

[Rai Brij Raj Krishna]

The Hon'ble the PRESIDENT: That has already been answered.

Rai BRIJ RAJ KRISHNA: Do Government propose to make any inquiry now?

The Hon'ble the PRESIDENT: Government have answered that they did make the inquiry and their information is that the mails are not delayed.

Rai BRIJ RAJ KRISHNA: In view of the information I have placed before the House.....

The Hon'ble the PRESIDENT: Order, order. The hon'ble member cannot convey information to Government at question time.

PROSCRIPTION OF THE PRAYER *ISH VINAYA* AND THE INTRODUCTION OF THE PRAYER IN SCHOOLS UNDER THE DARBHANGA DISTRICT BOARD.

299. Babu GIRINDRA MOHAN MISRA: (a) Will the Hon'ble Minister of Education be pleased to state if he was aware of the prayer entitled *Ish Vinaya* having been prescribed by the district board of Darbhanga for being recited by the boys of the primary schools, before the same was declared seditious and proscribed by a Government notification?

(b) If the answer to (a) be in the affirmative:

(i) Will the Hon'ble Minister of Education be pleased to state how long before the publication of the notification he came to know of it?

(ii) Did he receive any report from any officer of the educational service regarding the aforesaid *Ish Vinaya* having been prescribed by the district board?

(iii) Did he take any action in respect of it after he came to know of it? If so, what?

(iv) If he did take action in the matter did he ever bring to the notice of the Hon'ble Minister of Local Self-Government that such action had been taken?

(c) If the answer to (a) be in the negative:

(i) Will the Hon'ble Minister of Education be pleased to state how long after the publication of the Government notification he came to be aware of it?

[16th March 1927]

(ii) Did he come to know of it only through the publication of the notification in the Gazette or was it brought to his notice officially ?

(iii) Did he ever examine the question himself to see if the notification of the Political Department was justified or not, or did he take any other action in the matter ?

(d) Was it before or after the publication of the aforesaid notification that the proposal of new recurring grant of Rs. 43,000 was made to the Darbhanga district board and the conditions of the grant were accepted by the said board ?

(e) How long after the publication of the notification was the aforesaid grant withheld by Government ?

(f) Was the fact of withholding the grant ever brought to the notice of the Hon'ble Minister of Local Self-Government ?

(g) Was it before or after the *Ish Vinaya* case was withdrawn from the High Court that Government decided to restore the grant to the district board ?

Mr. E. C. ANSORGE: (a) The answer is in the affirmative.

(b) (i) Nearly a month.

(ii) The answer is in the negative.

(iii) The action taken by the Ministry of Education was to require the withdrawal of the song from schools under the board's control as a condition precedent to the payment of the new recurring grant.

(iv) The action taken was approved by Government after discussion by His Excellency the Governor in consultation with His Executive Council and Ministers.

(c) Does not arise.

(d) The grant in question was sanctioned generally on the 21st May 1925 but was withheld from 3 district boards, of which the Darbhanga district board was one, pending a reply from them to a letter of Government dated the 26th March 1925 in another connection. The song was proscribed on the 18th June 1925. The grant was offered to the board on the 2nd December 1925, subject to certain conditions of which the withdrawal of the song was one. These conditions were accepted on the 6th March 1926.

[B. Girindra Mohan Misra]

(e) About nine months.

(f) The answer is in the affirmative.

(g) Half the grant was sanctioned on the 13th March 1926, after the disposal of the case by the High Court.

Babu GIRINDRA MOHAN MISRA: Did the Hon'ble Minister of Education take any action before the notification was issued by Government in the Political Department?

The Hon'ble Sir SAIYID MUHAMMAD FAKHR-UD-DIN, Khan Bahadur: What action?

Babu GIRINDRA MOHAN MISRA: Any action?

The Hon'ble Sir SAIYID MUHAMMAD FAKHR-UD-DIN, Khan Bahadur: I do not think I took any action.

Babu GIRINDRA MOHAN MISRA: Did he take any action after the notification was published and before the matter went up to the High Court?

The Hon'ble Sir SAIYID MUHAMMAD FAKHR-UD-DIN, Khan Bahadur: The answer is there.

Babu GIRINDRA MOHAN MISRA: Had he any hand in the order of proscription being passed by Government?

The Hon'ble Mr. E. L. L. HAMMOND: The order of proscription was passed after it was discussed in a joint meeting of Government, that is His Excellency acting with the Members of the Executive Council and the Ministers. To that extent we, — not the present bench but those who constituted Government then, are all concerned.

Mr. JIMUT BAHAN SEN: Was it decided by a majority?

The Hon'ble Mr. E. L. L. HAMMOND: That, Sir, is a question which the hon'ble member is not entitled to ask and I am not entitled to answer.

The Hon'ble the PRESIDENT: The hon'ble member is certainly entitled to ask that question. Whether the Hon'ble Leader of the House will answer the question or not is entirely within his own discretion. But I cannot disallow the question.

The Hon'ble Mr. E. L. L. HAMMOND: I thought it was a question about the personal opinion of the officers of Government.

The Hon'ble the PRESIDENT: It is not a question about personal opinion. The question was whether the decision was

[16th March 1927]

arrived at by a majority. He is entitled to ask that question, but it is open to Government to decline to answer it on public grounds if they are so advised.

The Hon'ble Mr. E. L. L. HAMMOND: When an order was passed, naturally enough there must have been a majority in its favour.

Mr. JIMUT BAHAN SEN: Was it a unanimous decision?

The Hon'ble Mr. E. L. L. HAMMOND: That question of course I decline to answer.

Khan Bahadur SHAH MUHAMMAD YAHYA: Has the district board got any power to prescribe any particular prayer for any school which contains boys of different religions?

The Hon'ble Mr. E. L. L. HAMMOND: Not without the sanction of my Hon'ble Colleague, the Education Minister.

Mr. SAIYID MUHAMMAD ATHAR HUSAIN: Has the Hon'ble Minister given any sanction?

The Hon'ble Sir SAIYID MUHAMMAD FAKHR-UD-DIN, Khan Bahadur: No such application has ever been made.

Mr. SAIYID MUHAMMAD ATHAR HUSAIN: Are Government aware that a thing of this character has been used in certain schools?

The Hon'ble Sir SAIYID MUHAMMAD FAKHR-UD-DIN, Khan Bahadur: Government have no information.

Mr. SAIYID MUHAMMAD ATHAR HUSAIN: Will Government make any inquiry to find out whether an attempt has been made to introduce a common prayer?

The Hon'ble Sir SAIYID MUHAMMAD FAKHR-UD-DIN, Khan Bahadur: I shall make inquiries provided the hon'ble member gives me the name of the particular school.

Mr. JIMUT BAHAN SEN: Will the Hon'ble Minister be pleased to state under what rules he is authorised to give sanction to prayers of a particular type?

The Hon'ble Sir SAIYID MUHAMMAD FAKHR-UD-DIN, Khan Bahadur: The statutory rule made under the Local Self-Government Act.

[Mr. Jimut Bahan Sen]

Mr. JIMUT BAHAN SEN : Will the Hon'ble Minister please quote the rules ?

The Hon'ble the PRESIDENT : Order, order.

Babu RAMESHVAR NARAYAN AGRAWAL : Sir, with your permission may I ask certain questions from Khan Bahadur Yahya through you ?

The Hon'ble the PRESIDENT : No. The hon'ble member must satisfy his curiosity outside the Council.

Babu RAMESHVAR NARAYAN AGRAWAL : May I ask the Hon'ble Minister whether there are no common prayers in India for different communities ?

The Hon'ble Sir SAIYID MUHAMMAD FAKHR-UD-DIN, Khan Bahadur : There may be.

Babu RAMESHVAR NARAYAN AGRAWAL : Do Government intend to stop all those prayers also ?

The Hon'ble Sir SAIYID MUHAMMAD FAKHR-UD-DIN, Khan Bahadur : Orders will be passed on the merits of each case.

Mr. JIMUT BAHAN SEN : Who will be the judge ?

The Hon'ble Sir SAIYID MUHAMMAD FAKHR-UD-DIN, Khan Bahadur : One who has got power to decide.

Babu RAMESHVAR NARAYAN AGRAWAL : Has the Hon'ble Minister been informed that this Council does not like the combination of judicial and executive functions ?

The Hon'ble the PRESIDENT : Order, order. The question does not arise.

The Hon'ble the PRESIDENT : We have been for half an hour on the questions. About the remaining questions I propose simply to put them and if the hon'ble members insist on having supplementaries the questions will lapse.

Maulavi SAIYID MUBARAK ALI Sahib : Sir this being the last day of the Council I would request you to please extend the time by 10 minutes more, because there are some important questions.

The Hon'ble the PRESIDENT : Very well : But I would request the hon'ble members to be sparing in asking supplementaries.