

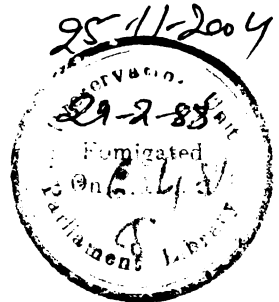
Tuesday, 24th March, 1925

THE COUNCIL OF STATE DEBATES

Volume V

(20th January to 26th March 1925)

FIFTH SESSION OF THE COUNCIL OF STATE, 1925



DELHI
GOVERNMENT OF INDIA PRESS
1925

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COUNCIL OF STATE.

Tuesday, 24th March, 1925.

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

QUESTION AND ANSWER.

FRANCHISE FOR WOMEN.

168. THE HONOURABLE MR. V. RAMADAS PANTULU: Will the Government be pleased to state whether any proposal is under consideration to amend the rules relating to election to the Council of State with a view to enable women who otherwise possess the prescribed qualification to vote and stand as candidates at the next election to the Council of State?

THE HONOURABLE MR. J. CRERAR: Under rule 7 (1) (b) of the Council of State Electoral Rules, women are not entitled to have their names registered on the electoral roll of that body; but if a resolution is passed by this House after not less than one month's notice has been given recommending the removal of the sex disqualification for registration, the Governor General in Council, under the second proviso to the said sub-rule, is required to make regulations providing that women or a class of women shall not be disqualified for registration by reason only of their sex, if they are not so disqualified for registration as electors for the Legislative Council of their province. This question is therefore one for action by this Council and not by the Government of India. As the Honourable Member is aware such a resolution was passed by the Legislative Assembly in February 1922, but that resolution affects electors for that body only. As regards the disqualification from being a candidate I refer the Honourable Member to paragraph 67 of the Report of the Reforms Inquiry Committee. The recommendation contained in this paragraph is at present under the consideration of the Government of India.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Sir, would there be time for action if a Resolution of the kind suggested by the Honourable Member is passed when the Council meets in Simla because it will be too late now.

THE HONOURABLE MR. J. CRERAR: That would depend upon the date of the elections to this Council regarding which I have no information.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Would there be time bringing women votes on the voters' list at the time or will the list be closed?

THE HONOURABLE MR. J. CRERAR: I suggest that that question should be addressed to the Honourable the Law Member who is concerned with all matters relating to elections to this Council.

THE HONOURABLE DR. SİR DEVA PRASAD SARVADHIKARY: May I ask the Honourable the Leader of the House to answer the question?

THE HONOURABLE SİR NARASIMHA SARMA: I cannot give any definite answer without adequate notice, but I should imagine that it would not be possible to revise the list of voters in time for the next elections, assuming that the normal course of events is pursued.

INDIAN COTTON CESS (AMENDMENT) BILL.

THE HONOURABLE SİR MUHAMMAD HABIBULLAH (Education, Health and Lands Member): Sir, I move:

"That the Bill further to amend the Indian Cotton Cess Act, 1923, as passed by the Legislative Assembly, be taken into consideration."

This, Sir, is a very simple piece of legislation. Not only is it of a non-contentious nature, but it is designed to meet an existing grievance. As Honourable Members may be aware, under section 3 of the Indian Cotton Cess Act of 1923, a cess at a particular rate is leviable on all cotton exported from a customs port to any port outside British India, as also cotton consumed in the mills in British India. This provision was expanded by the amending Act of 1924, to permit of cess being levied even in the case of cotton which was exported by land out of British India. Experience has shown that cotton similarly exported is again imported into British India. Goa has furnished a conspicuous instance in point. It has been found that nearly two-thirds of the cotton which leaves British India for that port gets admission back into British India. This is a legitimate grievance on the part of those engaged in the cotton trade. It is now therefore proposed to refund to such of them as export cotton from British India by land and whose cotton gets importation into British India again. It was found, Sir, that such a procedure could not be adopted either under the Act of 1923 or under the amending Act of 1924, for there is no provision in either of them for the purpose of refund of such cess. It was also found that this procedure could not be followed under the rule-making power of the Governor General but that the law must be amended with that distinct object in view. Hence this small Bill.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill further to amend the Indian Cotton Cess Act, 1923, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause I was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SİR MUHAMMAD HABIBULLAH: Sir, I now beg to move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

NOMINATION OF MEMBERS TO SERVE ON THE JOINT COMMITTEE ON THE INDIAN SUCCESSION BILL.

THE HONOURABLE SIR HENRY MONCRIEFF SMITH: I move:

"That the following Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill to consolidate the law applicable to intestate and testamenary succession in British India, namely:

The Honourable Sir Narasimha Sarma, the Honourable Saiyid Raza Ali, the Honourable Mr. Khaparde, the Honourable Sir Deva Prasad Sarvadhikary, the Honourable Sir Arthur Froom and myself."

The motion was adopted.

NOMINATION OF MEMBERS TO SERVE ON THE JOINT COMMITTEE ON THE SUCCESSION CERTIFICATE (AMENDMENT) BILL.

THE HONOURABLE SIR HENRY MONCRIEFF SMITH: I move:

"That the following Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill to amend the Succession Certificate Act, 1889, namely:

The Honourable Sir Narasimha Sarma, the Honourable Saiyid Raza Ali, the Honourable Mr. Khaparde, the Honourable Sir Deva Prasad Sarvadhikary, the Honourable Sir Arthur Froom and myself."

The motion was adopted.

NOMINATION OF MEMBERS TO SERVE ON THE JOINT COMMITTEE ON THE INDIAN SUCCESSION (AMENDMENT) BILL.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Sir, I beg to move:

"That the following Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill to amend the provisions of section 27 of the Indian Succession Act, 1865, namely:

The Honourable Sir Henry Moncrieff Smith, the Honourable Sir Narasimha Sarma, the Honourable Saiyid Raza Ali, the Honourable Mr. Khaparde, the Honourable Sir Deva Prasad Sarvadhikary and myself."

The motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE THE PRESIDENT: Is the Honourable the Leader of the House in a position to state what further business is to be brought before this House and when that business will come up?

THE HONOURABLE SIR NARASIMHA SARMA (Law Member): It will have been gathered, Sir, from my statement on Friday last, that the only business now outstanding relates to the Bill to supplement the Bengal Criminal Law Amendment Act, 1925.

We anticipate, Sir, that the course of events elsewhere will enable that Bill to be placed before this Council to-morrow in the form in which it was originally introduced in the Assembly. In that event, Sir, it will be for you to decide when the Bill should be further proceeded with.

THE HONOURABLE THE PRESIDENT: Can the Honourable Member tell me whether the Bill to which he refers in the form in which it was introduced in the Assembly was circulated to Members of this House, and if so, when it was so circulated?

THE HONOURABLE SIR NARASIMHA SARMA: It was circulated last Thursday.

THE HONOURABLE THE PRESIDENT: I hardly anticipate that Honourable Members would desire that the full 3 days' notice for the motion for consideration of the Bill to which the Honourable the Leader of the House referred should be insisted on. If that were the case, assuming that the Bill is laid in this House to-morrow, we should not be able to proceed with the Bill till next Saturday, and as I understand that it is the only business to come before the House I imagine that Honourable Members will not desire to wait so long, particularly in view of the fact that the Bill has been in their hands already for 4 or 5 days. I should be glad to hear the views of Honourable Members as to when this Bill, assuming that it does come before this Council to-morrow morning, should be taken up by the Council.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): I think, Sir, at once.

*THE HONOURABLE MR. YAMIN KHAN (United Provinces West: Muhammadan): Sir, the Bill under reference had been amended in the other House and there is, at least as far as we can gather, not very much likelihood of its being passed in its original form. We have not been able to hear the full report of the debates in the other House. If the Bill comes to us to-morrow, then I think it will be more convenient for this House to have at least one day to read the debates of the other House in order to make up their minds and in order that the view point of different people may be discussed, so that this House in advancing its views in support of the Bill as originally presented and that it may be passed, may justify their action in a proper way. In that case, Sir, I would propose that the Bill may be taken up on the 27th if it is introduced to-morrow. The debate which will take place to-day in the other House will not be available to us till the 26th, and I suggest it will be more convenient to take it up on the 27th, Friday, so that we may have at least one clear day, the 26th. That at least is my suggestion.

THE HONOURABLE SAIYID RAZA ALI (United Provinces East: Muhammadan): May I ask the Leader of the House kindly to inform Honourable Members whether the recommended Bill that is going to be introduced in the other place to-day is exactly in the form in which the Bill was introduced yesterday, or whether there has been any change?

THE HONOURABLE SIR NARASIMHA SARMA: No change, Sir.

THE HONOURABLE SAIYID RAZA ALI: In that case, Sir, I think it will be convenient perhaps to Honourable Members of this House if the Bill is introduced to-morrow and considered on Thursday, the 26th. I think we will be getting clear 24 hours' time, practically more than that—48 hours—but at least we will be getting clear 24 hours' time.

*Speech not corrected by the Honourable Member.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay: Non-Muham-
madan): Sir, it seems to me that much will depend upon the form in
which the Bill may emerge from the other House.

THE HONOURABLE THE PRESIDENT: I think probably the Honourable
Member misunderstood or did not catch the statement that fell from the
Honourable the Leader of the House. The Honourable the Leader of
the House said that it is anticipated that the Bill to be laid before this
House to-morrow will be in the form in which it was introduced in the
other House yesterday. The Honourable Member repeated that statement
when he said that the Bill which is being recommended in another place
is the Bill in the form in which it was introduced. Therefore, the Honour-
able Member has seen the Bill in the form in which it will come here.
I understand it was circulated to him last Thursday.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West
Bengal: Non-Muhammadan): Sir, it is a difficult position not only to have to
anticipate matters and measures that may some day be ready elsewhere for
consideration here, but also, according to an Honourable Member, to be
supposed to have to attend at another place to gather knowledge and catch
ideas for the purpose of dealing with questions here. I venture to think,
Sir, these matters ought to be settled on merits and not on materials of
the kind that have been thus suggested. Honourable Members should more-
over be given enough time to consider what amendments they should propose
when and if the Bill comes and any time that is allotted for that purpose
by the rules should not be curtailed except for cogent reasons. The rules pro-
vide for three days' time which is not too long and this is one of those very
important measures which ought to be carefully considered before Honour-
able Members can think of amendments. It is quite true that the Bill
was circulated on Thursday, but I do not think Honourable Members have
had the opportunity of applying their minds to the subject without know-
ing what was going to happen elsewhere. I suggest, Sir, that this is not
a case where any reason has been shown why the general rule should be
relaxed. I quite understand that it will not be convenient for Members to
overstay the period which had been originally indicated for work of this
Council. At the same time having regard to the importance of the measure
and the necessity of applying our minds to it I do not see why because of
personal convenience on our side of the House or the other the rule should
be relaxed. I think the ordinary rule which admits of taking it up on Satur-
day should be followed.

***THE HONOURABLE MR. G. A. NATESAN** (Madras: Nominated Non-
official): If, as stated by the Honourable the Leader of the House, the
measure that is going to be placed on the table to-morrow is the identical
measure that was circulated to us, so far as I am concerned I have no
objection to the matter being discussed to-morrow. But I am committed
to some engagements and I will not be here till Saturday. If my personal
convenience is to be taken into consideration, I request that the matter may
be taken up on Saturday.

THE HONOURABLE SIR NARASIMHA SARMA: There is only one
remark I would like to make at this stage. It is hardly likely that the
proceedings of the Legislative Assembly in connection with this subject
would be ready for perusal of the Members of this House early enough for

*Speech not corrected by the Honourable Member.

[Sir Narasimha Sarma.]

them to proceed to consider the matter in the light of those discussions. The clauses to which objection had been taken in another place are clauses 4, 5 and 6 and the Government consider that those clauses are absolutely essential. The Governor General has therefore recommended that the Bill should be passed in the form in which it has been originally introduced. So Honourable Members may proceed clearly on the assumption that the Bill to be introduced here and which will be placed on the table here would be the identical Bill which was circulated to them some time ago, and the only point therefore they would have to consider is what amendments, if any, they will have to table in respect of any of the clauses which they have had time to consider. The Government do not want this Council to hurry up this matter. But perhaps it is desirable for the convenience of Members, official as well as non-official, that as little delay as possible may be interposed between the discussion and the final stages and the placing of the Bill on the table of this House. Inasmuch as the Bill would be placed on the table early to-morrow, if you, Sir, would kindly agree to take in amendments the whole of to-morrow and to consider the Bill on Thursday it would suit us. It is a question for the House to decide as to when it should be considered.

THE HONOURABLE LALA SUKHBIR SINHA (United Provinces Northern: Non-Muhammadan): In view of the remarks of the Honourable the Leader of the House, I would propose that the Bill may be considered the day after to-morrow, that is Thursday. It will be more convenient to many of the Members as there is no work left for the Council Session. The Bill may be put before the meeting to-morrow and discussed the day after to-morrow. That will be most convenient.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): If the Bill is not to be considered to-morrow I would rather press for the usual notice of three days being given.

THE HONOURABLE SIR NARASIMHA SARMA: So far as the Government are concerned, they have no objection to the Bill being discussed to-morrow.

THE HONOURABLE MR. V. RAMADAS PANTULU: I do not know what the general sense of the House is. If the Bill is not to be taken up to-morrow, I would press for the three days' notice so as to give Members an opportunity to send in amendments. Some Members may have objections to some portions of the Bill while other Members may have objections to other parts. I, as a Swarajist, would not like to send in amendments as I am opposed to the whole Bill but there may be amendments which other people move in which I may like to join. The matter has got to be considered very carefully to see what amendments, if at all, may be moved. Therefore, apart from the personal convenience of Members, it will be convenient if the usual three days' notice is given.

THE HONOURABLE THE PRESIDENT: The divergent views expressed have placed the Chair in a somewhat difficult position. It has been suggested that we should proceed to-morrow or on Thursday, Friday or Saturday. In view of the fact that the Bill has been in Honourable Members' hands for five days and that as we are adjourning now, Honourable Members

have the whole of to-day to study the Bill, or if they so desire to attend in another place and hear the debate the report of which some of them have expressed a desire to see, I think I should be meeting the convenience of the House as a whole and of the Government if I direct that the Bill, in case it comes to this House to-morrow morning, should be proceeded with on Thursday.

The Council then adjourned till Eleven of the Clock on Wednesday, the 25th March, 1925.
