

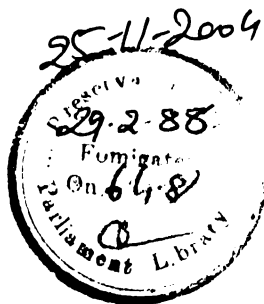
Wednesday, 6th February, 1924

THE
COUNCIL OF STATE DEBATES
(Official Report)

Volume IV, Part I

(From the 30th January to the 25th March 1924)

FOURTH SESSION
OF THE
COUNCIL OF STATE, 1924



DELHI
GOVERNMENT CENTRAL PRESS
1924

CONTENTS.

PAGES.

WEDNESDAY, 30TH JANUARY 1924—

Members sworn	...	...	...	...	1
Death of Nawab Sir Bahram Khan	...	...	...	...	1-4
Messsages from His Excellency the Governor General	...	...	...	...	4-5
Committee on Petitions	...	...	...	...	5
Questions and Answers	...	...	...	...	5-15
Statement laid on the table	...	...	...	...	16-17
Bill as passed by the Legislative Assembly laid on the table	...	...	...	...	17
Bills assented to by His Excellency the Viceroy	...	...	...	...	17-18
Criminal Tribes Bill	...	...	...	...	18-19
Indian Tolls Bill	...	...	...	...	19-21
Official Business for the 5th February 1924	...	...	...	...	21

THURSDAY, 31ST JANUARY 1924—

Inauguration of the Fourth Session of the Council of State and the First Session of the Second Legislative Assembly	23-32
---	-----	-----	-----	-----	-------

MONDAY, 4TH FEBRUARY 1924—

Member sworn	...	...	...	...	33
Questions and Answers	...	...	...	...	33-47
Resolution <i>re</i> inquiry into the economic conditions of the people of India. (Adopted as amended)	...	...	...	...	48-80

TUESDAY, 5TH FEBRUARY 1924—

Bill as passed by the Legislative Assembly laid on the table	...	...	...	...	81
Criminal Tribes Bill (Consideration postponed for a fortnight)	...	...	...	...	81-83
Indian Tolls Bill (Consideration postponed for a fortnight)	...	...	...	...	83-85
Election of panels for Standing Committees	...	...	...	...	85-86
Resolution <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan. (Adopted as amended)	...	...	...	...	86-101
Attendance of Government Members in the Council	...	...	...	...	102-103
Official Business for the 12th and 14th February 1924	...	...	...	...	103-104

WEDNESDAY, 6TH FEBRUARY 1924—

Dates for presentation and discussion of the budget	...	...	...	...	105
Resolution <i>re</i> Kenya Immigration Bill (Not moved).	...	...	...	...	105-108
Resolution <i>re</i> withdrawal of quarantine restrictions imposed upon deck passengers proceeding to the Straits Settlements (Withdrawn)	...	...	...	...	108
Resolution <i>re</i> publication of Bills in all their stages along with the Council Debates (Withdrawn)	...	...	...	...	108-112

MONDAY, 11TH FEBRUARY 1924—

Members sworn	...	...	...	...	113
Nominations for panels for Standing Committees	...	...	...	...	113-114
Questions and Answers	...	...	...	...	114-131
Resolutions <i>re</i> mural paintings in Government buildings in Raisina (Adopted as amended)	...	...	...	...	131-148

COUNCIL OF STATE.

Wednesday, the 6th February, 1924.

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

DATES FOR PRESENTATION AND DISCUSSION OF THE BUDGET.

THE HONOURABLE THE PRESIDENT: There is a Message from the Governor General:

"For the purposes of sub-section (1) of section 67A of the Government of India Act, and in pursuance of Rules 43, 46 and 47 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Rufus Daniel, Earl of Reading, hereby appoint the following days for the presentation to the Council of State and to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council (in the said Rules and Standing Orders referred to as the Budget) and for the subsequent stages of the said Budget in the Council of State and in the Legislative Assembly, namely:—

<i>Friday, February, the 29th</i>	<i>. Presentation of the Budget in both Chambers.</i>
<i>Wednesday and Thursday, March, the 5th and 6th.</i>	<i>General discussion in the Legislative Assembly.</i>
<i>Friday, March, the 7th</i>	<i>. General discussion in the Council of State.</i>
<i>Monday to Saturday, March, the 10th to 15th.</i>	<i>Voting of demands for grants in the Legislative Assembly.</i>

(Sd.) **READING,**
Governor General "

RESOLUTION RE KENYA IMMIGRATION BILL.

THE HONOURABLE SIR NARASIMHA SARMA (Member, Education, Health and Lands): Sir, I wish to make a statement in connection with the Resolution on the agenda paper in the name of the Honourable Mr. Phiroze C. Sethna. I have already stated in the Council of State, in answer to questions put to me, that the Government of India pressed strongly upon the Secretary of State the desirability of not proceeding with the Kenya Immigration Bill until the Committee, which we propose to appoint, in pursuance of the discussions in the Imperial Conference, has had an opportunity of meeting and reporting to us and to the Colonial Office. His Majesty's Secretary of State has now wired to us that a decision has been reached that, inasmuch as new drafts have to be prepared, and the Committee that we propose to appoint should be heard, we should proceed to appoint a Committee with the least possible delay.

I therefore take it, Sir, that nothing will be done in the matter of the Immigration Ordinance by the Colonial Office until the Committee which

[Sir Narasimha Sarma.]

we propose to appoint shortly meets in London, discusses the question, negotiates with the Colonial Office on the subject-matter of the Ordinance and gives us and the Secretary of State an opportunity of pressing the views of India upon the Colonial Office and His Majesty's Government. I think, therefore, that the Honourable Mr. Sethna's object has been achieved by the announcement which I am making on behalf of Government.

THE HONOURABLE MR. PHIROZE C. SETHNA (Bombay: Non-Muhammadan): Sir, I thank the Honourable the Government Member in charge for the statement that he has made. So far as I can see, his statement says nothing more than was stated by His Excellency the Viceroy in the speech which he made to the two Houses of the Legislature only six days back. On that occasion His Excellency the Viceroy gave us an indication that the Secretary of State for the Colonies—I mean the new incumbent of the post, Mr. Thomas—would not turn a deaf ear to the representations which would be made by the Committee to be appointed by the Government of India; and I believe His Excellency said that he had an assurance to that effect from the newly appointed Secretary of State. I do not think the Honourable Sir Narasimha Sarma has told us anything beyond that, except that the Government of India will now appoint a Committee and that Committee will be permitted to make representations to the Secretary of State for the Colonies. But my Resolution deals not only with the Immigration Ordinance, but also with the franchise question.

THE HONOURABLE SIR NARASIMHA SARMA: I do not wish to interrupt the Honourable Member, but I may state as a matter of explanation that a telegram, which has now been received from the Secretary of State, puts the matter a little further than what His Excellency the Viceroy was able to state and what I have been able to state in answer to a question. I understand this telegram to mean that nothing will be done in the matter of the Immigration Ordinance until the Committee is in a position to negotiate with the Colonial Office.

THE HONOURABLE MR. PHIROZE C. SETHNA: I quite understand that the Committee will deal with the Ordinance. Am I right in understanding that the Committee will also have the right to represent to the Secretary of State the Indian point of view with regard to the franchise?

THE HONOURABLE SIR NARASIMHA SARMA: It will have the right.

THE HONOURABLE MR. PHIROZE C. SETHNA: I am glad to hear that it will be so, because that is the assurance I desire from Government and on which I would have dwelt in particular in my Resolution. The House will remember that, less than a fortnight back, the newly appointed Secretary for the Colonies, Mr. Thomas, was waited upon by a deputation of Empire Journalists. Of this deputation a prominent member was Sir Stanley Reed, former Editor of the "Times of India"—one who thoroughly understands the Kenya question and who likewise thoroughly understands the feelings of Indians on this particular question. When Sir Stanley Reed interrogated Mr. Thomas, he replied that one of his first difficulties was Kenya; but that "the policy adumbrated in the White Paper was the one most likely to be followed." This statement coming, as it did from a Labour Minister, was most disappointing. It would appear, however, not only from what His Excellency the Viceroy said on the 31st January,

but also from what the Honourable Sir Narasimha Sarma has said to-day, that Mr. Thomas has since changed his views, and rightly so. I hope he will not only give a patient hearing to the Committee but, if he is satisfied that the claims put forward on behalf of India by those who form the Committee to be sent out by the Government of India are fair and just, that he will do his utmost to prevail upon the present Cabinet to undo the wrong which was perpetrated by its predecessor in July 1928. I take it the assurance I have now received from the Member for Education, Health and Lands means that the particular question in regard to the franchise can be re-opened, and this is what I am most anxious about.

We knew of course that the question of the Ordinance was going to be re-opened, because His Excellency the Viceroy said :

" His Majesty's present Minister for the Colonies will await the reply to these inquiries and the revised draft of the Ordinance and will be guided by further information received when these documents are before him. Meanwhile, he has given me the assurance that ample opportunity will be given to my Government to express their views and that he will give his earnest attention to any representations which the Colonies Committee appointed by the Government of India may desire to make regarding the measure, whether in the form of a Bill or an enacted Ordinance."

This refers clearly to the Ordinance in regard to Immigration and not to the franchise. As I interpret the Viceroy's speech, His Excellency himself and his Government on the day that speech was made were certainly lukewarm about the matter of franchise,—in fact I believe His Excellency went so far as to say that we may, at any rate for the present, look upon the franchise question as settled and wait for a favourable opportunity in the future to re-open it.

THE HONOURABLE SIR NARASIMHA SARMA: On a point of order, Sir. I think the Resolution deals only with the Immigration Bill and nothing more. It asks us to delay the progress of the Kenya Immigration Bill through the Kenya Legislature until the Committee has had a say. In answer to a question about franchise, I said that the Committee would have every opportunity of making its representations on the question of franchise. The Franchise Bill has already been passed into law and, therefore, what modifications may be possible is a question which has to be taken up separately and independently. But this Resolution deals with the question of the Immigration Bill, and I do not think, therefore, that the other matter comes directly under discussion to-day.

THE HONOURABLE THE PRESIDENT: The proceeding so far is somewhat irregular in that the Resolution has not been moved; there is no Resolution before the House. The Honourable Member has made a statement; at present the Honourable Mr. Sethna is making some criticisms on that statement. If he moves his Resolution, I shall certainly uphold the Honourable Member on the point of order which he has raised.

THE HONOURABLE MR. PHIROZE C. SETHNA: I may inform the Honourable Member that my Resolution was sent in before I read His Excellency the Viceroy's speech, and I would have asked your permission for modifying my Resolution to some extent. However, I will not pursue the point any further now that I have had a definite assurance from the Honourable Member that both the Ordinance and the franchise questions can be re-opened—an assurance which I am sure will greatly please the country at large. I will request you, Sir, to get me the House's permission to withdraw any Resolution. •

THE HONOURABLE THE PRESIDENT: The Honourable Member has not moved his Resolution.

THE HONOURABLE MR. PHIROZE C. SETHNA: Then, Sir, I decide not to move my Resolution.*

RESOLUTION RE WITHDRAWAL OF QUARANTINE RESTRICTIONS IMPOSED UPON DECK PASSENGERS PROCEEDING TO THE STRAITS SETTLEMENTS, ETC.

THE HONOURABLE THE PRESIDENT: The Honourable Member (Sir AHMEDTHAMBY MARICAIR) not being present his Resolution[†] is deemed to be withdrawn.

RESOLUTION RE PUBLICATION OF BILLS IN ALL THEIR STAGES ALONG WITH THE COUNCIL DEBATES.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay: Non-Muhammadan): The Resolution which I propose to place before this House is this:

"This Council recommends to the Governor General in Council to be pleased to arrange to publish along with the Council Debates the original text of every Bill, the Statement of Objects and Reasons thereof, the various amendments moved thereon as also the Reports of the Select Committee thereupon, each in its proper place, with a view to make all the relevant information regarding the Bill permanently available in one convenient form."

As a matter of fact, I need not encroach upon the time of this House by stating any more reasons than are contained in the body of the Resolution itself.

I am aware of the difficulties if this Resolution is passed. The first difficulty would be perhaps the financial difficulty attendant upon the republication of matter that must have already found place in some form or other in officially published documents. I refer to the *Gazette of India*, Part II, in particular, which notifies for the information of the public that the debates which some time before had been published in Part VI of the Gazette would no longer be published in that Part, since the debates were to be published in separate form. I have looked into the debates as they are published and I find that, as a matter of practice and procedure to be observed in the publication of Bills and the discussion in Select Committees, it is very difficult to follow the legislative course in respect of a particular Bill until it reaches the stage of an Act. I find it desirable, therefore, to have all that, if possible, published in one form.

* "This Council recommends to the Governor General in Council that he be pleased to urge on the Secretary of State for the Colonies the urgent necessity of delaying the progress of the Kenya Immigration Bill through the Kenya Legislature until the Committee to be appointed by the Government of India, in pursuance of the Resolution of the last Imperial Conference regarding the position of Indians in the British Empire has had opportunities of examining the measure and discussing its provisions with the Colonial Office."

† "This Council recommends to the Governor General in Council that necessary steps be taken with the Government of the Straits Settlements and Federated Malay States to withdraw the quarantine restrictions imposed upon the deck passengers proceeding to those Colonies from Madras and coast ports."

I have alluded to the financial difficulty, and I also notice that there will be the additional trouble which the Department has to undergo in collecting all this information on Bills and enactments. However, I hope and trust that the labour that will be devoted to republishing this information will not be wasted, inasmuch as it would save time to Members of both Houses, and it will avoid contingencies such as have occurred during the debates in the last two days of Members having to request that they must have an ampler opportunity of marking the course of legislation and of getting information in one form. In a case where a Select Committee go into a certain legislative enactment before the final stage, it is desirable for the country to know what the Select Committee have said on a certain measure. At present in the debates we find occasional references to such points raised by the Select Committee as are submitted to discussion in the House, and it is difficult to appreciate the whole trend of the debate as it is. I know further that in certain cases very big Acts come up for publication; take for instance, the Criminal Procedure Code and the Civil Procedure Code, and Acts like that. It is difficult to ask the Department to publish the whole of it in one form simply because some amendment is effected in one section or another. Such instances, however, I trust, are very few. There are Acts and Acts; and some of them are indeed very few. I have found the necessity myself, and I am voicing the opinion of those whom I have consulted in the matter. I cannot speak about the public necessity on the point as yet; but I do feel that it would add to our convenience, if this Resolution, which I have proposed before this House, is carried.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, before dealing with the proposal embodied in this Resolution, I venture to invite the attention of Honourable Members and that of my Honourable friend, the Mover of this Resolution in particular, to the existing practice regarding the printing, distribution and publication of the various documents referred to in this Resolution. Honourable Members are aware that, on the first day, when the Member in charge makes his motion for leave to introduce a Bill, copies of the Bill are placed before all Honourable Members in whichever House that motion may be made. Immediately after, the Bill is published in the *Gazette of India*. Subsequently, when the Bill is referred to a Select Committee and the Select Committee have after due deliberation submitted their report on that Bill, the Report of the Select Committee, together with the copy of the Bill, as revised by them, is again placed before all Honourable Members in whichever House the proceedings may be taking place. Finally, after the House has taken the Bill into consideration and the usual debate has taken place, the Bill in its final shape, as passed by the Indian Legislature, is again published in the *Gazette of India*. Meanwhile, from time to time, as the proceedings in the Legislature go on, the publication, which is called the Legislative Assembly Debates, in so far as the other House is concerned, and the Council of State Debates, in so far as we here are concerned, is being issued immediately after each stage of the proceedings and sent to all Members of both Houses free of cost. It is clear from this statement of the existing practice which I have just made that every Honourable Member in either House is furnished with a copy at various times of all the documents referred to by the Honourable Mr. Karandikar in his Resolution; and it is the easiest possible thing for Honourable Members to stitch these various documents

[Dr. Mian Sir Muhammad Shafi.]

together in their proper order, for purposes of reference after the proceedings in the two Houses have concluded. If any of them does actually refer to these proceedings after the conclusion of the proceedings in the Indian Legislature

THE HONOURABLE SIR MANECKJI DADABHOY: What about the outsiders if they want to know the relevant proceedings.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: I am coming to the outsider presently. Now, the only class of outsiders to whom my Honourable friend Sir Maneckji Dadabhoy can possibly refer is the class to which both he and I and the Honourable Mover of the Resolution belong, that is the legal profession. For so far as I know, after a Bill has been passed by the Indian Legislature, the only class who actually have to refer to these Acts in actual practice are either the profession or the Judges presiding over our Courts. Now, I would like to remind my Honourable friend Sir Maneckji Dadabhoy, as well as the Honourable Mover of the Resolution, that, in so far as all the more important Acts passed by the Indian Legislature are concerned, we have annotated editions of those Acts published by various authors giving in the Appendices to those Acts the proceedings of the Legislature in full.

THE HONOURABLE SIR MANECKJI DADABHOY: They do not contain the Reports of the Select Committees, which is also an essential part of my friend Mr. Karandikar's Resolution.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: I venture to submit that my Honourable friend, who, I know, is very busy in undertakings other than those of his own profession, has forgotten that in the case of the more important Acts the Select Committee's Reports are also printed as Appendices to these annotated editions.

Sir, this being the case, I would like to invite the attention of this House to the results which would arise, if the Honourable Mover's Resolution were to be accepted. Now, in the first place, I am sure Honourable Members must have seen for themselves that the types in which Bills, when first introduced, the Reports of the Select Committees and the revised Bills, as amended by the Select Committees are printed, are entirely different from the types in which the Council debates are printed. Does my Honourable friend mean that these types should remain set up until after the conclusion of all the proceedings through which we have to go in connection with a Bill as it passes through the various stages in the Indian Legislature, and, finally, after the Bill has been passed and placed on our Statute-book, again the Press should undertake the printing of all those documents in the types in which they were originally printed? I am afraid the result of that would be like painting a picture upon different pieces of canvas of different qualities stitched together, a most hideous one. If this is not what is intended by my Honourable friend, does he intend that, after a Bill has passed through its various stages, the Press should set up the whole of these proceedings once again in fresh type suitable for publication, and print all these documents in a book form again? Imagine the amount of labour that would be involved in so far as the Press is concerned, imagine the labour which would have to be undertaken by the Legislative Department, and imagine

the additional cost to the intending purchaser of these volumes. Is my Honourable friend sure that there will be so many purchasers of these volumes so published as to enable us to repay from the proceeds of the sales the expenditure which we shall have to incur on the printing of these volumes? I am afraid that all these are consequences which Honourable Members of this House will have to take into consideration before they can arrive at a correct conclusion with regard to the proposal embodied in this Resolution. As I said before, all this extra labour on the Press branch of the Secretariat and on the Legislative Department, all this increased cost in so far as the Indian taxpayer is concerned, is to be incurred for the benefit of the profession to which we three belong and who can very well afford to purchase more expensive volumes which are published actually by authors of annotated editions if they require all the information that my Honourable friend would like to have and which I too, as a member of that profession, would like to have. It seems to me, Sir, that the proposal embodied in this Resolution is an impossible one, and I hope that my Honourable friend will reconsider his request and withdraw his Resolution.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: General): Sir, I am not much enamoured of this Resolution, and I do not propose to support it, but at the same time I would like the Leader of the House to give us some information on the practice prevailing in England.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: I am sorry I ought to have mentioned that in my speech. The proposal put forward by my Honourable friend is absolutely unprecedented. There is no precedent for this proposal either in England or anywhere else.

THE HONOURABLE SIR MANECKJI DADABHOY: Am I also to understand that in Parliament there is no practice or procedure adopted for collecting the supplementary information which is suggested in this Resolution in one particular form or book?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: Not that I know of.

THE HONOURABLE MR. R. P. KARANDIKAR: Sir, in view of what has fallen from the responsible Government Member, I beg permission to delete from this Resolution the words intervening between "with the Council debates"

THE HONOURABLE THE PRESIDENT: Is the Honourable Member proposing an amendment to his own Resolution?

THE HONOURABLE MR. R. P. KARANDIKAR: I am not very well conversant with the procedure to be adopted in such debates.

THE HONOURABLE THE PRESIDENT: Then the more usual practice is to get some other Honourable Member to move an amendment. Will the Honourable Member proceed?

THE HONOURABLE SAYID RAZA ALI: Before the Honourable Member replies, can I say a word or two, Sir?

THE HONOURABLE THE PRESIDENT: The Honourable Member is out of order. His opportunity, as he well knows, arose after the Honourable

[The President.]

Dr. Mian Sir Muhammad Shafi had made his speech. The Honourable Mr. Karandikar is now replying, as far as I understand.

THE HONOURABLE MR. R. P. KARANDIKAR: I am afraid I am not replying to the Resolution, Sir.

THE HONOURABLE THE PRESIDENT: If he is not replying he has no right to make a second speech.

THE HONOURABLE MR. R. P. KARANDIKAR: I suppose, Sir, I am replying now, and while so doing it is permissible to the Member to introduce amendments.

THE HONOURABLE THE PRESIDENT: He is not allowed to move any amendments to his Resolution, at this stage, but he can reply on it.

THE HONOURABLE MR. R. P. KARANDIKAR: If the procedure allows it, can I not do it with the permission of the Chair, Sir?

THE HONOURABLE THE PRESIDENT: I must point out to the Honourable Member that a Member who replies to his Resolution cannot propose amendments. The Honourable Member may speak with reference to the discussions on his Resolution. I have no doubt the Honourable the Law Member will consider any suggestion, but the Honourable Member cannot at this stage move a formal amendment to his Resolution.

THE HONOURABLE MR. R. P. KARANDIKAR: I would rather wish that the Reports of Select Committees be added on to the literature that is published in the Council debates. We do not find those reports along with the debates. The Select Committee Reports may be added on to the debates, and that is the reply which I would urge in reference to this Resolution. If this small request is acceptable, I should be quite content with an assurance to that effect from the Honourable Member in charge.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: We will consider that suggestion.

THE HONOURABLE THE PRESIDENT: Does the Honourable Member wish me to put his Resolution to the House or does he ask leave to withdraw it?

THE HONOURABLE MR. R. P. KARANDIKAR: I wish leave to withdraw it.

THE HONOURABLE THE PRESIDENT: Is it your pleasure that the Honourable Mr. Karandikar have leave to withdraw his Resolution. (*Cries of "Aye, Aye."*) The Resolution is by leave withdrawn.

The Resolution was, by leave of the Council, withdrawn.

THE HONOURABLE THE PRESIDENT: I understand it will not be possible to bring forward any private business to-morrow, and, as there is no Government business, the Council will not meet to-morrow. I therefore adjourn till Monday at 11 A.M.

The Council then adjourned till Eleven of the Clock on Monday, the 11th February, 1924.