

COUNCIL OF STATE DEBATES

THURSDAY, 24th SEPTEMBER, 1931

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OFFICIAL REPORT



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COUNCIL OF STATE.

Thursday, 24th September, 1931.

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

MOTION FOR THE ELECTION OF TWO MEMBERS OF THE ADVISORY COMMITTEE TO ASSIST IN THE CONDUCT OF THE PUBLICITY WORK OF THE GOVERNMENT OF INDIA.

THE HONOURABLE MR. H. W. EMERSON (Home Secretary): Sir, I beg to move:

“That this Council do proceed to elect, in such manner as the Honourable the President may direct, two members of the Advisory Committee to assist in the conduct of the publicity work of the Government of India.”

The motion was adopted.

THE HONOURABLE THE PRESIDENT: In that connection, nominations may be handed in up to 11 o'clock on the morning of the day when the Council next meets. We shall arrive at a decision when the Council will next meet when we have disposed of to-day's business.

INDIAN MINES (AMENDMENT) BILL.

THE HONOURABLE SIR JOSEPH BHORE (Industries and Labour Member): Sir, I beg to move that the Bill further to amend the Indian Mines Act, 1923, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

This is, Sir, a one-clause Bill and I have nothing to add to the Statement of Objects and Reasons, which explains the necessity for this measure.

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 JOSEPH BHORE: Sir, I beg to move that the Bill further to amend the Indian Mines Act, 1923, for a certain purpose, as passed by the Legislative Assembly, be passed.

The motion was adopted.

INDIAN SUCCESSION (AMENDMENT) BILL.

THE HONOURABLE SIR C. P. RAMASWAMI AYYAR (Law Member): Mr. President, Sir, I move that the Bill further to amend the Indian

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[Sir C. P. Ramaswami Ayyar.]

Succession Act, 1925, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

Honourable Members will realise that this Bill is also practically a one-clause Bill and the idea is to enable corporations also to be included amongst the persons to whom probate may be granted. There is an increasing tendency on the part of persons to entrust this very important and onerous task to public corporations, and I think the Bill will serve a very useful purpose.

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 C. P. RAMASWAMI AYYAR: Mr. President, Sir, I move that the Bill further to amend the Indian Succession Act, 1925, for a certain purpose, as passed by the Legislative Assembly, be passed.

The motion was adopted.

ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL.

THE HONOURABLE MR. RAM CHANDRA (Joint Secretary, Department of Education, Health and Lands): Sir, I beg to move that the Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.

Honourable Members have doubtless read the Statement of Objects and Reasons which explains the necessity for this measure. It remains for me only to add a word or two to bring to the notice of the House prominently the main feature of the Bill. Under the Act as it stands at present intermediate education is not an integral part of University training. Although the University maintains an Intermediate College, University instruction as such is confined only to such students as are preparing to obtain a degree. University instruction therefore begins when a student has passed the Intermediate examination. The question whether this system had proved a success came under the consideration of a Committee of Enquiry which was appointed in 1927 by the Chancellor of the University, Her Highness the Begam Sahiba of Bhopal. That Committee was impressed by the arguments that were advanced against the combination in one and the same institution of the Intermediate classes with the upper two classes of the High School, but it did not come to any definite conclusion as it felt that the system had not been given a fair and sufficiently long trial. It therefore suggested that the question should be examined again after a period of three years in the light of such experience as might be gained during that interval. That period expired in 1930 and another Committee went into the question last year and definitely recommended that the Intermediate College should be abolished and that the Intermediate Classes should be transferred to the University, so that a student could begin his course of study as soon as he passed the Matriculation or School Leaving Certificate. This suggestion has been

accepted by the University authorities and the Bill is designed to give effect to this recommendation. When the Bill is passed, the Aligarh Muslim University will be able to revert to the old practice which is followed throughout the greater part of India. Sir, I have said these few words in order to emphasise that the Bill is based on the suggestions which have emanated from the authorities of the University itself. Honourable Members will, I am sure, agree that this is a non-controversial measure.

Sir, I move.

The motion was adopted.

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

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. RAM CHANDRA : Sir, I beg to move that the Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes, as passed by the Legislative Assembly, be passed.

The motion was adopted.

SHERIFF OF CALCUTTA (POWERS OF CUSTODY) BILL.

THE HONOURABLE SIR C. P. RAMASWAMI AYYAR (Law Member) : Sir, I move that the Bill to extend the powers of the Sheriff of Calcutta to hold persons in lawful custody, as passed by the Legislative Assembly, be taken into consideration.

This is an enactment which has been necessitated by the closing of the Alipur Bridge on certain occasions, owing to which, as will appear from the Statement of Objects and Reasons, it has been found impossible to convey the persons concerned without going beyond the local jurisdiction of the Calcutta High Court. The Sheriff's jurisdiction is confined to the local limits of the ordinary original civil jurisdiction of the Calcutta High Court, and the closing of the Alipur Bridge makes it impossible for the prisoners to travel entirely within his jurisdiction. This is a one-clause Bill and I do not think it is a controversial Bill.

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 SIR C. P. RAMASWAMI AYYAR : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

LAND CUSTOMS (AMENDMENT) BILL.

THE HONOURABLE MR. A. H. LLOYD (Nominated Official) : Sir, I move that the Bill to amend the Land Customs Act, 1924, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

The object of this Bill is to strengthen the hands of the Customs Department in dealing with the smuggling of articles, the duty upon which is very high in comparison with their bulk and which are therefore easily smuggled from foreign territories adjoining British India. This smuggling is at the present time particularly rife on the borders of Pondicherry. For a number of years past it has been a source of great anxiety to those responsible for safeguarding the revenue that articles of the kind I have described are imported into Pondicherry very largely in excess of any possible local requirements and obviously for the purpose of being smuggled into British India. Articles such as saccharine, gold thread, diamonds and, lately, silver are those to which attention has been chiefly devoted by the smugglers. Those in this House who are familiar with the country about Pondicherry will realise that the geographical conditions make it impossible to establish an effective barrier between the two countries and, although since 1927 the establishments have been three times revised at a total cost of over a lakh of rupees, we have to recognise that a very considerable amount of smuggling still goes on. So we are driven to depend upon the deterrent effect of the penal provisions of the law. At present smuggling of this sort can only be punished under the Land Customs Act which provides for penalties that are imposed by executive officers and not by the judiciary and therefore, very rightly, do not include provisions for imprisonment. It is now proposed to amend the law so that, when the Customs Department think fit, they may send cases of this description before the Courts and render the smugglers liable to imprisonment. In order to remove any possible doubt on the point, I should just like to add that the scope of this measure is naturally limited to the scope of the Land Customs Act itself; that is to say, it only applies to the foreign frontiers of British India to which the Indian Tariff Act has been extended. It therefore has no bearing upon any traffic between the Indian States and British India. I do not think any further remarks from me are necessary in order to recommend this Bill to the Council.

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. A. H. LLOYD : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

RESOLUTION *RE* TRAVELLING AND DAILY ALLOWANCES OF MEMBERS OF THE COUNCIL OF STATE.

THE HONOURABLE SIR C. P. RAMASWAMI AYYAR (Law Member): Sir, I beg to move the following Resolution :

“ That this Council recommends to the Governor General in Council to amend the rules relating to the travelling and daily allowances admissible to Members of the Council in such manner as—

- (a) to reduce the period preceding the commencement and following the termination of a Session for which daily allowance may be drawn from seven to three days; and
- (b) to deprive non-official Members of the Council of State of their existing option of reserving a first class railway compartment or steamer cabin for their personal use and drawing the actual cost of reserving the compartment or cabin in lieu of travelling allowance of 1-3/5ths of a first class fare.”

Sir, the effect of the amendment proposed would be to remove the only existing points of difference between the allowances admissible to Members of the Council of State and the allowances admissible to Members of the Legislative Assembly. It cannot be forgotten in this connection that in 1923 and 1926 similar attempts were made which were not very successful, but it is hoped that during the present financial crisis, the gravity of which must have come home to Members of this Honourable House and which has been emphasised so eloquently in the many speeches to which all of us have listened with instruction during the last few days, the realisation of the position of the country would enable the Members of this Honourable House to pass what in effect is a self-denying ordinance. I do not think on this occasion I need make a very long appeal to the Members of the Honourable House. As on previous occasions, the official Members will not vote on this Resolution. The responsibility in this matter will be left entirely to the Honourable Members on the non-official Benches. They realise as much as anybody else does the exact state of the country and I need do no more than commend this Resolution to the unfettered discretion of the non-official Members of this Honourable House.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa : Muhammadan): Sir, on a point of information from the Honourable the Law Member, I should like to know if this is the recommendation of the General Purposes Retrenchment Committee.

THE HONOURABLE SIR C. P. RAMASWAMI AYYAR: The Retrenchment Advisory Committee is understood to have the general question under discussion and although we are not in a position to say exactly what the scope of their recommendations will be, it is understood that those recommendations will be far more wide in scope than anything that this Resolution contemplates. But anything that is done now would only be to equalise the allowances of the Assembly Members and the Council of State Members. Any comprehensive retrenchment that might become necessary after the deliberations of the Retrenchment Committee have been considered by the Governor General in Council would be a matter for further discussion. It may be that the Retrenchment Committee's recommendations and the deliberations of the Government of India may result in a further reduction. It will depend upon the feeling in the country and in the

[Sir C. P. Ramaswami Ayyar.]

two Houses as to what further reductions might be necessary in view of the situation in the country.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Sir, we the Members of this House and of the Lower House received a questionnaire from the General Purposes Retrenchment Committee and most of us replied recommending some drastic reductions. We would not have grudged this reduction, but rather would have welcomed it if it had been accompanied by a corresponding gesture on the part of the Executive Councillors. The latest figures available are the actuals of 1929-30. I find that under Demand No. 28, the touring expenses of the Honourable Members of the Executive Council amounted to Rs. 52,396, but in this year, 1931-32, when the financial stringency is very high, the Demand has been increased to Rs. 91,000. As regards our own Council, it is said that we have got certain privileges which make our position a little higher than that of the Members of the Assembly or that we are spending more. But this is a delusion. I have collected figures for 1929-30 and I find that we spent Rs. 90,360 in a Session lasting 72 days of 60 Members, which comes to Rs. 20·9 *per capita per diem*, whereas the Assembly spent Rs. 3,51,557 in a Session of 99 days of 146 Members which comes to Rs. 24·06 *per capita per diem*. There is no doubt that we have got certain privileges, but we do not utilise them so frequently and so much as the others. If we were utilising our privileges fully, then the rate could not have come to Rs. 20·9. In addition I wish to mention one more point for the consideration of the House and that is that part (b) of the Resolution is in effect a book entry. Most of the Railways belong to the Government. If you have a reserved compartment, the income goes to the Railway and in an indirect manner it comes back to the Government. The Railway position is very precarious. We are still faced with a great deficit in the working of the Railways. It will accentuate their difficulty and not ameliorate their condition. Railway finances have got to be improved, whether you do it under the head of Railways or under the head of Legislative Bodies. If you want to equalise the position, then it might be said that our sittings must be more. The Assembly have got 99 sittings and we have got only 72 sittings in the year. That makes the difference. There are other difficulties. Most of us do not come a week before and stay a week later. The thing is simply required to keep up a tradition and nothing more. That is all I have got to say about this Resolution.

***THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) :** Sir, I thought that this Resolution would be carried as quickly and as unanimously as the previous motions, but the observations of my Honourable friend Syed Hussain Imam provoke me to say a few sentences. I will take the last of his observations first. My Honourable friend talked of tradition but he has been the first here, on more than two occasions to my knowledge, to denounce tradition and prestige on the part of the Government of India. Let us first set an example ourselves when we are given an opportunity.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Will the Government promise to follow suit, Sir? On this assurance we are ready to meet them.

*Speech not corrected by the Honourable Member.

THE HONOURABLE MR. G. A. NATESAN: We have nothing to do with what the Government may do or may not do. In view of the tremendous financial crisis to which everybody will be a victim, I should be surprised, Sir, if Government did not of its own accord come up with many proposals, which perhaps will be welcomed by us. But even if the Government refuse to do anything, it should not be said that the non-official Members had an opportunity to rectify a mistake, that they were conscious of the growth of expenditure and were unwilling to forego it. I want my Honourable friend Mr. Hussain Imam and my other colleagues to set an example in that direction. And may I, by the way,—I hope neither he nor any of my other colleagues will take offence—point out to him that he was treading on very dangerous ground when he compared the work in the Assembly and the Council of State by the days. If you take it by the hours, the result will be different. I would therefore ask all my Honourable friends to pass this proposition unanimously.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan): Sir, I support the motion of my Honourable friend Sir C. P. Ramaswami Ayyar. Some of us were thinking of this matter whether we should not at this juncture forego this concession of reserving a compartment. But as a matter of fact, many of us do not take advantage of this luxury of reserving a compartment. Speaking for myself, I do not think that I ever reserved a compartment. But there are certain inconveniences. Whenever the Legislative Assembly and the Council of State meet at the same time, there is a rush and there is some difficulty in getting berths reserved. I hope the Government will address the railway authorities and ask them to give all facilities to Members in reserving their berths. That is the only difficulty we may feel at times. Speaking for myself, I have very great pleasure in supporting the motion. I think that at this time of financial crisis Members should not say "No" to the Resolution, and I hope the Resolution will be carried unanimously.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan): Sir, I rise to support the Resolution and I wish to create a precedent that this Council accepts a voluntary cut in its own allowance, and I hope that the Executive Councillors and all the officers of Government will follow our example in accepting a voluntary cut in their salaries and allowances.

THE HONOURABLE RAI BAHADUR RADHA KRISHNA JALAN (Bihar and Orissa : Non-Muhammadan): Sir, while supporting the Resolution of the Honourable Sir Ramaswami Ayyar. I further take the opportunity to suggest that if the Session of the Council of State be held towards the close of the Assembly Session, then the work will be continuous and will be finished in much less time and thereby it will be much more economical for the Government and convenient for the Members.

With these words I support the Resolution.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan): Sir, I also associate myself with my other Honourable friends in supporting this Resolution. We know that example

[Mr. Mahmood Suhrawardy.]

is better than precept and I hope that my esteemed friends opposite, the Mover of the Resolution and others, will set an example as regards their pay, and their princely saloon should also be cut down a little. With these observations I support the Resolution.

THE HONOURABLE SIR C. P. RAMASWAMI AYYAR: Mr. President, I had not intended to intervene in the debate but certain observations made on the floor of the House compel me to say just a few words. It is most gratifying to realize that Members of this Honourable House, true to their traditions, are evincing so much willingness to pass these reductions in their allowances. One or two questions have been propounded and I shall answer them. The first relates to a small matter about a book adjustment. Obviously there is no book adjustment in the case of Company Railways. But a bigger question was raised and that is as to the luxurious saloons referred to by the last Honourable speaker and the princely salary referred to by more than one Member. I am not in a position to say more than this, but I will not say less than this, Mr. President, that in that great appeal made by His Excellency the Viceroy he referred unequivocally to the fact that every one from the highest to the lowest will have to make sacrifices.

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

“This Council recommends to the Governor General in Council to amend the rules relating to the travelling and daily allowances admissible to Members of the Council in such manner as—

- (a) to reduce the period preceding the commencement and following the termination of a Session for which daily allowance may be drawn from seven to three days; and
- (b) to deprive non-official Members of the Council of State of their existing option of reserving a first class railway compartment or steamer cabin for their personal use and drawing the actual cost of reserving the compartment or cabin in lieu of travelling allowance of 1-3/5ths of a first class fare.”

The motion was adopted.

ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE OF THE DEPARTMENT OF INDUSTRIES AND LABOUR.

THE HONOURABLE THE PRESIDENT: The Council will proceed to elect two non-official Members to serve on the Standing Committee to advise on subjects other than “Roads” and “Broadcasting” dealt with in the Department of Industries and Labour.

There are two vacancies and there are three candidates, namely, the Honourable Mr. Suhrawardy, the Honourable Mr. Banerjee and the Honourable Mr. Ghosh Maulik. Ballot papers will be handed round and Honourable Members will vote by striking out the name of the candidate for whom they do not wish to vote.

(The ballot was then taken.)

ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING 169
COMMITTEE OF THE DEPARTMENT OF INDUSTRIES AND LABOUR.

THE HONOURABLE THE PRESIDENT : The votes are :

The Honourable Mr. S. C. Ghosh Maulik	..	..	29
The Honourable Mr. M. Suhrawardy	..	..	21
The Honourable Mr. J. C. Banerjee	..	..	10

I declare the Honourable Mr. Ghosh Maulik and the Honourable Mr. Suhrawardy duly elected.

ELECTION OF A MEMBER TO THE IMPERIAL COUNCIL OF AGRI-
CULTURAL RESEARCH.

THE HONOURABLE THE PRESIDENT : The Council will now proceed to elect one Member to sit on the Imperial Council of Agricultural Research and its Governing Body in the place of the Honourable Sir Ramaswami Ayyar. Owing to various withdrawals of nominations, there are now only three candidates for one vacancy. They are the Honourable Mr. M. Suhrawardy, the Honourable Mr. Syed Abdul Hafeez and the Honourable Diwan Bahadur G. Narayanaswami Chetti. Ballot papers will be handed round, but if at the first ballot the Honourable Member at the top of the poll does not secure a clear majority of votes cast, there will be a second ballot after eliminating the Honourable Member at the bottom of the poll.

Will Honourable Members please take note on this occasion that they should vote for the Member whom they support by placing a cross against his name. Three ballot papers were spoiled in the election which has just been held by Honourable Members not following the directions of the Chair. They should vote for the Member of their choice by placing a cross against his name. Ballot papers will be handed round now.

(The ballot was then taken.)

THE HONOURABLE THE PRESIDENT : The votes are :

The Honourable Diwan Bahadur G. Narayanaswami Chetti	26
The Honourable Mr. Syed Abdul Hafeez	.. .. 6
The Honourable Mr. M. Suhrawardy	.. .. 2

In the circumstances, there is no need for another ballot. I declare the Honourable Diwan Bahadur G. Narayanaswami Chetti duly elected.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR JOSEPH BHOORE (Leader of the House) : The business for the next meeting, Sir, will comprise motions for the consideration and passing of the two Bills laid on the table yesterday, and it is possible that the Honourable Mr. Emerson's Resolution recommending that the Governor General in Council should not ratify the Convention regarding forced or compulsory labour and my own Resolution on the subject of the application of the road fund in certain circumstances to meet expenditure on ordinary repairs of roads will also be placed on the paper. I would suggest for your consideration that the meeting might be held on Monday next.

The Council then adjourned till Eleven of the Clock on Monday, the 28th September, 1931.

Copies of the Debates of the Legislative Assembly and the Council of State are obtainable on sale from the Manager, Central Publication Branch, 3, Government Place, West, Calcutta.
