shall have certified that exemption is justified by the circumstances of their original appointment.”)

The said amendments are agreed to.

Clause 1 is again read and agreed to as amended.

Clause 2 is read.

It is moved by the Lord Ampthill, page 3, Clause 2, after line 45 to insert the following new subsection:—

“(6) Every person whose salary and pension is, in accordance with the provisions of section sixty-seven A and section seventy-two D of this Act, not submitted to the vote of the Legislative Councils shall be deemed to be a person appointed by the Secretary of State in Council for the purposes of this section.”)

The same is objected to.

On question whether the proposed amendment be agreed to—

Contents (7).
 Lord Ampthill.
 Brig. General Charteris.
 Sir Henry Craik.
 Sir George Lloyd.
 Mr. Pilcher.
 Mr. Snell.
 Mr. Wallhead.

Not-Contents (4).
 Lord Islington.
 Lord Clwyd.
 Lord Meston.
 Sir Victor Warrender.

The Proposed Amendment is agreed to.

Clause 2 is again read and agreed to as amended.

It is moved by the Lord *Meston*, page 3, after Clause 2 to insert the following new clause:—

(" 3. In subsection (6) of section ninety-seven of the Government of India Act (which relates to the appointment to the Indian Civil Service of persons domiciled in India) the words 'in Council' shall be inserted after the words 'Secretary of State' where those words first occur.")

The proposed new Clause is read and agreed to without amendment.

Clause 3 is read and agreed to without amendment.

The Preamble is again read and agreed to.

Ordered, That the Lord in the Chair do report the Bill as amended to the House.

Ordered, That the Committee be adjourned to Tuesday, the 23rd of June at Eleven o'clock.

Die Martis, 23^o Junii, 1925.

PRESENT:

Lord Harris.
 Lord Ampthill.
 Lord Hardinge of Penshurst.
 Lord Clwyd.
 Lord Meston.
 Lord Oliver.

Brig. General Charteris.
 Sir Henry Craik.
 Mr. Fisher.
 Mr. Wardlaw Milne.
 Sir Frank Nelson.
 Mr. Pilcher.
 Mr. Snell.
 Sir Victor Warrender.
 Sir Alfred Knox.

The Lord Meston in the Chair.

The Order of Adjournment is read.

The Proceedings of Tuesday, the 26th of May last are read.

The following Draft Report is laid before the Committee by the Chairman.

ORDERED TO REPORT:—

1. That the Committee have met and considered the Bill and have made amendments thereto.
2. The Committee have had the advantage of hearing a statement on the Bill from the Secretary of State. Its main object is to secure that the budgetary provision for the salaries, pensions and allowances of certain

classes of public servants shall not be submitted to the votes of the legislatures in India. This involves amendment of the law in two directions:—

(i) The extension, in the case of persons whose salaries and pensions are at present exempted from the vote of the legislatures of the same exemption to other emoluments. The Government of India Act, 1919, exempted only the "Salaries and Pensions" of such persons, and, owing to the technical meaning of these terms in Indian practice there is at present a certain difficulty in classifying as "salary" certain allowances which form part of an officer's regular remuneration, or the reimbursement of expenses incurred by him in the course of official business.

(ii) The Act removes from the vote of the legislatures the "salaries and pensions," however defined, *only* of persons appointed by the Crown or the Secretary of State in Council. But the concessions granted as the result of the recommendations made in the Report of the Royal Commission on the Superior Civil Services in India have not been confined to persons appointed by the Secretary of State in Council (who, broadly speaking, consist of the members of the services known as "All-India Services"). They have been extended to members of the superior services, both central and provincial, who are appointed by the Government of India and local Governments. It would not be consistent that public servants who enjoy the benefit of concessions granted by the Secretary of State in Council should depend for the yearly provision of their remuneration upon the votes of the various legislatures. The Bill, therefore, proposes to comprehend in the category of persons whose "salaries and pensions" are to be "non-votable" such existing (but not future) members of services declared by rules to be "superior services," as were appointed by the Government of India or a local Government.

3. The principle of the Bill has already been accepted on Second Reading in the House of Lords, and the Committee endorse it without hesitation. They realise fully the moral obligation of the Imperial Government to preserve the spirit of the Government of India Act, 1919, and on broad principles they are opposed to any invasion of the powers of the Legislatures in India. At the same time they consider the safeguarding of the interests of the Public Services in India to be a duty which must be fulfilled in the interests of the proper working of the new Constitution, and they are not apprehensive that the privilege now proposed will impair the proper discipline of the services by the proper authority.

4. The Committee, before proceeding to amend the Bill, had the advantage of hearing the views of the Under Secretary of State for India on various amendments which were proposed. They now proceed to deal with these amendments in some detail.

In the first place it was proposed to insert after Clause 1, page 2, line 16, and also after Clause 1, page 3, line 4, a new sub-section, going further than the Bill provided, by affording the same protection to certain persons whom the Secretary of State in Council may name, after certifying that exemption is justified by the circumstances of their original appointment.

This amendment, after careful deliberation, the Committee have agreed to.

5. The following views on this amendment were put before the Committee by the Under Secretary of State for India. He considered that the amendment was unnecessary as the Bill as it stands gives power to classify as "superior" (and thereby to make their salaries non-votable) any services or posts which have a status or responsibility comparable

with those of the "All-India" or "Central" Services. He stated that the Government proposes to adopt that criterion in deciding whether any provincial service or post is to be classified as "superior" for the purposes of this Bill. The Government does not advise the inclusion of a number of persons who, judged by the above-mentioned criterion, could not be classified as holding "superior" appointments. It considers that this would detract too much from the powers of the legislatures. In the matter of protecting any Provincial Services or posts which can be shown to be comparable in status or responsibility to the All-India and Central Services, the Government is prepared to go further than the recommendations contained in the Report of the Royal Commission presided over by Lord Lee of Fareham. It does not, however, mean to extend those recommendations to the Provincial Services as a whole, or to selected individual members. To attempt to do so would, in its opinion, reopen the whole question of the classification of the services and the distribution of control over them which has been effected on the basis of the Act of 1919.

6. The Committee have given the closest attention to those arguments, but have decided to insert the amendment, subject of course to whether drafting alterations may be considered necessary to give effect to its purpose. Their view is that there are appointments, here and there, which it would be difficult or even improper to classify as "superior," but which are yet held at present by persons who were originally appointed in circumstances which gave them the right to expect, and which in fact entitle them to, the same measure of protection as will extend to members of the new "superior" services. Such cases, it is anticipated, will not be numerous; they raise no racial question, as the proposed privilege will be open to all public servants alike; and the Secretary of State will not exercise his power of individual exemption without investigating the particular conditions under which each claimant was appointed. The number of officers thus privileged will steadily diminish, and the Committee do not regard the concession as constituting any appreciable derogation from the powers of the legislatures, while it will remove any sense of grievance from a few meritorious officials.

7. The second amendment which the Committee have adopted was not dealt with by the Under Secretary of State, and the Committee did not therefore have the benefit of his advice before considering it. The object of the amendment is to extend to all officers whose salaries are non-votable the same protection as Section 96b provides for officers appointed by the Secretary of State in Council. The provisions under which the salaries of officers are not submitted to the vote of the Legislative Councils would be nugatory if there were no special limitation to the power of abolishing their appointments.

The Committee were advised that this amendment does not come within the scope of the Bill. After discussion, however, they came to the conclusion that this additional protection is necessary, and the amendment was carried. They consider that the amendment is consistent with the recommendation made in paragraph 57 of the Report of the Royal Commission. They further consider that in the event of the recommendation in paragraph 27 of that Report being adopted by the Government this safeguard will be valuable. The Report recommends that an Appeal should only be finally referred to the Secretary of State provided that the case is certified by the Public Service Commission (when set up) as a fit one for such appeal.

8. The third amendment which the Committee have inserted is one which was put in at the request of the Secretary of State, and is not in any sense controversial. It is to supply an accidental omission in Section 96b of the Act of 1919, by adding the words "in Council" after "Secretary of State" as in the rest of that section.

9. In conclusion, the Committee trust that any Rules which are made by the Secretary of State in Council under Section 96c (2) of the Government of India Act, 1919, will be referred to them. They consider that the future and the security of tenure of public servants in India may be so materially affected by the functions of the Public Services Commission, that the Rules governing the powers of that body and the question of the final right of appeal against its decisions should not be approved by the Imperial Parliament until they have been submitted to exhaustive examination.

The Draft Report is read and agreed to without amendment. .

Ordered, That the Lord in the Chair do make the said Report to the House of Lords.

Ordered, That Sir *Henry Craik* do make the said Report to the House of Commons.

Ordered, That the Committee be adjourned *sine die*.

CORRECTION SLIP No. 37.

Rules under the Government of India Act (published by His Majesty's Stationery Office, 1921).

Devolution Rules.

Page 243, for sub-rule (2) of Rule 18 *substitute* :—

“(2) Notwithstanding anything contained in sub-rule (1) the contribution payable thereunder by the local Government of Bengal in the financial years 1925-26, 1926-27, and 1927-28, and out of the contributions payable thereunder by the local Governments of Bombay, Burma, the Central Provinces, and Berar and Assam, in the financial year 1925-26 the sums of 22 lakhs, 13 lakhs, 9 lakhs and 6 lakhs respectively, shall be remitted by the Governor-General in Council :

Provided that for the purposes of sub-rule (1)—

- (a) the sum determined by the Governor-General in Council as the total amount of the contributions of the local Governments for the financial year 1925-26 shall include the amount of the contribution of the local Government of Bengal remitted for that year and the amounts remitted for that year from the contributions of the local Governments of Bombay, Burma, the Central Provinces, and Berar and Assam ;
- (b) the sum determined by the Governor-General in Council as the total amount of the contributions of the local Governments for the financial years 1926-27 and 1927-28 shall include the amount of the contribution of the local Government of Bengal remitted for those years ;
- (c) for the financial year 1926-27 the last previous annual contributions of the local Governments of Bombay, Burma, the Central Provinces, and Berar and Assam shall be deemed to include in each case the amount remitted out of the contribution of each of the said local Governments for the financial year 1925-26 ; and
- (d) for the financial year 1928-29 the last previous annual contribution of the local Government of Bengal shall be deemed to be the remitted contribution for the financial year 1927-28.”

(*Government of India, Home Department, Notification No. F. 121/5/25 Public, dated 14th July 1925.*)

STATUTORY RULES AND ORDERS,
1925, No. 1456.

INDIA.
Indian Civil Service.

RULES MADE UNDER SECTION 97 (6) OF THE GOVERNMENT OF INDIA
ACT AS TO APPOINTMENT TO THE INDIAN CIVIL SERVICE
OTHERWISE THAN BY COMPETITIVE EXAMINATION OF PERSONS
DOMICILED IN INDIA. (a)

S. & G. 2558/25.

1. Every candidate for appointment must, in addition to being domiciled in India, be either a British subject or a ruler or subject of a State in India in respect of whom the Governor-General in Council has made a declaration under Section 96A of the Government of India Act.

If the candidate (being a British subject) or his father or mother was not born within His Majesty's Dominions or allegiance, the father must, at the time of the candidate's birth, have been a British subject or the subject of a State in India; and if alive must be, or if dead must have continued to be until his death, a British subject or a subject of such State.

2. A candidate must have attained the age of 21 and must not have attained the age of 23 on the 1st day of January in the year in which the selection is made.

3. A candidate must be free from disease, constitutional affection, or bodily infirmity, unfitting him, or likely to unfit him, for the Indian Civil Service.

4. A candidate must satisfy the Governor-General in Council, that his character is such as to qualify him for employment in the Indian Civil Service.

5. A candidate must hold a degree of a University approved by the Governor-General in Council* or the senior diploma of the Mayo College, Ajmer.

6. The Governor-General in Council, having regard to the needs of the Local Governments, shall call on the Local Governments to recommend such number of candidates as he may direct.

(a) These Rules, having lain before both Houses of Parliament for 30 days in accordance with section 97 (6) of the Government of India Act, came into operation on December 18th, 1925.

* See * note on page 2.

7. The recommendations called for under Rule 6 shall be made in the first instance from the list of candidates who sat at the annual competitive examination held in India for the Indian Civil Service in the year in which the selection is to be made, and secondly from the list of those who, having applied to sit for that examination, were not awarded a certificate of selection. If sufficient suitable candidates are not available from those sources the Local Government shall call for fresh applications.

8. The Governor-General in Council, after considering the recommendations received from the Local Governments, shall propose candidates for appointment.

9. In the event of a candidate being selected for appointment he will be required to proceed to England on probation for two years. The rules for his probation will be the same as those prescribed for candidates successful at the competitive examination.

10. Any attempt on the part of a candidate to enlist support for his application through persons of influence will disqualify him for appointment. Spontaneous recommendations from persons who are not themselves acquainted with the candidate's work at school or at the University, or otherwise, will be disregarded.

* The following Universities have been approved for the purpose of this Rule:—

Indian Universities.

The Universities of Allahabad,
Bombay, Calcutta, Dacca, Delhi,
Lucknow, Madras, Nagpur,
Patna, the Punjab, and Rangoon.
The Aligarh Muslim University.
The Benares Hindu University.
The Mysore University.
The Osmania University.

English and Welsh Universities.

The Universities of Birmingham,
Bristol, Cambridge, Durham,
Leeds, Liverpool, London, Man-
chester, Oxford, Sheffield, and
Wales.

Scottish Universities.

The Universities of Aberdeen, Edin-
burgh, Glasgow, and St. An-
drews.

Irish Universities.

The University of Dublin (and
Trinity College), The Queen's
University of Belfast.

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