

Tuesday, 31st January, 1922

THE  
**COUNCIL OF STATE DEBATES**  
(Official Report)

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**SECOND SESSION**  
OF THE  
**COUNCIL OF STATE, 1922**



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# COUNCIL OF STATE.

*Tuesday, the 31st January 1922.*

The Council assembled at Metcalfe House at Eleven of the Clock. The Honourable the President was in the Chair.

## QUESTIONS AND ANSWERS.

### MANUFACTURED STORES FOR INDIAN RAILWAYS.

54. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is it a fact that at present India can supply only a little more than 1/3rd of the manufactured stores required by Indian railways and that the rest is imported from foreign countries?

The HONOURABLE MR. H. A. F. LINDSAY: The reply is in the affirmative.

### ORDERS FOR RAILWAY MATERIALS ON FIRMS IN INDIA.

55. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state what difficulties there are in the way of manufacturing all Railway material in India, and what measures are necessary for removing such difficulties? To what extent do Government place orders for Railway materials on firms in India?

The HONOURABLE MR. H. A. F. LINDSAY: It is difficult to answer the first part the Honourable Member's question in a conveniently brief form. But among obvious difficulties may be mentioned firstly, the fact that certain essential materials are not at present manufactured in India and must be imported, and secondly, the lack of specialised workmen and of up-to-date equipment. A beginning has been made by private enterprise, however, to overcome these difficulties, and the Government is endeavouring to encourage such enterprise in various ways. In this connection, the Honourable Member has no doubt seen the two Press Communiqués, dated the 1st March 1918 and the 1st October 1921 dealing with the construction of wagons and locomotives in this country, and I may also mention that the organisation of the Indian Stores Department, which is now in progress, is another effort in the same direction.

Government already place orders with firms in India for railway materials to the extent of approximately 42 per cent. of the requirements of State-worked railways. Such items as bricks, sand, lime, coal, timber and the like, which are invariably purchased in India, have not been included in this calculation.

### CAPITAL INVESTED ON CERTAIN SECTIONS OF THE NORTH-WESTERN RAILWAY.

56. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (i) Will the Government kindly state what is the total capital invested up to date on the following sections of the North-Western Railway:—

- (a) Campbellpur to Kundian
- (b) Kundian to Shershab
- (c) Nowshera to Dirgai
- (d) Jand-Khushalgarh to Kohat
- (e) Kohat to Thall

- (f) Dund Khel to Bannu
- (g) Luki Murwat to Tank and Martaza
- (h) Rule Sibi Quetta to Chaman
- (i) Sibi to Bostan
- (j) Spezand Nushki to Mirjawa?

(ii) What is the annual amount of interest paid on this capital?

(iii) Is it a fact that these sections of the line, which are classed military sections, cause a heavy annual loss to the North-Western Railway after meeting the working expenses and interest charges?

(iv) Is it a fact that during the past seven years the loss has never been less than sixty lakhs in any one year, and that sometimes the loss has been quite close to one crore? Will the Government kindly supply the exact figure of the loss on the Military sections of the line during each of the previous ten years?

The HONOURABLE MR. H. A. F. LINDSAY: (i) Information as to the capital invested on the military sections of the North-Western Railway separately for each of the sections referred to by the Honourable Member is not available. The total expenditure on all the Military sections of the North-Western Railway up to the 31st March 1921 was Rs. 23,35,57,000.

(ii) The amount of interest paid on this capital in 1920-21 was Rs. 86,55,357.

(iii) The reply is in the affirmative.

(iv) The reply is in the negative. The loss for the years 1915-16 to 1918-19 was less than 60 lakhs each year, though for the year 1920-21 the loss was over a crore. A statement showing the loss on the Military sections for the ten years 1911 to 1920-21 is placed on the table.

*Statement showing the capital outlay, net earnings, interest charges and gain or loss to the State from the Military sections of the North-Western Railway during the last ten years.*

Year.	Total Capital outlay to end of the year.	Gross earnings.	Working expenses.	Net earnings.	Interest charges.	Net loss.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1911 (January to December).	18,41,31,000	56,45,000	66,27,000	- 9,82,000	62,18,104	72,00,104
1912 (January to December).	18,44,36,000	58,56,000	58,65,000	- 9,000	62,72,869	62,81,868
1913-14 (April to March)	18,47,72,000	64,02,000	63,57,000	45,000	62,60,075	62,15,075
1914-15 " "	18,53,28,000	72,56,000	69,86,000	2,70,000	64,84,627	62,14,627
1915-16 " "	18,56,78,000	77,38,000	69,12,000	8,26,000	64,47,868	56,21,868
1916-17 " "	18,60,79,000	85,46,000	70,71,000	14,75,000	61,33,908	46,58,908
1917-18 " "	18,81,89,000	1,04,24,000	79,73,000	24,51,000	65,35,804	40,84,804
1918-19 " "	20,20,64,000	1,25,40,000	1,10,33,000	15,16,000	70,35,464	55,19,464
1919-20 " "	20,59,76,000	1,40,10,000	1,58,60,000	- 9,80,000	75,21,377	64,71,377
1920-21 " "	23,35,57,000	1,64,80,000	1,84,95,000	- 20,15,000	86,55,357	1,06,70,357

**OUTFIT ALLOWANCES IN THE INDIAN TERRITORIAL FORCE, BOMBAY.**

57. The HONOURABLE MR. KALE: Will Government be pleased to state if it is a fact that rules regarding outfit allowances, etc., in the case of the University Corps in the Indian Territorial Force in Bombay have not yet been published?

The HONOURABLE MR. S. P. O'DONNELL (on behalf of His Excellency the Commander-in-Chief): Pending the issue of formal Regulations, provisional authorisations to meet the needs of the Indian Territorial Force have been sanctioned by the Government.

**INSTRUCTORS IN UNIVERSITY CORPS, BOMBAY.**

58. The HONOURABLE MR. KALE: Is Government aware of the feeling which exists that the number of instructors in the University Corps in Bombay is inadequate and the instruction given is insufficient and inefficient?

The HONOURABLE MR. S. P. O'DONNELL: (on behalf of His Excellency the Commander-in-Chief): No representation as to the inadequacy of the Instructional staff of the Bombay battalion of the University Training Corps has been received. The establishment allowed is equal to that authorised for infantry units of the Auxiliary Force, and the qualifications required of instructors are identical.

**PAY AND ALLOWANCES OF OFFICERS AND MEN IN UNIVERSITY CORPS, BOMBAY.**

59. The HONOURABLE MR. KALE: Will Government be pleased to state (1) what arrangements exist in Bombay for pay and allowance of officers and men in the Indian Territorial Force University Corps while they are in camp? and (2) if there are any special arrangements for the training of officers and supernumeraries from the teaching staffs of colleges?

The HONOURABLE MR. S. P. O'DONNELL (on behalf of His Excellency the Commander-in-Chief): (1) The expenses of all ranks in camp are met from a lump sum grant, equivalent to the pay and allowances as admissible for the time being to the Indian Army; such lump grant takes the place of personal pay and allowances and is expended at the discretion of the Officer Commanding. It may be mentioned that this arrangement was introduced in accordance with the advice given by local non-official gentlemen who were consulted. This lump sum grant is supplemented by an annual Training Grant and a lump sum allotment for contingent expenditure.

(2) It is desired to obtain officers for this and other units of the University Training Corps from the teaching staffs, to the fullest extent possible. Their training is conducted by the Officer Commanding and the Adjutant in the course of the periodical training of the unit, on the same lines as those adopted in the Auxiliary Force. Provision is being made for the attachment of officers to regular units for short periods of continuous instruction.

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**BILLS ASSENTED TO BY HIS EXCELLENCY THE VICEROY.**

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

The Indian Electricity (Amendment) Act, 1922.  
The Indian Factories (Amendment) Act, 1922.

## INDIAN INCOME-TAX BILL.

The SECRETARY OF THE COUNCIL: Sir, in accordance with rule 25 of the Indian Legislative Rules, I lay on the table a Bill to consolidate and amend the law relating to income-tax and super-tax, which was passed by the Legislative Assembly at its meeting of the 28th January, 1922.

## OFFICIAL BUSINESS FOR FEBRUARY.

The HONOURABLE THE PRESIDENT: Can any Honourable Member on behalf of Government give the Council any information as to when this Bill is likely to be taken into consideration in this Chamber?

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: May I be permitted to make a full statement as regards the business which is likely to be taken up. The next meeting of this Chamber will, I understand, be on Monday, the 13th February, which will be a day for non-official business. The 22nd and the 27th February have also been allotted by the Governor General as non-official days, while Government business will be taken up on the 23rd and 28th February.

As to the nature of the business—Copies of the Indian Income-tax Bill, as passed in the Legislative Assembly, have been laid on the table to-day, and it is proposed that the Bill should be taken into consideration on the 23rd February, and it is hoped that it may be possible to pass it the same day.

If the other Chamber passes the Indian Emigration Bill and the Police (Incitement to Disaffection) Bill in time to enable those Bills to be laid on the table on the 13th February, it is proposed that they should also be taken into consideration on the 23rd February. And if the Bill to consolidate the law relating to Merchant Shipping which is being prepared by the Statute Law Revision Committee is ready, Government hope to introduce that Bill also on the 23rd February.

The Civil Procedure Code Bill regarding Fraudulent Suits, the Press Law Bill, the Delhi University Bill, the Indian Limitation (Amendment) Bill and a Bill to amend the Indian Lunacy Act, 1912, are all measures now actually before, or shortly to be brought before, the other Chamber. It is expected that most of these Bills will come before this House towards the end of February.

## INDIAN CRIMINAL LAW AMENDMENT REPEALING BILL.

The HONOURABLE MR. S. P. O'DONNELL: Sir, I beg to move that the Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908, be taken into consideration. The Objects and Reasons of the Bill are known to Honourable Members, and I think it is unnecessary for me to repeat them.

The motion was adopted.

The HONOURABLE THE PRESIDENT: I propose to put this Bill clause by clause so that, if any Honourable Member wishes to speak on any clause, he can do so.

Clauses 1, 2 and 3 and the Preamble of the Bill were separately put and adopted.

The HONOURABLE MR. S. P. O'DONNELL: I move, Sir, that the Bill be passed.

The motion was adopted.

### SPECIAL LAWS REPEAL BILL.

The HONOURABLE MR. S. P. O'DONNELL: Sir, I move that the Bill to repeal certain special enactments supplementing the ordinary criminal law, be taken into consideration.

The motion was adopted.

The HONOURABLE THE PRESIDENT: As before, I shall put this Bill clause by clause.

Clauses 1, 2, 3, the Schedule and the Preamble of the Bill were separately put and adopted.

The HONOURABLE MR. S. P. O'DONNELL: Sir, I move that the Bill be now passed.

The motion was adopted.

### RESOLUTION *RE* SUPPRESSION OF TRAFFIC IN WOMEN AND CHILDREN.

The HONOURABLE MR. S. P. O'DONNELL: I beg to move the following Resolution:—

'This Council recommends to the Governor General in Council that India do sign the International Convention for the Suppression of the Traffic in Women and Children accepted by the Assembly of the League of Nations at its second Session, subject to the reservation that in applying Article 5 of the Convention, India will consider that 'sixteen completed years of age' is substituted for 'twenty-one completed years of age'.'

In order to explain the object of this Resolution, it is necessary for me to refer first to the International Convention of 1904 reproduced in the papers that have been circulated for the suppression of what is known as the White Slave Traffic. As the title indicates that Convention had reference essentially to European conditions. The contracting parties did not undertake to create in their States any new offences, but they did undertake to appoint in each State a co-ordinating authority to carry on correspondence with the other States, and to make arrangements for the maintenance of a watch, especially in railway stations and at ports, of persons in charge of women and girls destined for an immoral life, for the voluntary repatriation of prostitutes and for the supervision of offices and agencies engaged in finding employment for women and girls abroad.

Six years later another and a more far-reaching Convention was entered into by the same Powers, namely, the Convention of 1910. The essential feature of this Convention is that it binds the States concerned to undertake legislation for the punishment of persons who commit the acts

[Mr. S. P. O'Donnell.]  
specified in Articles 1 and 2. As these Articles are important, I will read them to the Council.

Article 1 runs as follows :

'Whoever, in order to gratify the passions of another person, has procured, enticed, or led away, even with her consent, a woman or girl under age, for immoral purposes, shall be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries.'

Article 2 runs as follows :

'Whoever, in order to gratify the passions of another person, has, by fraud, or by means of violence, threats, abuse of authority, or any other method of compulsion, procured, enticed, or led away a woman or girl over age, for immoral purposes, shall also be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries.'

In the final protocol of this Convention, it is explained that the expression 'under age' means 'under the age of 20.' The contracting States also undertook to include these offences in the list of offences for which extradition might be granted. The Government of India considered in 1914 the question whether India should adhere to this Convention. It was decided that, on account of the age-limit proposed, this was not practicable. The Government of India agreed, however, to the adherence of India to the agreement of 1904, because it was thought that, although the evil against which this agreement was directed, it was not prevalent in India, India ought not to refuse such assistance in the matter as she was in a position to offer. Owing to the intervention of the war India's adherence was not actually signified to the other Powers till 1920.

The next stage in this matter was the creation of the League of Nations of which, Honourable Members are aware, India is a member. Article 23 of the Covenant of the League provides that the members of the League shall entrust the League with the general supervision of the execution of agreements with regard to the traffic in women and children. This question was considered at the first meeting of the League in December 1920 at which India was represented by Sir William Meyer, His Highness the Jam Sahib of Nawanganar and Sir Ali Imam. The League decided to invite the countries which were adherents to the Conventions of 1904 and 1910 to an International Conference. The recommendations of the Conference are shown in the papers which have been circulated. The main points to which I would invite attention are, firstly, the recommendation that the Council of the League of Nations should be invited to urge the members of the League, who had not so adhered, to join the Conventions of 1904 and 1910, and secondly, that this Convention should be extended so as to cover the traffic in women and children of all races and nationalities. The Conference also recommended that the age-limit should be raised from 20 to 21.

These recommendations were considered by the League in September last year. India was represented on this occasion by Sir William Meyer, His Highness the Maharao of Kutch and Mr. Sastri. Mr. Sastri explained to the Assembly the standpoint of India and pointed out that India could not subscribe to the age-limit proposed. Indian legislation fixed this age at 16, and, having regard to the early maturity in tropical countries, that age could not be immediately exceeded. The League finally embodied its conclusions in a draft Convention. The important points in the Convention are, firstly, the adherence of the contracting parties to the Conventions of



1904 and 1910; secondly, the raising of the age in the protocol of the Convention of 1910 from 20 to 21; and thirdly, the undertaking to punish attempts to commit offences specified in Articles 1 and 2 of the Convention of 1910 and to provide for the extradition of persons accused or convicted of offences specified in those Articles. The Resolution which I now move proposes that India should signify its adherence to this draft Convention subject to one reservation, namely, that in applying Article 5 of the Convention India will consider that 16 completed years of age is to be substituted for 21 years. I have already referred to the reasons for that reservation. The effect of accepting this Resolution will thus be that India will have to pass legislation for the penalization of the offences specified in Articles 1 and 2 of the Convention of 1910. Sections 366, 372 and 373 of the Indian Penal Code already cover the ground to a considerable extent, but not completely, and further legislation will therefore be necessary. It will also be necessary to provide for the extradition of persons who commit such offences. Ofcourse any legislation will have to come before the Legislature in the ordinary course, and the details will then be a matter for consideration. The acceptance of this Resolution simply means that in principle the Council will be giving its approval to legislate on these lines. India can become an original signatory to the Convention if it signifies its adherence before the 1st April 1922. I hope, therefore, that the Council will accept this Resolution.

The HONOURABLE MR. V. G. KALE: Sir, I support the Resolution. It is not necessary for me to say much on this question, because I think the whole House will be agreed on the desirability of India joining in this Convention. Whatever we may say with regard to the other activities of the League of Nations, there is no doubt about the fact that the value of international co-operation to achieve certain objects which cannot be attained without concerted action, has been deeply appreciated by all the countries in the world, and action is being already taken on certain important questions like those relating to the condition of labour, about which, last year, we passed certain Conventions, and some of the features of which have been already embodied in our Factory legislation. The evil which it is intended to combat by means of this Convention and the necessity of laws which will be enacted, wherever required, for attaining that object, is admitted on all sides, and it is but the duty of India to help other nations and to co-operate with them in putting down this serious evil. Mr. O'Donnell has already made reference to the fact that the law in India provides for certain measures which are intended to suppress this kind of evil. But it will be necessary to supplement that law in the near future in order to make its operation still more effective. Sir, in all parts of the country, the evil of prostitution and the class of evil which is sought to be remedied by this Convention, has become very serious. Almost all our cities have to fight that problem. Recently statistics were given with regard to the prevalence of prostitution and brothels in the city of Bombay, and they disclosed a scandalous state of things which it is immediately necessary in an effective way to put an end to. It will be well for the Government of India to take this matter into their very serious consideration. It should not be content with only co-operating with other nations in putting down the evil to which reference has been made in this Resolution, but it should go further and try to do in this country what we are seeking to do with regard to the international aspect of the problem regarding this evil. The House, I feel sure, will be unanimous in supporting this Resolution, and I do not want to let go this opportunity of representing the views which are generally

[Mr. V. G. Kale.]

held by the public in matters of this character. With these words, Sir, I strongly support the Resolution.

THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I rise just to say a few words. The whole of India ought to be very thankful to be in such an Empire and under such a Government which has befitted India to be a part of those nationalities which met together for such good reasons. Lots of people say that India was very much better off in the time of Asoka, but I do not think that India ever got such a chance of sending her representatives to various countries abroad. With these words, Sir, I support the Resolution.

THE HONOURABLE THE PRESIDENT: The question is that the following Resolution be adopted:—

‘ This Council recommends to the Governor General in Council that India do sign the International Convention for the Suppression of the Traffic in Women and Children accepted by the Assembly of the League of Nations at its second Session, subject to the reservation that in applying Article 5 of the Convention, India will consider that ‘ sixteen completed years of age ’ is substituted for ‘ twenty-one completed years of age ’.’

The Resolution was adopted.

The Council then adjourned to Monday, the 13th of February 1922, at Eleven of the Clock.