

Wednesday, 1st February,
1928

THE

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT)

VOLUME I, 1928

(1st February 1928 to 22nd March 1928)

FOURTH SESSION

OF THE

SECOND COUNCIL OF STATE, 1928



CALCUTTA : GOVERNMENT OF INDIA
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1928

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THE

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT OF THE FOURTH SESSION OF THE SECOND
COUNCIL OF STATE)

VOLUME I—1928.

COUNCIL OF STATE.

Wednesday, the 1st February, 1928.

The Council met in the Council Chamber of the Council House in New Delhi, at Eleven of the Clock, being the first day of the Fourth Session of the Second Council of State, pursuant to section 63D (2) of the Government of India Act, the Honourable the President (the Honourable Sir Henry Moncreiff Smith, Kt., C.I.E.) was in the Chair.

MEMBERS SWORN.

- The Honourable Mr. Narayan Prasad Ashthana (United Provinces Northern : Non-Muhammadan) ;
- The Honourable Nawab Sir Muhammad Muzammil-ullah Khan, Khan Bahadur, K.C.I.E., O.B.E. (United Provinces West : Muhammadan) ;
- The Honourable Major General Thomas Henry Symons, C.S.I., O.B.E., K.H.S., I.M.S. (Director General, Indian Medical Service) ;
- The Honourable Mr. Ernest Burdon, C.S.I., C.I.E. (Finance Secretary) ;
- The Honourable Mr. Charles Cunningham Watson, C.S.I., C.I.E. (Political Secretary) ;
- The Honourable Mr. George Washington Hatch, C.I.E. (Bombay : Nominated Official) ;
- The Honourable Mr. Kiran Chandra De, C.I.E. (Bengal : Nominated Official) ;
- The Honourable Mr. Alma Latifi, O.B.E. (Punjab : Nominated Official) ;
- and
- The Honourable Mr. Donald Weston (Bihar and Orissa : Nominated Official).

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

PANEL OF CHAIRMEN.

THE HONOURABLE THE PRESIDENT : I have a Message for the Council from His Excellency the Governor General. The Message is in the form of the following order :

"In pursuance of the provisions of sub-section (2) of section 63A of the Government of India Act, I, Edward Frederick Lindley, Baron Irwin, hereby nominate the following Members of the Council of State to be on the panel of Chairmen of the said Council of State :

In the first place, the Honourable Sir Phiroze Cursetji Sethna ; in the second place, the Honourable Khan Bahadur Maulvi Abdul Karim ; in the third place, the Honourable Rai Bahadur Lala Ram Saran Das ; and lastly, the Honourable Mr. William Athelstan Gray.

Sd. IRWIN,

Viceroy and Governor General."

(The Message was received by the Members of Council standing.)

COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT : Under Order 76 of the Council of State Standing Orders I am required at the commencement of the Session to constitute a Committee on Petitions consisting of a Chairman and four Members. The following Honourable Members have at my request kindly consented to preside over and serve on the Committee. I hereby accordingly have much pleasure in nominating as Chairman of the Committee the Honourable Rai Bahadur Lala Ram Saran Das, and as Members the Honourable Raja Sir Rampal Singh, the Honourable Sir Ebrahim Jaffer, the Honourable Mr. P. C. Desika Chari and the Honourable Sir Manmohandas Ramji.

GOVERNOR GENERAL'S ASSENT TO BILLS.

SECRETARY OF THE COUNCIL : Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the following Bills :

The Insolvency (Amendment) Act, 1927.

The Repealing Act, 1927.

The Indian Bar Councils (Amendment) Act, 1927.

The Indian Merchant Shipping (Amendment) Act, 1927.

The Indian Divorce (Amendment) Act, 1927.

The Indian Forest Act, 1927.

The Indian Lighthouse Act, 1927.

The Indian Succession (Amendment) Act, 1927.

The Presidency-towns Insolvency (Amendment) Act, 1927.

The Bamboo Paper Industry (Protection) Act, 1927.

The Indian Securities (Amendment) Act, 1927.

The Societies Registration (Amendment) Act, 1927.

The Indian Tariff (Cotton Yarn Amendment) Act, 1927.

The Indian Tariff (Amendment) Act, 1927.

The Criminal Law (Amendment) Act, 1927.

The Cantonments (Amendment) Act, 1927.

The Indian Emigration (Amendment) Act, 1927.

The Indian Income-tax (Amendment) Act, 1927.

The Aden Civil and Criminal Justice (High Court Jurisdiction Amendment) Act, 1927.

The Indian Divorce (Second Amendment) Act, 1927.

The Assam Labour and Emigration (Amendment) Act, 1927.

DEATHS OF LALA SUKHBIR SINHA, SYED ALAY NABI AND DIWAN TEK CHAND.

THE HONOURABLE THE PRESIDENT: There will be no questions answered to-day. Two Members alone are responsible for the somewhat lengthy list on the paper before us, but I have just heard from the Honourable Mr. Kumar Sankar Ray Choudhury that, owing to a decision arrived at outside this House, he is not in a position to put his questions. The Honourable Sir Phiroze Sethna asked some days ago that his questions might be postponed till a later date.

Before we proceed to the legislative business of the day, the Council will expect me to make some reference to the losses which it has sustained since it last met.

The hand of death has been very busy among our friends and colleagues, no fewer than three having passed away in the last few months. The Honourable Lala Sukhbir Sinha was one of that decreasing band of Members—a band, I am glad to say, which has dwindled very gradually—who had sat in this Chamber since the date of its inauguration. I knew him personally long before he came to this House, long before I came to Delhi or Simla. We belonged to the same province and even before he took to politics—and that was nearly 20 years ago—he was a personal friend of my own. He was an orthodox Hindu of the old type and the House will not need to be reminded that he prominently identified himself with all movements connected with his religion and that one of his greatest activities was in connection with the preservation of the cattle of India. This interest of his was engendered not only by his religious beliefs but also by the fact that, being the most prominent landlord of his district in the United Provinces, he always associated himself with any movement for the improvement of agriculture or the uplift of the agricultural classes. His views, as we all know, were always expressed with great sobriety and tolerance and were listened to with respect from all sides of this House. Honourable Members, I know, will agree with me that we shall miss him sadly.

The Honourable Syed Alay Nabi also came from the same province and he was also a personal friend of my own long before we met in this arena. He came to the second Council of State after the general election and after having served for a long time in the Legislative Council of his own province. His views, like those of our colleague to whom I have just referred, were sober and moderate and he only spoke on those subjects in which he took a deep interest. Him, too, we shall miss.

The Honourable Diwan Tek Chand, who was the last of the three to die, had been here at intervals almost since the inauguration of the Council. He had a long and honourable service of 32 years in his own province. He was one of the first—I believe I am right in saying the first—resident of the Punjab to enter the Indian Civil Service by open competition, and in his province he rose to high administrative rank. The fact that again and again the authorities of his province recommended to the Governor General that he should be nominated to represent the province in this House is, I think, sufficient evidence of the esteem in which he was held.

THE HONOURABLE MR. H. G. HAIG (Home Secretary): Sir, I rise not in any official capacity but to pay a brief personal tribute to the memory of one whom I had known and known well for 20 years. It was in 1907 that I first came into close connection with the Honourable Syed Alay Nabi. For three years he and I were the two Vice-Chairmen of the Agra Municipality in the days

[Mr. H. G. Haig.]

when the municipality was under an official Chairman: in that capacity I was naturally very closely associated with him. I was very much impressed in those days not only by the whole-hearted way in which he threw himself into his important public duties, but by the remarkable degree of support that he received from all members of the Municipal Board. When I returned to Agra 12 years later, the official Chairman had disappeared and I found in his place Syed Alay Nabi occupying the position of Chairman of the Agra Municipal Board—a position which he continued to fill until his lamented death a few months ago. I think I am right in saying that during the whole of that 20 years or practically throughout that period through many vicissitudes Syed Alay Nabi occupied the chief position that a non-official could occupy in the Agra Municipality either as Vice-Chairman, when the Chairman was an official, or as Chairman, when the official Chairman had been done away with. That, Sir, in itself is a remarkable record. But in these days that record perhaps seems more remarkable when we reflect that he was a Muslim in a city and on a Board predominantly Hindu. The explanation—and it is one on which we may perhaps dwell for a moment—was that he was generally regarded not as a member of any particular community but as a citizen of Agra, a city which by his labours he served so well; and it is as a citizen of Agra that I pay to him this last tribute of respect.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab : Nominated Non-Official) : I rise, Sir, to endorse every word that has fallen from you and would like to add a word or two on behalf of my personal friend, the late Diwan Tek Chand, who belonged to the Western Punjab, the part of the province from which I also come. I had known him for the last 20 years: he was a very able man and a great linguist. Though he was an official, he was very much liked by the non-officials of every place to which he was posted. He was a man of exceptional qualifications and was never unfriendly to any person.

As to Lala Sukhbir Sinha, he was my personal friend, as he had particular connection with the Punjab, being a relation of our illustrious Chief Justice of the High Court. Some times he was so friendly to me that when he was not present, even in the case of certain subjects where he and I did not see eye to eye, he asked me to ask questions on his behalf. He had been ailing for a long time and died in the Punjab which is our province.

As to Alay Nabi, he was one of our ablest colleagues, and we all feel very much for him.

On behalf of the entire Punjab I offer condolences to their relations.

THE HONOURABLE NAWAB SIR MUHAMMAD MUZAMMIL-ULLAH KHAN (United Provinces West : Muhammadan) : Sir, I very much regret to say that on the first day of my standing as an elected Member of the Council, I have to say things which are full of grief and sorrow. I will speak about my very, very old friend, the Honourable Lala Sukhbir Sinha. I knew him since 1897—rather I knew his illustrious father, the Honourable Lala Nihal Chand, who was in the United Provinces Council. In those days there was a great struggle going on about the Rent Bill in Lord MacDonnell's time. I was a young man in those days and was the Joint Secretary of the "Zamindars' Association" of which the Honourable Lala Nihal Chand was the Secretary and we both were trying desperately to safeguard the Zamindars' interests. After the death of his father, the Honourable Lala Sukhbir Sinha took up all the duties which his illustrious father was doing, and in furthering these duties he

took up all the things connected with India, and especially with our province. He had a very great interest in all living things in the world, and was a great friend of his country and community, and was a great friend even of cattle and of all poor animals who are suffering so much at the hands of human beings. He was a great friend of the late and lamented Grand Old Man of India, Hakim Ajmal Khan, and was a great supporter of Vedic and Unani medicines. I knew him, as I have said, since 1897. We both were colleagues for many years in the United Provinces Legislative Council and for the full five years' term in this Honourable House and I always found him very sincere in anything he spoke or thought of. In his capacity as Secretary of the Mozuffernagar Zamindars' Association, he never lost any time in protesting against or supporting anything in connection with agriculture. His memorials and addresses and criticisms about all things connected with agriculture may be said to be written in letters of gold in the history of agriculture.

With these few words, I endorse what you, Sir, have said about him, and about the late lamented and distinguished Member of this Honourable Chamber, the Honourable Syed Alay Nabi of blessed memory.

THE HONOURABLE MR. NARAYAN PRASAD ASHTHANA (United Provinces Northern : Non-Muhammadian) : Sir, I rise to associate myself with all that has fallen from your lips, and all that has been said by the Honourable Members of this Council about Lala Sukhbir Sinha and Syed Alay Nabi. I had the honour to be a colleague of theirs in the local Legislative Council for many years, and I knew what solid work they were responsible for. The interest that Lala Sukhbir Sinha took among other things in Hindu religious endowments is now bearing fruit, and our local Government has now appointed a Committee to enquire into that question. He was very anxious that Hindu endowments should be placed on a sound footing, and all the abuses in connection with this subject removed. He had been a Member of the local Legislative Council for many years, and his work there as recorded has made him illustrious.

As to Syed Alay Nabi, I cannot speak without a feeling of deep regret. He was my intimate friend. We were together at college and also at the Bar in the Agra courts. We were also co-workers in the Agra Municipal Board, about which the Honourable Mr. Haig has spoken. I have to endorse all that he said and I propose that a vote of condolence be passed and sent to the heirs of the deceased.

THE HONOURABLE KHAN BAHADUR SIB MUHAMMAD HABIBULLAH (Education, Health and Lands Member) : Sir, it is to be noted with the utmost regret that since the Council last met it has lost three of its Honourable Members, who died in the month of November, within a few days of one another. When the Council dispersed at the end of September, they looked in the best of health, and the grief which I am sure we all feel at their death has been accentuated by the suddenness with which the end came. The Honourable Lala Sukhbir Singh had a long and illustrious association with the public life of the province which he represented, as well as that of India. His father, the late Rai Nihal Chand Bahadur, was a member of the Legislative Council of the United Provinces. On his death the late Lala Sukhbir Sinha took his place, and when the present bi-cameral Central Legislature was created, he got elected successively to the first and the second Council of State. He was thus one of our senior members. To his profound and natural interest in agriculture, and in the prosperity of the class which is most intimately concerned

in agriculture—I mean the landholders of India—he added a liberal patriotism and unquestioned and unfaltering loyalty to the Crown. Socially his great courtesy and charm of manner endeared him to everyone who had the privilege of meeting or knowing him. We shall all miss his ripe experience, sound judgment and warm geniality. On my own behalf and on behalf of Government I wish to express our deep regret at his death and our sympathy with his bereaved family.

Diwan Tek Chand joined the Indian Civil Service in 1894, and after a long, varied and distinguished record of service in his own province came to the Council of State as a nominated Member. Except, I think, for the period he was away on leave, he was a Member both of the first and the present Council of State. He was a man of many interests, especially distinguished in the knowledge of languages, and had an exceptional capacity for making and retaining the friendship of those with whom he once came into touch. I am sure the House will mourn his loss which, when it is remembered that he was only 54 at the time of his death, was as premature as it was unexpected. I wish to express on behalf of myself and of Government our sorrow at his death and our sympathy with his family.

The late Syed Alay Nabi was elected to the present Council at the last election. He was, however, not new to public life as he had served a distinguished Parliamentary apprenticeship in the Legislative Council of his province. Even during the short time that he was with us he impressed us all with the moderation and soundness of his views and with the earnestness and honesty of his patriotism. Though a zealous guardian of the interests of his own community he did not suffer from a narrow sectarian outlook but, as I can testify from my personal experience, was animated by a spirit of broad tolerance and a genuine desire to bring the two great communities in India together. I had the privilege of enjoying his friendship, and apart from the sense of loss which I feel at the death of a colleague I am affected by the feeling that I have lost a dear personal friend. To his bereaved family go out the sympathy and grief of myself and of Government.

THE HONOURABLE THE PRESIDENT: The remarks made by Honourable Members will be communicated to the relatives of our deceased colleagues with an expression of the Council's deep sympathy in their loss.

INDIAN TERRITORIAL FORCE (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I beg to move for leave to introduce a Bill further to amend the Indian Territorial Force Act, 1920, for certain purposes.

This Bill proposes to effect legislation necessary to carry out the recommendations of the Auxiliary and Territorial Forces Committee as accepted by the Government in so far as concerns the Indian Territorial Force. The Statement of Objects and Reasons shows the general nature and scope of the proposals in this Bill. The most important of them is the establishment and classification of urban units as a distinct section of the Indian Territorial Force with terms and conditions of service assimilated as nearly as possible to those of the Auxiliary Force. There are other minor points with which I shall deal at the consideration stage. To-day I will do no more than move formally for leave to introduce this Bill.

Sir, I move.

The motion was adopted.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I beg to introduce the Bill.

AUXILIARY FORCE (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I beg to move for leave to introduce a Bill further to amend the Auxiliary Force Act, 1920, for certain purposes.

In a Resolution, dated the 20th August 1927, Government stated their intention of introducing during this present Delhi Session such legislation as was necessary to give effect to the recommendations of the Auxiliary and Territorial Forces Committee as accepted by the Government of India and His Majesty's Government. This Bill is in fulfilment of that undertaking so far as the Auxiliary Force is concerned. The notes on the clauses printed with the Statement of Objects and Reasons show the amendments proposed in the Auxiliary Force Act of 1920. I will deal with these at the consideration stage of the Bill, but there is no important point of policy involved.

Sir, I move.

The motion was adopted.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I beg to introduce the Bill.

BURMA SALT (AMENDMENT) BILL.

THE HONOURABLE MR. E. BURDON (Finance Secretary) : Sir, I move for leave to introduce a Bill to amend the Burma Salt Act, 1917, for a certain purpose.

The Bill, Sir, is a simple and straightforward measure, the nature and purpose of which are fully explained in the Statement of Objects and Reasons. The purpose is to apply to the Salt Department in Burma the arrangements for administration which are in force elsewhere,—in other words, to bring it under the direct control of the Government of India whose concern and responsibility the Salt Department is. The House will not, I think, require any further explanation from me at this stage.

Sir, I move.

The motion was adopted.

THE HONOURABLE MR. E. BURDON : Sir, I introduce the Bill.

CONGRATULATIONS TO THE HONOURABLE RAI BAHADUR PANDIT SHYAM BIHARI MISRA.

THE HONOURABLE THE PRESIDENT : Before I adjourn the House I have to ask Honourable Members to join me in tendering our hearty congratulations to the Honourable Rai Bahadur Pandit Shyam Bihari Misra on the honour conferred upon him on New Year's Day. The Honourable Pandit has been with us for some time and we all know him well. He has been in Government service for over 30 years, and served with such merit that after a time his promotion became very rapid. Having been selected to fill a post ordinarily reserved for members of the Indian Civil Service, he was

appointed to be Registrar of Co-operative Societies in the United Provinces, a post which he filled with such distinction that we are in a position to-day of being able to congratulate him on his honour. Honourable Members, I am sure, will join with me in congratulating him and in hoping that he may yet, before his service terminates, rise to still greater honours.

THE HONOURABLE RAI BAHADUR PANDIT SHYAM BIHARI MISRA (United Provinces: Nominated Official): With your permission, Sir, I beg to tender my grateful thanks to you and to the House for congratulating me on the honour which the Government have thought fit to confer upon me. I am very thankful to the Government and to the Council for its conferment and for the good wishes of this House.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH (Leader of the House): Sir, the List of Business for Monday, the 6th, which day has been fixed for our next meeting, will reach Honourable Members in the course of the week. The business on that day will include a motion by the Honourable Sir Geoffrey Corbett for leave to introduce a Bill further to amend the Chittagong Port Act, 1914, for certain purposes, and motions for the re-committal of the Indian Limitation (Amendment) Bill, which was circulated for opinion by direction of the Council in September last, to Select Committee, and for the further consideration and passing of the Hindu Family Transactions Bill, discussion on which was postponed during the Simla Session.

Thereafter the next meeting will be held on Wednesday, the 8th, for non-official business and on Thursday, the 9th, for official business, on which latter day motions will be made to consider and pass the Territorial Force (Amendment) Bill and the Auxiliary Force (Amendment) Bill which were introduced to-day.

THE HONOURABLE THE PRESIDENT: The Council will now adjourn till to-morrow morning at 11 o'clock, when it will assemble in the Chamber of the other House to hear an address by His Excellency the Governor General, and thereafter till the 6th February at 11 o'clock in this place.

The Council then adjourned till Eleven of the Clock on Thursday, the 2nd February 1928.

Council of State.

President :

THE HONOURABLE SIR HENRY MONCRIEFF SMITH, KT., C.I.E.

Panel of Chairmen :

THE HONOURABLE SIR PHIROZE SETHNA, KT.

THE HONOURABLE KHAN BAHADUR MAULVI ABDUL KARIM.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS, C.I.E.

THE HONOURABLE MR. W. A. GRAY.

Secretary :

MR. L. GRAHAM, C.I.E., I.C.S.

Assistants of the Secretary :

MR. D. G. MITCHELL, C.I.E., I.C.S.

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

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

Committee on Petitions :

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS, C.I.E.,
Chairman.

THE HONOURABLE RAJA SIR RAMPAL SINGH, K.C.I.E.

THE HONOURABLE SIR HAROON EBRAHIM JAFFER, KT.

THE HONOURABLE MR. P. C. DESIKA CHARI.

THE HONOURABLE SIR MANMOHANDAS RAMJI.