

Monday, 7th September, 1925

THE  
COUNCIL OF STATE DEBATES

Volume VI

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SIXTH SESSION  
OF THE  
COUNCIL OF STATE, 1925



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	Page
Resolution re Grievances of Postmasters—Withdrawn by leave of the Council ... ..	126—1
Resolution re Restriction of Opium Cultivation—Negatived ...	140—1
Amendment of the law relating to Interest Bill—Introduced ...	160—1
Resolution re Interest on deposits in Post Office Savings Banks opened by Muhammadan depositors—Withdrawn by leave of the Council	162—16
Resolution re Indianization of the Establishment of the High Commissioner for India—Not moved ... ..	164
Date for discussion of the Resolution re the Reforms Inquiry Committee's Report ... ..	164—1
<b>WEDNESDAY, 2ND SEPTEMBER, 1925—</b>	
Question and Answer ... ..	
Bills passed by the Legislative Assembly laid on the Table ...	
Indian Succession Bill—Passed ... ..	167—
Indian Succession (Amendment) Bill—Withdrawn ... ..	172—
<b>THURSDAY, 3RD SEPTEMBER, 1925—</b>	
Transfer of Property (Amendment) Bill—Introduced ... ..	
Resolution re Inquiry into the condition of the Cotton Mill Industry—Withdrawn ... ..	175—
Special Laws Repeal Bill—Motion to consider negatived ... ..	176—
Statement of Business ... ..	234
Resolution re Bounty to be paid on steel manufactured in India ...	23
<b>MONDAY, 7TH SEPTEMBER, 1925—</b>	
Questions and Answers ... ..	2
Bills passed by the Legislative Assembly laid on the Table	237—
Code of Civil Procedure (Amendment) Bill—Passed ... ..	
Religious Endowments (Amendment) Bill—Passed ... ..	238—
Salt Law Amendment Bill—Passed ... ..	239—
Legislative Members Exemption Bill—Passed ... ..	240—
Sikh Gurdwaras (Supplementary) Bill—Passed ... ..	241—
Statement of Business ... ..	
<b>TUESDAY, 8TH SEPTEMBER, 1925—</b>	
Resolution re Indianization of the staff and establishment of the High Commissioner for India—Adopted as amended ... ..	243—266
Transfer of Property (Amendment) Bill—Passed as amended ...	267—272
<b>WEDNESDAY, 9TH SEPTEMBER, 1925—</b>	
Questions and Answers ... ..	273—276
Resolution re Franchise for Women—Adopted ... ..	277—286
Resolution re Bounty on Steel manufactured in India—Adopted ...	286—306
<b>THURSDAY, 10TH SEPTEMBER, 1925—</b>	
Questions and Answers ... ..	307
Bill passed by the Legislative Assembly laid on the Table ...	307—308
Resolution re Protection of the rights of Indians in South Africa—Adopted as amended ... ..	308—321
Indian Penal Code (Amendment) Bill—Passed as amended ...	329—3
<b>FRIDAY, 11TH SEPTEMBER, 1925—</b>	
Member sworn ... ..	34
Resolution re Recommendations of the Majority Report of the Reforms Inquiry Committee—Discussion adjourned till the 12th September, 1925	367—4

## COUNCIL OF STATE.

*Monday, the 7th September, 1925.*

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

### QUESTIONS AND ANSWERS.

#### HIGH SCHOOL AT RAISINA.

102. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What steps do Government propose to take with reference to the absence of a High School at Raisina and when do they propose to take steps?

THE HONOURABLE MIAN SIR FAZL-I-HUSAIN: Government are informed that an application has already been presented to the Municipal Committee that the Municipal Middle School at Raisina should be raised to the High Standard, and that the matter is being considered by the Municipal Committee.

#### PROVISION FOR TEACHING HINDI TO INFANTS IN THE MUNICIPAL MIDDLE SCHOOL AT RAISINA.

103. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is it a fact that no provision exists at present for the teaching of Hindi to infants in the Municipal Middle School at Raisina? If so, do Government propose to take steps to make provision for such teaching at an early date?

THE HONOURABLE MIAN SIR FAZL-I-HUSAIN: The answer to the first part of the question is in the affirmative. Provision for teaching Hindi to infants in the Municipal Middle School at Raisina will be considered when a sufficient number of infants who speak Hindi in their own homes join the school.

#### PROVISION FOR THE CONVEYANCE TO SCHOOL OF CHILDREN OF GOVERNMENT SERVANTS STATIONED AT RAISINA.

104. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Have Government made any provision for the conveyance to school of children of Government servants stationed at Raisina? If not, do Government propose to make any provision?

THE HONOURABLE MIAN SIR FAZL-I-HUSAIN: The answers to both parts of the question are in the negative.

### BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table copies of a Bill further to amend the Indian Penal Code, a Bill to amend the law with respect to the carriage of

[Secretary of the Council.]

goods by sea, a Bill further to amend the Opium Act, 1857, a Bill to provide for the grading of coal and for the grant of certificates for coal intended for export, and a Bill to amend the Provident Funds Act, 1925, which were passed by the Legislative Assembly at its meeting held on the 3rd September, 1925.

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### CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

**THE HONOURABLE MR. J. CRERAR** (Home Secretary): Sir, I move that the Bill further to amend the Code of Civil Procedure, 1908, as passed by the Legislative Assembly, be taken into consideration.

It will be within the recollection of the House that in 1923 the Code of Civil Procedure was amended in order to raise the limit of salaries of Government servants, employees of railways and others for the purpose of exemption from attachment. It was considered at that time that the limits of Rs. 20 and Rs. 40 then subsisting were too low, in view of the falling off in the purchasing power of money. That change was accordingly made, but as a consequence some difficulty has been experienced by urban co-operative credit societies which cater to a very large extent for low paid employees. The fact that they cannot realise their debts by the attachment of the salaries of creditors drawing salaries below the limits fixed by the amended Act has restricted their operations, and it is desired to remedy this inconvenience by restoring, in the case of co-operative credit societies only the limits formerly subsisting in the Act, namely, Rs. 20 and Rs. 40. This is the object of the small measure which I commend for the consideration of the House.

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. J. CRERAR** : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

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### RELIGIOUS ENDOWMENTS (AMENDMENT) BILL.

**THE HONOURABLE MR. J. CRERAR** (Home Secretary): Sir, I beg to move that the Bill further to amend the Religious Endowments Act, 1863, as passed by the Legislative Assembly, be taken into consideration.

This, again, is a small measure which has been undertaken in pursuance of a recommendation of the Civil Justice Committee, who pointed out that, having regard to the nature of the functions discharged by the civil courts under the Religious Endowments Act, it is unnecessary that jurisdiction in such cases be limited, as it is at present, to the highest local court of civil jurisdiction, i.e., generally speaking, the district court. Many of the cases arising out of the Act could be quite satisfactorily dealt with by courts of

lower jurisdiction up to the pecuniary limits of such jurisdiction. Consequently on the analogy of similar provisions already existing in the Code of Civil Procedure, which enable Local Governments specially to empower courts to hear suits of a similar character, it has been proposed to empower Local Governments in respect of suits arising out of the Religious Endowments Act also. One exception to that only is contemplated, namely, that in proceedings relative to vacancies in committees under section 10 of the Act, the powers shall remain, as they are at present, vested in the district court.

I move that this Bill be taken into consideration.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

#### SALT LAW AMENDMENT BILL.

THE HONOURABLE MR. A. C. MCWATTERS (Finance Secretary) : Sir, I move that the Bill to amend the law relating to salt and salt-revenue, as passed by the Legislative Assembly, be taken into consideration.

The object of this Bill is to bring under the direct control of the Central Government the administration of salt in the Madras and Bombay Presidencies. On the 6th March 1924, when I was speaking in this House on the Central Board of Revenue Bill, I foreshadowed the possibility of the legislation which is now before the House. What I said on that occasion was :

“ The new Central Board of Revenue is not fully functioning at present for two reasons, first because there are certain administrative questions still under discussion with Local Governments, particularly the question of separating the salt and excise establishments of Madras and Bombay, and bringing the salt establishments under the direct control of the Central Government ; secondly, because there are certain powers assigned by statutory law to Local Governments which have not yet been transferred to the Board of Revenue.”

With regard to the second point, the Bill which was then before the House, dealt with those statutory powers. I went on to say :

“ Later on it will be necessary, when the details of the administrative questions to which I have referred have been settled, further to amend in some respects the Salt Acts in Madras and Bombay, but with that we are not at the moment concerned.”

Since then, in March and April last, we have been able to effect a separation of the salt and excise establishments in Madras and in the Bombay Presidency proper. With regard to Sind the question of separating the establishments is more difficult, and it is still under consideration. The Bill now before the House provides that it can be brought into operation in different areas on different dates, with the object of bringing the administration of salt in Sind also, in due course, under the Central Government. The principle of this Bill is, I think, one which the House will readily accept. Apart from

[Mr. A. C. McWatters.]

administrative convenience, it is a principle which is in strict conformity with the spirit of the reformed constitution. As regards the details, they are purely consequential, amounting in practically all cases to the substitution of the Central Government and the Board of Revenue for Local Governments and their officers. I do not think there is anything special in the Bill to which I need draw attention, except perhaps the safeguard which we have added that any person aggrieved by any proceeding or order of the Central Board of Revenue under this Act has the right of application to the Governor General in Council for review.

I move that the Bill be taken into consideration.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

The Schedule, Parts I, II and III, were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. C. McWATTERS: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

#### LEGISLATIVE MEMBERS EXEMPTION BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I move that the Bill to confer certain exemptions on members of legislative bodies constituted under the Government of India Act, as passed by the Legislative Assembly, be taken into consideration.

Sir, one of the recommendations of the Reforms Inquiry Committee was to the following effect :

That members of the legislative bodies constituted under the Act should be exempted from—

- (1) serving as jurors and assessors,
- (2) arrest and imprisonment for civil offences during the meetings of the Legislatures in question and for periods of a week before and after such meetings.

It was further recommended that effect should be given to this proposal by amendment of or action under the ordinary law. The provisions of the law concerned are section 320 of the Code of Criminal Procedure and section 135 of the Code of Civil Procedure. Honourable Members will observe that it is proposed to amend section 320 of the Code of Criminal Procedure by adding the following clause :

“(aa) members of either Chamber of the Indian Legislature and members of a Legislative Council constituted under the Government of India Act;”

which will grant immunity to Members of the various Legislatures from serving as jurors or assessors ; and it is proposed to add after section 135 of the Code of

Civil Procedure, another section, 135A, which Honourable Members will see on the paper before them. These proposals go a little way beyond the actual recommendations of the Reforms Inquiry Committee, but they are merely a logical extension of them. In the first place it is considered that Members of the Legislatures should enjoy this immunity, not only when the Legislatures are actually in Session, but when such Members are members of a committee of a legislative body, or, in the case of the Indian Legislature, of a Joint Committee or conference of both Chambers. Further, it was pointed out that, in the case of Members coming from long distances to places at which the Legislature is sitting, more particularly the Indian Legislature, a period of one week might operate somewhat unfairly, and that, having regard to the interests of Members of Legislatures coming from great distances, the period of one week suggested by the Committee should be extended to a fortnight, as in the measure which I move.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I suggest that, whenever Members of any Legislature are summoned to appear as witnesses during the Session of the Councils, or 14 days after or before the Session of the Councils, they should also be exempted.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab : Muhammadan) : I think that is quite right.

THE HONOURABLE THE PRESIDENT : The question is :

"That the Bill to confer certain exemptions on members of legislative bodies constituted under the Government of India Act, as passed by the Legislative Assembly, be passed."

The motion was adopted.

### SIKH GURDWARAS (SUPPLEMENTARY) BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary) : Sir, I move that the Bill to supplement certain provisions of the Sikh Gurdwaras Act, 1925, as passed by the Legislative Assembly, be taken into consideration.

This, Sir, is a measure the importance of which will, I am sure, be recognised by every Member of this House. As it merely validates the provisions of the local Act, the circumstances which led up to the passing of which are very clearly in the recollection of Honourable Members, it is unnecessary for me to detain the House at any length. I will merely point out that there are certain provisions of the Act of the local Legislature which are beyond its competence to enact. One of these is the appointment of Judges of the High Court to preside over the Tribunal provided for in Chapter III of the Act, and the other provisions are those which affect the jurisdiction of the

[Mr. J. Crerar.]

High Court. Honourable Members will recollect the appeal recently made by His Excellency the Viceroy for the ratification and endorsement by the Indian Legislature of this important measure. I would ask this House on this occasion to respond to that appeal.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

THE HONOURABLE SIRDAR CHARANJIT SINGH (Punjab: Nominated Non-Official): Sir, I should like to congratulate the Government on the Sikh Gurdwaras Act. As His Excellency the Viceroy said the other day, it offers a fair prospect of a practical and equitable settlement of a momentous and complex issue. Our warmest thanks are due to the Government of India and to the able and sympathetic Governor of the Punjab, His Excellency Sir Malcolm Hailey, whose sympathetic consideration and indefatigable labours have brought about this happy result. I have no doubt that this measure will not only restore but also strengthen those relations between the Government and the Sikh community which, to quote again from His Excellency the Viceroy's weighty pronouncement, have been "glorious in war and no less renowned in peace". Sir, I cordially support this Bill.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to supplement certain provisions of the Sikh Gurdwaras Act, 1925, as passed by the Legislative Assembly, be passed."

The motion was adopted.

#### STATEMENT OF BUSINESS.

THE HONOURABLE SIR NARASIMHA SARMA (Law Member): Sir, with one exception the Bills laid on the table to-day will be proceeded with on Monday, the 14th September. The exception is the Indian Penal Code (Amendment) Bill, commonly called the Age of Consent Bill. I understand that an amendment will be moved to this Bill from the non-official Benches, which may be expected to commend itself to the Council and, in view of the possibility of the Bill being amended, it is desirable that it should be returned to the Assembly at an earlier date than would be possible if it were left over to next week. I propose therefore to move that the Bill be taken into consideration and passed on the conclusion of the non-official business ballotted for Thursday next. This, as the House will observe, involves no curtailment of the three days period of notice.

THE HONOURABLE THE PRESIDENT: Provided, I may add, the Honourable Member gives formal notice to-day.

THE HONOURABLE SIR NARASIMHA SARMA: I will do so.

The Council then adjourned till Eleven of the Clock on Tuesday, the 8th September, 1925.