

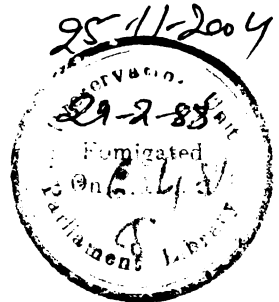
Tuesday, 3rd February, 1925

THE COUNCIL OF STATE DEBATES

Volume V

(20th January to 26th March 1925)

FIFTH SESSION OF THE COUNCIL OF STATE, 1925



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COUNCIL OF STATE.

Tuesday, 3rd February, 1925.

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

QUESTIONS AND ANSWERS:

ANNUAL CLASSIFICATION IN THE PIECE WORK ESTABLISHMENT OF THE GOVERNMENT OF INDIA PRINTING, CALCUTTA.

45. THE HONOURABLE MR. G. S. KHAPARDE: (a) Is it a fact that since 1922 no annual classifications have been held in the Piece Work Establishment of the Government of India Printing, Calcutta?

(b) Has the system of annual classification been discontinued?

THE HONOURABLE MR. A. H. LEY: (a) Yes.

(b) The answer is in the negative; it is understood however that the Controller of Printing, Stationery and Stamps is preparing proposals for modifying the present system.

GRANT OF PENSIONS TO PIECE WORKERS IN THE GOVERNMENT OF INDIA PRINTING, CALCUTTA AND THE DELHI PRESS.

46. THE HONOURABLE MR. G. S. KHAPARDE: With reference to the recommendation of the Piece Workers' Committee's Report, 1922, and the reply given by the Honourable Mr. Ley to my question No. 317 on the 3rd September, 1924, will Government state how many piece workers of the temporary establishment in the Government of India Printing, Calcutta and the Delhi Press, respectively, have been granted pensions during the period 1923-24?

THE HONOURABLE MR. A. H. LEY: In Calcutta, two; in Delhi, none.

PROVIDENT FUNDS IN GOVERNMENT PRESSES.

47. THE HONOURABLE MR. G. S. KHAPARDE: Will Government state whether a Provident Fund has been brought into operation in the Government presses, and if so, from what date?

THE HONOURABLE MR. A. H. LEY: The answer is in the negative.

GRIEVANCES OF THE BINDERS OF THE GOVERNMENT OF INDIA PRINTING, CALCUTTA.

48. THE HONOURABLE MR. G. S. KHAPARDE: (a) Are Government aware of the fact that the following reply was given by the authorities in

Calcutta, to the representation of the binders of the Government of India Printing, Calcutta, stating their grievances regarding their promotions and classifications :

“ With reference to their petition, dated the 11th March, 1924, the binders may be informed that owing to conditions that have obtained in the binding for sometime past, it is impossible to take up the question of their promotion and re-classification at present. If any of them are unable to live on their present earnings, they may hand in their names to you, so that you may try to include their names in the list of those to be removed.”

(b) If the answer be in the affirmative, what action do Government propose to take in the matter?

(c) If the answer is in the negative, will the Government inquire into the matter?

THE HONOURABLE MR. A. H. LEY: (a) The statement quoted is not quite correct. What actually happened was as follows: Owing to very grave overcharges by the binders for time work, it was necessary to suspend their re-classification for payment by time. The binders filed a petition on the 11th March, 1924, urging that they could not live on their existing pay. As large reductions were then being made in the binding establishment, the binders were informed that if any men, who were dissatisfied with their earnings, sent in their names to the Superintendent, they would be considered for reduction on decrease of establishment. No names were sent in.

(b) Government do not propose to take any action in the matter.

(c) does not arise.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

THE SECRETARY OF THE COUNCIL: Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table the following Bills which have been passed by the Legislative Assembly:

- (1) A Bill further to amend the Indian Railways Act, 1890.
- (2) A Bill further to amend the Indian Paper Currency Act, 1923.
- (3) A Bill to repeal certain enactments whereby breaches of contract by labourers are made punishable under the criminal law.

INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

THE HONOURABLE MR. D. T. CHADWICK: (Commerce Secretary): Sir, I beg to move:

“ That the Bill to amend the Indian Merchant Shipping Act, 1923, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.”

Sir, this Bill, which has just passed the Legislative Assembly, is an exceedingly short one. It only contains one clause. Its object is to enable the Governor General in Council to issue rules for the charging

of fees for the grant of the certificate referred to in sub-section (4) of section 243 of that Act, the amount of such fees and the manner in which they should be recoverable. Section 245 of the Indian Merchant Shipping Act, which is the section to be amended by this Bill, permits the Governor General in Council to issue rules in regard to that part of the Shipping Act which relates to wireless telegraphy. As it stands at present, the Governor General in Council can only issue rules prescribing the nature of the wireless telegraph equipment to be carried by ships, the trained staff required, and also the manner in which the notice to be given under sub-section (3) of section 243 shall be given to the Chief Officer of Customs. This Bill we now propose turns entirely on section 243. Under that section the Governor General is empowered to appoint wireless telegraphy inspectors. Secondly, the wireless telegraphy inspectors have power to inspect ships at any time to see whether the equipment and the staff are in accordance with the rules. The third and fourth clauses alone of that section relate to the cases in which the wireless telegraphy inspector finds the equipment out of order or the rules not being carried out. In that case under clause (3) he gives notice to the Master of the ship about the defects and what he considers ought to be done to put them in order. He sends a copy of that notice to the Chief Collector of Customs and the ship cannot leave the port until the defects are remedied. When they are remedied the wireless inspector sends a certificate to the Chief Collector of Customs saying that the installation, etc., is in order. This Bill will permit of the charging of fees in regard to the grant of that certificate. In other words you will see from what I have just said that this certificate only arises when the equipment is out of order or the staff is not according to the rules, and as this Bill restricts the charging of fees to the grant of a certificate, it follows therefore that under this amendment fees will only be charged in the cases in which the equipment has been found out of order. It would be ridiculous, it would be unjust really, to charge a fee for the visit of the inspector when everything is in order. The inspector has the right to inspect the ship at any time; that is fair and reasonable. There is no case for charging a fee for such a visit when everything is in order. But he may have to go frequently to visit a ship to see if defects have been remedied. It is in regard to such visits that Government now ask for powers to collect fees. I may say that that is the practice in England. It has been law there for the last two years. This suggestion has been circulated already to all maritime Governments, and they have been asked to consult Chambers of Commerce and commercial opinion. On the whole, commercial opinion was in favour of the levy of these fees, provided it was made clear that they would only be charged in cases in which the equipment was out of order or the rules were not being obeyed. In the first part of my speech I made it absolutely clear, I trust, that by the way this Amending Bill is worded fees can only be charged in such cases. With these words, Sir, I commend this small Bill to the notice of the Council.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to amend the Indian Merchant Shipping Act, 1923, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. D. T. CHADWICK: I beg to move, Sir:

"That the Bill, as passed by the Legislative Assembly, be passed."

The motion was adopted.

AMENDMENT OF THE STANDING ORDERS.

THE HONOURABLE THE PRESIDENT: I have received from the Honourable the Leader of the House notice of a motion which he desires to make for amendment of the Standing Orders of the Council of State. I will proceed to read the amendment to the Council. It runs:

"That after Standing Order 70 of the Standing Orders of the Council of State the following Order be inserted, namely:

'70A. When the Budget is presented to the Council in two or more parts, each part shall be dealt with in accordance with Standing Order 70 as if it were the Budget:

Provided that the reference in the said Standing Order to the Finance Member shall be read as referring to the Member of the Government by whom the part of the Budget under discussion was presented'."

I have to ascertain in the first place whether the Honourable Member has the leave of the Council to move his motion. Does any Honourable Member object?

(No Honourable Member objected.)

The Honourable Member has the leave of the House.

THE HONOURABLE SIR NARASIMHA SARMA (Law Member): Sir, I beg to move, leave having been given, that the proposed amendment be referred to a Select Committee. Honourable Members are doubtless aware that, at the instance of the Government, the Legislative Assembly has during the September Session of last year agreed, with some modifications, to a Resolution presented by the Honourable the Commerce Member, to a separation of Railway from General Finance for certain purposes. Clause 7 of that Resolution, which is the clause necessary for our present purposes, reads thus:

"The Railway Budget shall be presented to the Legislative Assembly, if possible, in advance of the general Budget in order that more time may be allotted for its discussion, and the Member in charge of Railways shall then make a general statement of railway accounts and working, and so on."

The Government accepted this Resolution and have made the necessary provision. The Legislative Rules have accordingly been modified to enable the presentation of the Budget to each House in two or more parts. The Legislative Rule, as modified, runs thus:

"Nothing heretofore contained shall be deemed to prevent the presentation of the Budget to each Chamber in two or more parts, and when such presentation takes place each part will be dealt with in accordance with the foregoing rules as if it were the Budget."

Though the rule has been modified in a general form, it is proposed to limit its scope at present to the presentation of the Railway Budget separately from the general Budget and in advance of it. The amendment which I am seeking with the leave of the House to make in Standing Order 70 is a consequential amendment and will, if accepted, enable a general right of

reply to be given to the Honourable Member who presents the Budget to which the subject relates, and will not confine its operation as it does at present only to the Honourable the Finance Member. Standing Order 70 as it now stands provides by clause (3) that the Finance Member shall have a general right of reply at the end of the discussion. The proposed change, as Honourable Members will notice, states that "the reference in the said Standing Order to the Finance Member shall be read as referring to the Member of Government by whom the part of the Budget under discussion was presented". I do not think I need say more to commend my motion to the general acceptance of this House.

I move, Sir, that the amendment be referred to a Select Committee.

THE HONOURABLE THE PRESIDENT: The question is: •

"That the proposed amendment, for which leave has been given, be referred to a Select Committee."

The motion was adopted.

THE HONOURABLE THE PRESIDENT: As the House is aware, seven Members have now to be elected by the Council to serve on the Select Committee to which the proposed amendment has just now been referred. I should be in a better position to fix dates for nomination and for the election, if necessary, if the Honourable the Leader of the House could inform me and the House what is likely to be the future course of business.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR NARASIMHA SARMA (Law Member): Sir, the only business which Government are at present in a position to place before the Council relates to the Bills which have been laid on the table to-day. Under Rule 27 motions for the taking into consideration of those Bills, namely, the Bill further to amend the Indian Paper Currency Act, 1923, and the Bill to repeal certain enactments whereby breaches of contract by labourers are made punishable under the criminal law, cannot, in the absence of a direction from yourself, be taken into consideration till three days from the receipt of notice. If, therefore, notice is given to-day, Friday will be the earliest day on which the motions can be made in the absence of such direction, and Friday is not a day on which the Council ordinarily meets. In view, however, of the paucity of business during the present week—there was, as you are aware, no non-official business and therefore no meeting yesterday, and there is again no non-official business for to-morrow—it may be that it will suit the convenience of Honourable Members to meet on Friday. Alternatively, Sir, should Honourable Members indicate a preference for this course, you will perhaps be pleased to permit the making of the motions in question on Thursday, in which case we would have, as usual, a meeting on that day. If neither of these suggestions finds acceptance, the Bills will be proceeded with in the ordinary course on Tuesday next, and the Council will in the meantime meet for the transaction of non-official business on Monday.

THE HONOURABLE THE PRESIDENT: Of the three Bills laid on the table to-day one is a non-official Bill and that will lie in the Council until some Honourable Member gives notice of his intention to move that the

[The President.]

Bill, as passed by the Legislative Assembly, be taken into consideration, in which case the Bill will of course be taken up on a day allotted for non-official business. With regard to the other two Bills, I assume that notice will be given by the Honourable Members in charge of them in this House to-day. The business would in the ordinary course come up, as the Honourable the Leader of the House pointed out, on Friday and I leave it to the House to decide whether they would desire me to shorten the period of notice so that these Bills may be taken on Thursday.

Both the Bills are very short though I think it can hardly be said that they are unimportant. I should like to ascertain the opinion of the House with regard to each Bill separately. The Bill further to amend the Indian Paper Currency Act, 1923,—is it the desire of the House that this Bill should be proceeded with on Thursday next, or would it prefer to have the full three days' period of notice?

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: General): In view of the circumstances explained by the Honourable the Leader of the House, I do not think that this Council will insist on the statutory notice in connection with both the Bills. Though important, they are simple ones and can be disposed of on Thursday next.

THE HONOURABLE SAIYID RAZA ALI (United Provinces East: Muhammadan): I agree with my Honourable friend, Sir Maneckji Dadabhoy and think that Thursday next will suit the convenience of the House.

THE HONOURABLE THE PRESIDENT: The Bill further to amend the Indian Paper Currency Act, 1923, will therefore, in accordance with the wishes of the House, be proceeded with on Thursday next, provided notice is given by the Honourable Member in charge to-day. The Bill to repeal certain enactments whereby breaches of contract by labourers are made punishable under the criminal law—I should like to ascertain the desire of the House with regard to that Bill.

THE HONOURABLE SIR MANECKJI DADABHOY: The same are our views on this Bill also.

THE HONOURABLE THE PRESIDENT: That Bill will also be taken up on Thursday on the same condition. That enables me to announce that nominations for seven Members to be elected to serve on the Select Committee to which the draft Standing Order has been referred, will be received by the Secretary up to noon on Thursday next, and I will on that day announce the date on which the election will take place, if necessary.

The Council then adjourned till Eleven of the Clock on Thursday, the 5th February, 1925.
