

Tuesday, 24th February, 1931

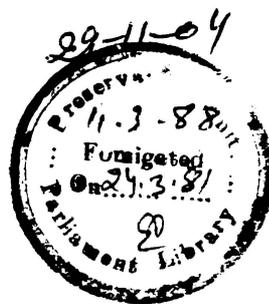
THE  
COUNCIL OF STATE DEBATES

VOLUME I, 1931

*(10th February to 2nd April, 1931)*

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FIRST SESSION  
OF THE  
THIRD COUNCIL OF STATE, 1931



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# COUNCIL OF STATE.

*Tuesday, 24th February, 1931.*

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

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## QUESTION AND ANSWER.

### INDIANIZATION OF THE OFFICERS' CADRE OF THE INDIAN ARMY.

**58. THE HONOURABLE MR. ABU ABDULLAH SAIYID HUSSAIN IMAM :** Will Government be pleased to state :

- (a) When the first King's Commission was given to an Indian in the regular Indian Army ?
- (b) The number of Indian and European officers appointed annually to the Indian Army ?
- (c) The proportion of Indian officers to European officers in each year from 1925 to 1930, inclusive ?
- (d) Whether, at the present rate of Indianization of the officers' cadre, that cadre will ever become totally Indianised ?
- (e) If the answer be in the negative, whether any other scheme for Indianization of the officers' rank is under consideration ?
- (f) When do Government propose to publish the scheme ?

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** (a) In August, 1917, the first Indian commissioned through Sandhurst, was commissioned in July, 1920.

(b) and (c). The figures for actual appointments vary from year to year, and are not readily available : but it will perhaps meet the object of the Honourable Member's inquiry if I give the figures for vacancies. At the present time a maximum of 82 vacancies a year is offered to Europeans. Of these, 70 are obtainable through Sandhurst, and 12 through universities. The maximum offered to Indians was 10 a year, until 1928, when the number was increased to 25, of which 20 are by direct entry into Sandhurst, and 5 by nomination of Viceroy's Commissioned officers, who proceed to Sandhurst after being nominated.

There has been no year in which all the vacancies, European and Indian, were filled. The deficit has been partially met by transfers from the British Service. The approximate total numbers of Indian and European officers admitted to the Indian Army during the years 1925 to 1930 were—

Indians—57,

Europeans—491,

which gives a proportion of a little more than 1 Indian to 9 Europeans.

The foregoing figures are exclusive of the vacancies recently opened to Indians at Woolwich and Cranwell. Four Indians have passed into Woolwich and six are now under training at Cranwell.

(d) No, Sir, as I have explained, the present maximum rates of entry are 82 Europeans and 25 Indians, annually.

(e) It has always been the intention of Government to increase the number of vacancies open to Indians, within the limits required by efficiency, as soon as a sufficient flow of candidates of the right stamp was forthcoming. As I have shown, the number of Indian vacancies at Sandhurst was more than doubled in 1928. Proposals for a further increase have been under consideration for some time.

(f) As the Honourable Member will have seen from the published proceedings of the Indian Round Table Conference, a committee is about to be appointed to make recommendations for an Indian military college. This question is very closely related to that of Indianization, and Government propose to consider the two subjects together.

**THE HONOURABLE MR. ABU ABDULLAH SAIYID HUSSAIN IMAM :** Will His Excellency the Commander-in-Chief please say if there was any scheme prepared by his predecessor about Indianization ?

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** No, Sir.

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**MOTION FOR THE ELECTION OF SIX NON-OFFICIAL MEMBERS  
TO THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.**

**THE HONOURABLE MR. J. A. WOODHEAD (Commerce Secretary) :** Sir, I beg to move :

"That this Council do proceed to elect, in such manner as may be approved by the Honourable the President, six non-official Members from the Council who shall be required to serve on the Central Advisory Council for Railways."

According to Article 6 of the Convention for the separation of railway finance, the Central Advisory Council for Railways should be elected by the Legislature on the panel system. On several occasions, however, especially during the last two years, non-official Members of the Legislature have expressed the view that it would be better if the election was conducted direct, instead of on a panel system. This generally expressed desire, Sir, is the justification for the small change, or rather the small departure, which this motion involves from Article 6 of the Convention for the separation of railway finance. I trust, Sir, that this small change will be acceptable to the House.

Sir, I move.

The motion was adopted.

**THE HONOURABLE THE PRESIDENT :** I direct that in connection with that election nominations may be put in up till 11 o'clock to-morrow morning, the 25th February, and if an election is necessary, it will take place on the following day, the 26th February.

## INDIAN INCOME-TAX (AMENDMENT) BILL.

THE HONOURABLE SIR ARTHUR McWATTERS (Finance Secretary) : Sir, I beg to move that the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

Sir, this small Bill was introduced in response to a request by the Associated Chambers of Commerce made at their meeting of last December. The position is that under the Indian Income-tax Act, section 58C, sub-section (1) (e), one of the conditions under which provident funds are entitled to recognition under that Act is that the fund shall be vested in two or more trustees. It was pointed out by the Associated Chambers of Commerce that on certain occasions this provision causes inconvenience, because one of the trustees might be going on leave out of India or might be going away on business and it involved on certain occasions charges in the trustees. The Associated Chambers desired that as a matter of convenience it should be made possible to appoint the Official Trustee. The difficulty which creates the need for legislation is that the Official Trustee, under the Official Trustees Act, can only act alone, and it is in order to enable the Official Trustee to be appointed as an alternative, if desired, that we have brought forward this small piece of legislation.

Sir, I move.

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 SIR ARTHUR McWATTERS : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

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## INDIAN RESERVE FORCES (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I move that the Bill to amend the Indian Reserve Forces Act, 1888, for certain purposes, be taken into consideration.

As Honourable Members will have seen from the Statement of Objects and Reasons, this small Bill contains really only one item of substance. Section 6 of the Indian Reserve Forces Act prescribes certain penalties for failure on the part of reservists to comply with the order calling them up, or for fraudulently obtaining pay which is not due to them. These penalties may be inflicted on conviction either by court-martial or by a magistrate of the first class. It appears that the statutory term "magistrate of the first class" does not include Presidency Magistrates. As a result, if any of these offences are committed in a Presidency town there is no option but to try them by court-martial, which Honourable Members will agree is very undesirable if it can be prevented. The Government of Madras pointed out this small difficulty in the law which the present Bill seeks to remove. The rest of the Bill is purely formal. It is designed to bring the phraseology of the Act up to date. Certain obsolete terms, such as, "Active Reserve", "Garrison

[H. E. the Cm mander-in-Chief.]

Reserve" and "Indian Articles of War" are replaced by their modern equivalents, while section 7, which exempts persons transferred to the Reserve before the Act was passed in 1888, is repealed as there are now no such persons in the Reserve.

Sir, I move.

The motion was adopted.

Clauses 2, 3, 4, 5 and 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I move that the Bill be passed.

The motion was adopted.

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#### INDIAN TERRITORIAL FORCE (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I move that the Bill further to amend the Indian Territorial Force Act, 1920, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

This Bill, Sir, is framed to rectify a very small omission in the Indian Territorial Force Act. Besides the compulsory training which all members of the Territorial Force have to undergo and which is limited by rule to certain fixed periods, some of the personnel are allowed to do extra voluntary training which very naturally we encourage as much as possible. The Act as it stands does not allow for this extra training, with the result that members of the Indian Territorial Force while engaged in it are not really strictly subject to military discipline and there is some doubt whether they are even entitled to pay. In order to put matters right and regularise this extra training a small amendment of the Act is necessary and that is the amendment proposed in the Bill.

Sir, I move.

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.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

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#### AUXILIARY FORCE (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I move that the Bill further to amend the Auxiliary Force Act, 1920, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

A very few words will suffice to explain this Bill, Sir. Members of the Auxiliary Force who are over the age of 18 years are liable to military service when called out. Persons can however be enrolled in the Auxiliary Force as cadets when they are 16, and while they are between the ages of 16 and 18 they are liable to training only and not to military service, so that cadets when they go to camp are not legally entitled to draw allowances. This is an unintentional error in the Act which the present Bill will rectify.

Sir, I move.

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.

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF** : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

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**ELECTION OF A MEMBER TO THE GOVERNING BODY OF THE  
IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.**

**THE HONOURABLE THE PRESIDENT** : The Council will now proceed to elect one Member to sit on the Governing Body of the Imperial Council of Agricultural Research. When I last mentioned this election there were four candidates. Since then the Honourable Rai Bahadur Lala Jagdish Prasad has withdrawn his nomination. That leaves the Honourable Sir C. P. Ramaswami Ayyar, the Honourable Khan Bahadur Chaudri Muhammad-Din and the Honourable Mr. Mahmood Suhrawardy as candidates for election. Ballot papers will now be handed round to Honourable Members and they will vote for the Member whom they desire to be elected by placing a cross opposite his name. They will not sign the ballot papers. As the result of the first ballot should the Honourable Member at the top of the poll not have secured an absolute majority of the votes cast, I propose to eliminate the Honourable Member at the bottom of the poll and to have a further election until one Member is elected with a majority of votes.

(The ballot was then taken.)

**THE HONOURABLE THE PRESIDENT** : 47 Honourable Members voted. Three voting papers were spoiled. Of the remaining 44, 25 votes have been cast for the Honourable Sir C. P. Ramaswami Ayyar and 19 votes for the Honourable Khan Bahadur Chaudri Muhammad Din and no votes for the Honourable Mr. Mahmood Suhrawardy. I declare the Honourable Sir C. P. Ramaswami Ayyar duly elected.

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**ELECTION OF FOUR MEMBERS TO THE STANDING COMMITTEE  
ON EMIGRATION.**

**THE HONOURABLE THE PRESIDENT** : The Council will now proceed to elect four Members to sit on the Standing Committee on Emigration. There

[The President.]

were originally eight nominations, but the number of candidates has now come down to five by reason of withdrawals. I take this opportunity of mentioning to the Council that it would be convenient certainly, I think, to Members of this House, and most certainly to the office of the Council, if those Honourable Members who propose to withdraw from an election would not reserve their withdrawal till the eleventh hour. There were seven candidates this morning when I reached my office and now there are only five. It puts me in an embarrassing position too sometimes, for I have to make up my mind at least the day before what form the election shall take. In case there is to be a ballot, ballot papers have to be printed. As Honourable Members will see, ballot papers have been printed for this election which might not have been necessary had Honourable Members made up their minds to withdraw somewhat earlier. The standing candidates are, the Honourable Rai Bahadur Lala Ram Saran Das, the Honourable Mr. A. Hamid, the Honourable Sardar Bahadur Shivdev Singh Uberoi, the Honourable Mr. G. A. Natesan and the Honourable Mr. B. K. Basu. In view of the large number of vacancies, that is to say four vacancies to be filled by five candidates, I think the only satisfactory form of election is that according to the principle of proportionate representation by means of the single transferable vote. Most Honourable Members have taken part in an election in that form before, but if, when they receive their ballot papers, they will read the instructions at the bottom I think they will find no difficulty in complying with them.

(The ballot was then taken.)

THE HONOURABLE THE PRESIDENT : May I take it that all Honourable Members have now deposited their voting papers ? The working out of the results of the election in this form is a matter of some intricacy, and I do not propose to keep the Council waiting. I hope to be in a position to announce the result at to-morrow's meeting.

The Council then adjourned till Eleven of the Clock on Wednesday, the 25th February, 1931.