

Monday, 18th September, 1933

THE
COUNCIL OF STATE DEBATES

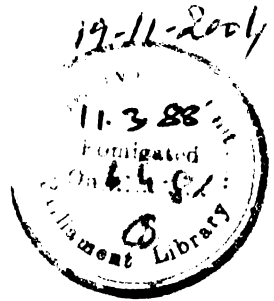
VOLUME II, 1933

(29th August to 16th December, 1933)

SIXTH SESSION

OF THE

THIRD COUNCIL OF STATE
1933



PUBLISHED BY MANAGER OF PUBLICATIONS, DELHI.

PRINTED BY MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA
1934

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COUNCIL OF STATE.

Monday, 18th September, 1933.

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

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL : Sir, the following message has been received from the Secretary of the Legislative Assembly, namely :

"I am directed to inform you that the Legislative Assembly has, at its meeting held on the 16th September, 1933, agreed without any amendments to the following Bills which were passed by the Council of State at its meeting held on the 5th September, 1933, namely :

A Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose ; and

A Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose."

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, which was passed by the Legislative Assembly at its meeting held on the 16th September, 1933.

MOTION *RE* NOMINATION OF MEMBERS TO SERVE ON THE JOINT COMMITTEE TO CONSIDER AND REPORT ON THE RESERVE BANK OF INDIA BILL.

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary) : Sir, 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 constitute a Reserve Bank of India, namely :

The Honourable Mr. Bijay Kumar Basu,

The Honourable Raja Charanjit Singh,

The Honourable Nawab Malik Mohammad Hayat Khan Noon,

The Honourable Raja Sir Annamalai Chettiar,

The Honourable Diwan Bahadur G. Narayanaswami Chetti,

The Honourable Saiyed Mohamed Padshah Sahib Bahadur,

The Honourable Sir Hormusji Mehta,

The Honourable Kumar Nripendra Narayan Sinha,

The Honourable Mr. Mahmood Suhrawardy,

The Honourable Mr. J. S. Henderson,

(367)

[Mr. J. B. Taylor.]

The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra,
The Honourable Rai Bahadur Lala Ram Saran Das,
The Honourable Mr. Hossain Imam, and the mover."

The motion was adopted.

MOTION *RE* NOMINATION OF MEMBERS TO SERVE ON THE JOINT COMMITTEE TO CONSIDER AND REPORT ON THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary): Sir, 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 further to amend the Imperial Bank of India Act, 1920, for certain purposes, namely :

The Honourable Mr. Bijay Kumar Basu,
The Honourable Raja Charanjit Singh,
The Honourable Nawab Malik Mohammad Hayat Khan Noon,
The Honourable Raja Sir Annamalai Chettiyar,
The Honourable Diwan Bahadur G. Narayanaswami Chetti,
The Honourable Saiyed Mohamed Padshah Sahib Bahadur,
The Honourable Sir Hormusji Mehta,
The Honourable Kumar Nripendra Narayan Sinha,
The Honourable Mr. Mahmood Suhrawardy,
The Honourable Mr. J. S. Henderson,
The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra,
The Honourable Rai Bahadur Lala Ram Saran Das,
The Honourable Mr. Hossain Imam, and the mover."

The motion was adopted.

MURSHIDABAD ESTATE ADMINISTRATION BILL.

THE HONOURABLE MR. B. J. GLANCY (Political Secretary): Sir, I move :

"That the Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager, as passed by the Legislative Assembly, be taken into consideration."

Sir, as the House will observe from the statement of objects and reasons, this Bill is merely intended to supplement the Murshidabad Act of 1891. That Act gave power to the Secretary of State to enter upon the properties of the Nawab and to administer them on his behalf if such a course became necessary. Unhappily the necessity has arisen because the Nawab has contracted extremely heavy liabilities and has reduced his properties to a most deplorable condition. It is therefore essential that a Manager should be appointed and

that the control of the Nawab should be restricted, so that the claims of the creditors may be met and that the Nawab and his family may be saved from ruin. The Secretary of State has already entered upon the properties of the Nawab, but unfortunately the Act of 1891 does not provide any satisfactory machinery for the Manager being able to control the estate and for the Nawab being prevented from contracting further liabilities. This Bill is therefore designed to remedy this deficiency. It is based very closely on the Chhota Nagpur Encumbered Estates Act, which has been in successful operation for the last 50 years. In the opinion of the Government this Bill provides the only satisfactory solution of the present situation both as regards the creditors and the Nawab. In the first place, as regards the creditors, it is estimated that the total liabilities of the Nawab including decrees passed against him amount to about Rs. 19 lakhs. The Bengal Government estimate that as soon as normal conditions are restored it should be possible to save from the estate not less than Rs. 3 lakhs a year in order to pay off the liabilities so that in a few years' time the estate should be completely free. The creditors need be under no apprehension that any unfair treatment will be accorded to them because the Bill provides for an appeal from the Manager to the Bengal Board of Revenue and also to the Bengal Government.

If this Bill does not become law all that will happen will be that the creditors will only be able to attach and secure certain movable properties personally acquired by the Nawab and it is very doubtful whether the total value of this will amount to more than about a one-twentieth part of the liabilities. Secondly, as regards the Nawab, he is the head of an ancient and highly respected family of Bengal and is held in very high esteem not only by Moslems but other communities as well and it would certainly be most deplorable if he were to suffer the indignity of confinement in a debtor's prison.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal: Non-Muhammadan): Sir, it seems to me that we are living in an age of protection. Only the other day we passed the Cotton Textile Protection Bill, and a Bill to give Protection to Princes, and the 'Khadi' Protection Bill are on their way to this House. Now we are faced with the problem of protecting the Nawab of Murshidabad from his creditors. It is no doubt a laudable object to protect a scion of a noble family who has on account of his impecunious habits has merely landed himself into ruin. But after all is said and done I want to know if the creditors of the Nawab Bahadur will also be protected. Some of his creditors have got decrees passed by competent courts against the Nawab Bahadur and the very fact of having a decree passed would, I presume, be a *prima facie* evidence of the debt. I understand the Government has given an assurance to this effect in another place and I hope that the assurance will be followed up in practice.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, in supporting this Bill I make the following observations. So far as the principle of this Bill is concerned, I have nothing to object, as it is the bounden duty of every Government to legislate for saving the old and respected ruling families like that of the Murshibadad Nawab. It will not be an exaggeration on my part if I say that families like that of the Nawab of Murshidabad are not only respected by the people of Bengal

[Mr. Jagadish Chandra Banerjee.]

but by the people of the whole of India. We Indians are of a conservative temperament by nature, and there is a sentiment of semi-sacredness attached to such families. The Honourable the Law Member the other day in the other House said that the power of revision of decrees passed by competent courts is not a new principle which has been embodied in this Bill, and so this principle is already an accepted one in the legislation existing in the land. It is a duty of the Government to protect the debtors like the Nawab of Murshidabad from harassment by his creditors, because he has got only a life estate on the property of the family. In such cases there is always a tendency both on the part of such debtors and the creditors to connive at heavy borrowings at exorbitant rates of interest. Sometimes there is a tendency on the part of the creditors to obtain handnotes of double the value of the sums actually advanced to such debtors, and the debtor in such cases knowing fully well that he has got a life estate on the property of the family, agrees to connive at such false transactions. He knows fully well that after his death the creditors will not be able to realise the sums borrowed on such handnotes. Sir, it was up to the creditors to be cautious and not to lend huge sums of money to such debtors from whom they knew very well that they will not be able to realise their decretal money on the death of the borrower, because such debts cannot be made a liability on the family property. In this connection I would like to request the Government not to show partiality in favour of old and respected ruling families of one community or of one province only. All over India there are hundreds of other families of Hindu and Muslim ruling princes of the same status as that of the Nawab of Murshidabad and it is but just and proper that steps like the present one should be taken to protect such families by means of parallel legislation wherever it is found necessary. Sir, unless Government assures this House on this point, I will not be surprised if there be strong criticism of Government's action in this behalf both in the Press and on the platform. It is not long ago but only the other day the Government of India sanctioned a large amount of money as an advance to the family of the late Sir Muhammad Shafi and as far as I remember very few Hindu families have been given such advantages like the one mentioned by me. I may assure my Muslim friends that these remarks have been made not with any idea of importing jealousy and friction between the two sister communities. Far from it, these remarks have been made to remind Government not to be partial and make distinctions between communities and communities and families and families so that Government's benevolent actions like these may not be misconstrued by the public. Lastly, Sir, I would like to bring it to the notice of Government that the steps now proposed should have been taken long before, as that would have saved our venerable Nawab Bahadur of Murshidabad from many an indignity at the hands of his creditors, which have at times mortally wounded the feelings and sentiments of the people of Bengal irrespective of caste or creed. I hope the House will pass the Bill without opposition and show to the world that in such cases Indians are never actuated by any feeling of communalism but are guided by noble sentiments.

With these words, Sir, I once more support the Bill with all the emphasis at my command.

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar and Orissa : Nominated Non-Official) : Sir, it is with mixed feeling of pain and pleasure that I rise to speak on this Bill. I am pained to think that necessity has arisen to bring this Bill before the Legislature. I am pained at the fact that the ancient House of Murshidabad, with which I can claim friendship for many generations, should be in danger of losing not only its power but also the dignity of the position and station it has been enjoying for so many centuries. Nevertheless I am delighted to see that the Government have come to the rescue of the premier nobleman of Bengal and his illustrious house and is going to protect the honour and dignity which is attached to the person of the Nawab Bahadur of Murshidabad Amirul Omrah, whom we all so much esteem and respect and the lineal heirs male successors to the title.

Allow me to observe, Sir, that it is a source of no small satisfaction and hope to me personally and to others who belong to the order of nobility to find that the Government are so solicitous for the preservation of our order and averting its ruin and extinction. Evil days may befall any of us at any time. Unfaithful fate is the devil's mistress. But to find for such contingencies a saviour in the Government is certainly a great solace. As one who has the honour to belong to an aristocratic house I welcome the attitude of the Government in the matter and give my wholehearted support to the Bill and trust that this Bill will be passed unanimously.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, the measure before the House is only a logical complement of the Murshidabad Act of 1891 which confirmed the earlier Indenture between the Secretary of State and the Nawab, making provision for the management of the estate in certain contingencies. As my friend Mr. Neogy said the other day in the Legislative Assembly, the present Nawab seems to have been more sinned against than sinning in his financial dealings. It is in the fitness of things, therefore, that the practice (now long established by usage in the country) of protecting the estates of ancient and respectable families be followed in this case also and a law be enacted to protect the Nawab Bahadur from personal indignity while at the same time safeguarding the interests of the creditors. The Honourable Mr. Glancy, who is a great acquisition to this House and who I know has always done his best in saving ancient families from ruin, explained in the Assembly the other day that the Murshidabad estate (with the exception of some small property personally acquired by the present Nawab) is not open to attachment or sale. The encumbrances on the estate, if allowed to accumulate further, will leave no source of maintenance for the Nawab, and the alternative of confinement in civil jail while by itself giving no relief to the creditors will inflict unnecessary indignity on the head of a distinguished and highly respected family. The principle underlying the Bill is the same as governs other enactments for the administration of Court of Wards and encumbered estates. Sir, this Council consists of many members of ancient families who have got a stake in the country and it is a matter of great gratification to us that Government is ready to come to the rescue of those who unfortunately fall into such financial trouble. The Bill itself has been thoroughly scrutinised by a strong and representative committee and I therefore support the motion.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan): Sir, if I intervene at this stage in the debate it is to make certain inquiries from the Honourable mover who has not elucidated certain points while making the motion for consideration of the Bill. Sir, the Preamble says :

“Whereas the Murshidabad Act, 1891, * * * provides that in case the said Nawab Bahadur or any of his lineal heirs male successors to the titles shall contravene any of the terms of the said Indenture or shall disable himself from duly maintaining the dignity of his position and station it shall be lawful for the Secretary of State for the time being to enter into and upon the immovable properties mentioned in the Indenture and to exercise certain powers therein specified in the manner therein set forth”.

I am glad that the Honourable mover has said that the necessity for bringing forward this Bill has arisen on account of the fact that the Nawab Bahadur has incurred a huge debt. He has also said that the decreed debt comes to about Rs. 19 lakhs. May I ask the Honourable mover whether there is any other debt besides this decreed debt of Rs. 19 lakhs ? That is the first point.

Then, Sir, he has not mentioned anything about the acts which the Nawab Bahadur has not done to maintain the dignity of his position and station. I hope he has maintained the dignity of his position.

Then, Sir, I would like to know from Government the total income from the estate and also whether the estate lies in Bengal alone or in other parts of India. While going through the Bill I find that the estate of the Nawab Bahadur is not limited to Bengal but lies all over India, since sub-section (2) of section 1 says that :

“It extends to the whole of British India, inclusive of British Baluchistan and the Sonthal Parganas”.

Therefore, Sir, I would like to know what are the provinces in which the immovable properties of the Nawab Bahadur are situated.

There is also some misgiving as to the appointment of the Manager. By the Bill I find that the Government of Bengal will appoint the Manager. May I enquire from Government whether the Nawab Bahadur will have any hand in the appointment ? I mean to say by this whether the Manager will be appointed after consultation with the Nawab.

Further, I find from the Bill that a monthly allowance of Rs. 19,166-10-8 will be payable from the Government Treasury at Berhampore. May I know, Sir, whether this monthly allowance of the Nawab Bahadur will be a fixed one or will it be subject to revision and adjustment, etc., and, if so, whether it will be in the power of the Manager to make these adjustments or the matter will be decided by the Government of Bengal or the Government of India ?

These are some pertinent points which I would like to enquire from the Government at this stage. As regards the merits of certain clauses, I will be moving amendments when they are put to the vote of the House.

THE HONOURABLE SAIED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan): Sir, I support the Bill. I am glad to find that every Honourable Member who has taken part in the debate on this occasion has given his whole-hearted support to this Bill. Since most of the salient

features of the Bill have been discussed by the Honourable Members who have preceded me, I do not think it is necessary for me to speak about them. But I should like to make one observation regarding one question just put by my Honourable friend Rai Bahadur Lala Mathura Prasad Mehrotra. A number of questions have been put by him regarding various things, viz., various places in India where this estate is situated, the extent of the income of the estate and various other questions on matters which are in the particular knowledge of the Political Secretary. But the one question which I should like to answer is the one regarding the appointment of the Manager. My Honourable friend wanted to know if in the appointment of the Manager the Nawab Bahadur of Murshidabad will have any voice. I should like to tell him that however much he may be anxious for this appointment to be agreeable to the Nawab Bahadur, it is patent that the Nawab Bahadur will not be very competent to give any advice on this matter, for the way in which the estate has been managed goes to show how the Nawab Bahadur is not able to come to any judgment about the way in which the estate should be managed. It was because the Nawab Sahib was being guided by his friends that he finds himself in this critical position. It is because unfortunately the Nawab Bahadur has been a little too simple that he has got into the clutches of the moneylenders. Again, there is another thing to be taken into consideration. The Nawab Bahadur would be able to express an opinion about the fitness or otherwise of the Manager only if the person to be appointed has had relations with him. If the Nawab Sahib has had no previous relations with him he will not be able to express any useful opinion about this matter.

Now, Sir, an appeal has been made by one Honourable speaker about the necessity of taking similar measures in case of other ancient families who have also got into the clutches of moneylenders. Sir, I endorse every word of what was said in this respect. I feel also that the Government would be perfectly justified in coming to the rescue of lots of other families in India who may also find themselves in the same predicament. But this distinction has to be made, that not only should the family be ancient and respectable, but there should be circumstances which justify the taking of the kind of drastic action that has been taken in this case. For in this respect we see that the decrees of the court are liable to be re-opened. I feel that it is perfectly justifiable that these decrees should be re-opened in this instance because of the peculiar circumstances of the case and because here we find that the Nawab only holds a life tenure, that the security on which the money has been advanced to him has been of a very precarious nature and that on this account the moneylender who might have advanced to the Nawab a few thousands would have insisted on the credit notes being executed for lakhs of rupees. That is not an ordinary transaction; it is something in the nature of a speculation. Here the moneylender has got to take the risk of having the whole of his claim turned down in a court of law. It is just like advancing money to a prodigal widow without being satisfied of the legal necessity of the loan. Therefore, Sir, this is a peculiar case where help is really necessary. If there are cases which are of the same nature I feel that the Government will be justified in coming to the rescue of those harassed people also.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI
(Madras : Non-Muhammadan) : Sir, I have great pleasure in supporting the

[Diwan Bahadur G. Narayanaswami Chetti.]

motion though I do not come from Bengal. I feel that an ancient and respectable family like that of the Nawab Bahadur must have the help of Government to save him from the clutches of judgment creditors. Sir, my friend Mr. Banerjee has said that Government ought to extend a helping hand not only to families like that of the Nawab Bahadur but also to other Hindu families. Coming from Madras, I am able to inform him that the Madras Government has helped many Hindu families and therefore I do not like a distinction like that made by my friend Mr. Banerjee. Sir, I have great pleasure in supporting the motion, and I am sure the Government will give a helping hand to families of all communities and my experience is that they are willing to give such help to all.

THE HONOURABLE MR. B. J. GLANCY : One or two points were mentioned by the Honourable Mr. Mehrotra on which perhaps it would be as well if I gave the information now. The sum of Rs. 19 lakhs that I mentioned is not exclusively made up of the decretal amount but represents an estimate of the total liabilities included in the decrees which have been passed. The estimate of the income is that in a good year it will amount to about Rs. 7½ lakhs. The estate is situated not only in Bengal but also partly in Bihar and Orissa. As regards the appointment of the Manager, the Nawab naturally cannot be given the final voice, but care will naturally be taken to see that no officer repugnant to the Nawab will be appointed.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I never said he should have a final voice but asked whether would be consulted or not.

THE HONOURABLE MR. B. J. GLANCY : I may mention that the officer who is at present filling the post of Manager is a very distinguished Indian officer of the Indian Civil Service lately stationed in Bengal, and the Nawab has every reason to congratulate himself on the appointment. As regards the monthly allowance of Rs. 19,000 and odd, the intention is that it should be reduced to such a figure as will provide the due requirements of the Nawab. In fact it is likely to be very considerably reduced.

THE HONOURABLE THE PRESIDENT : The question is :

"That the Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager, as passed by the Legislative Assembly, be taken into consideration".

The motion was adopted.

Clauses 2 to 9 were added to the Bill.

THE HONOURABLE THE PRESIDENT : The question is :

"That clause 10 stand part of the Bill".

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I have to move an amendment.

THE HONOURABLE THE PRESIDENT : The Honourable Member has sent me notices of three amendments with regard to clauses 10, 12 and 2. These notices were sent up to me after question time and I am afraid the Chair cannot encourage this practice. It would not be fair to the Government

Member as well as to Honourable Members of the House that they should be called upon to discuss important amendments at a few minutes' notice. The proposed amendment to clause 10 refers to the provisions made in clauses 8 and 9 of the Bill and seeks to add a second proviso that in the case of minor claimants the claims will be governed by the Limitation Act without any bar under sections 8 and 9. The Honourable Member is perhaps not aware that all minors are protected under all laws and there is no necessity whatever to make a special provision protecting them in this case, apart from the other ground on which I am not prepared to admit this amendment.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, the Bill was laid on the table day before yesterday and the Council sat till 3-30 P. M. The Notice Office remains open from 11 A. M. till 3 P. M. only. Then yesterday was a Sunday and the Notice Office was closed. There was thus no opportunity for me to send formal notice to the Notice Office and consequently I had to give notice of these amendments when I came here at ten minutes to eleven this morning. As, Sir, you have suspended the Standing Order No. 37 and the time for giving notice was not limited, I thought that I could give notice of amendments at the time when the clauses were taken up as there was no course left to me but this.

Then, Sir, as regards the merit of the amendment, I do not think that minors will be protected by the other Act under the existing provisions of sections 8 and 9 of this Act. This is a very simple amendment and I am sure the Government would also like to protect their interest because they are not expected to find out from the Gazette whether they are barred or not under the notification mentioned in section 10. Therefore the object of my amendment was only this, that in the case of minors—

THE HONOURABLE THE PRESIDENT : Order, order. The Honourable Member should not go into the details of the amendment. I have heard the Honourable Member's point regarding the ground on which he wants this amendment to be made. It is true that the statutory period was suspended by the Chair under Standing Order 37, but the Honourable Member had 48 hours ; at any rate this amendment ought to have been presented before the Council met this morning and a copy ought to have been sent immediately also to the Government Member in charge. I am further not at all convinced that such an amendment is at all necessary. I have carefully read and re-read clauses 8 and 9 and I do not think that any Manager would allow the interests of the minors being jeopardised if they are late in putting in applications submitting their claims. For these reasons I disallow the amendment.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I have got an amendment to clause 12.

THE HONOURABLE THE PRESIDENT : What is the ground for the Honourable Member's amendment ? Will he show cause why I should permit him to move it ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I want the words beginning with "and any such order" in the end of the clause be deleted.

THE HONOURABLE THE PRESIDENT : That is not the Honourable Member's amendment. His amendment is this :

"That in clause 12 of the Bill substitute 'full stop' for 'semi-colon' in line 12 and delete the rest".

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : The result is the same. My object in putting forward this amendment is this, that the Manager should not have all the powers of a civil court. He may have executive powers, but he should not have the powers which a civil court possesses. That is my object.

THE HONOURABLE THE PRESIDENT : The Honourable Member has raised a very important issue whether the civil court should have jurisdiction or the executive authorities should have jurisdiction. I am not prepared at this late stage to allow the Honourable Member to move any amendment of such an important nature.

Clause 12 was added to the Bill.

Clauses 13 to 21 were added to the Bill.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I have to move my amendment to clause 22.

THE HONOURABLE THE PRESIDENT : The Honourable Member again wishes to substitute revenue authorities for civil authorities and without notice to Government and non-official Members, I am not prepared to allow the amendment.

Clause 22 was added to the Bill.

Clauses 23 to 28 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. B. J. GLANCY : Sir, I move :

"That the Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager, as passed by the Legislative Assembly, be passed."

The motion was adopted.

INDIAN TEA CONTROL BILL.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary) : Sir, I move :

"That the Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India, as passed by the Legislative Assembly, be taken into consideration".

The Bill now under consideration, Sir, seeks to give statutory effect to a scheme to restore the equilibrium of supply and demand in the world's tea

markets. Within the past two or three years the price of tea has slumped heavily and the world markets have become heavily overstocked. Many tea estates have been faced with ruin and it will be obvious to Honourable Members as it was to the Government that it is the smaller and more recent estates that would be the first to go to the wall. This state of affairs was not unique to India. Ceylon and the Netherlands East Indies were faced with the same problem. It is to the credit of the industry that it tackled the problem for itself. Representatives of the tea producers in the three countries concerned got together and evolved a scheme for the restriction of exports and of extensions of areas under tea for a period of five years. This scheme was put to the producers in each of the countries and in each of the countries it received overwhelming support. In these circumstances the Government of India decided, as the Governments of Ceylon and of the Netherlands East Indies had already done, to give legislative effect to the agreement arrived at by the industry.

The main features of the scheme are as follows. For a period of five years the annual exports of tea from each of the three countries will be restricted to a percentage of their maximum annual export in any one of the three years 1929, 1930 and 1931. The percentage for any particular year will be fixed by a representative international committee sitting in London which will, in so doing, have regard to the prevailing market conditions. For the present year the percentage fixed has been 85 per cent. of the maximum export for the basic period. In the case of India this amounts to about 320 million tons and this export allotment will be divided up amongst Indian producers by a licensing committee constituted under this Bill and in a manner that will be prescribed by the Government of India. It would be futile, however, to confine the scheme to restriction of exports only. Failure to control extensions of the area under tea would have meant that, at the end of the five years period of control, there would have been in existence a vast accumulation of stocks ready to be poured on the world's market. The crash might have been postponed but when it did come it would have been even more disastrous. It was therefore agreed that during the period of control no extension of the area under tea should be permitted except in cases where the very existence of a tea estate was in danger and even in such cases the total amount of extension throughout the period was to be confined to one-half per cent. of the area existing on the 31st March, 1933.

The Bill, Sir, has been drafted in a very simple form which explains itself. The first chapter deals with the machinery that has been devised for working the scheme. The second chapter deals with the control of exports, the grant of licences and the allocation of quotas while the third refers to restrictions on extension of areas. It is, I think, unnecessary to discuss the Bill clause by clause but I would commend to Honourable Members the first chapter. The Committee on whom, subject to the general control of the Governor General in Council, will devolve the very important duties of allocating quotas, issuing licences and regulating extensions is one which we claim is thoroughly representative of the tea-growing interests in India. It is a great merit of this scheme that it has been devised by the industry itself, for the benefit of the industry itself and that it will for the most part be worked by the industry itself. It will be noticed that in chapter 2 the method of allocating quotas to

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individual estates has not been defined. The omission is deliberate. Though it is generally recognised that the most equitable method of allocating quotas is to base them on the productive capacity of the individual estate as measured by its maximum production over a basic period, it has nevertheless been discovered that certain exceptional cases and anomalies may occur. It has therefore been considered preferable to provide for greater elasticity in the regulations for the grant of quotas by defining these regulations by rule rather than by including them in the Bill itself. This measure, Sir, has received overwhelming support from the Indian tea-growing industry. It has received support from those Local Governments and Indian States that are most interested in the tea-growing industry. That part of the scheme which refers to the control of exports has been in operation through a notification under the Sea Customs Act since the month of June and we are assured that the scheme has been working most satisfactorily. Such criticisms as have been offered in the Press and in another place have been criticisms of detail and not of principle. The assurance has been given—and I repeat it here—that powers have been retained and will be exercised, if necessary, to adjust any manifest inequities that may arise and to safeguard the interests of the smaller estates. I commend this Bill for acceptance by the House.

Sir, I move.

THE HONOURABLE MR. J. S. HENDERSON (Bengal Chamber of Commerce) : Sir, the scope and purpose of this Bill have, I think, been explained in so lucid and comprehensive a manner that to speak on this aspect of the motion would be wasting the time of this House.

The necessity for such a Bill and for its passage without delay are matters on which there is general agreement. I shall therefore leave these main issues and refer briefly to a few other points which have been raised in the course of the discussions on this measure.

In the first place, much stress has been laid on the necessity for protecting the interests of small estates that have come into existence since 1925. There is no reason to fear that the licencing committee will disregard the principles of equity and justice. If the basic rules of the existing domestic agreement are regarded as inequitable by the owners of small young estates, they are not free from blame in the matter as they failed to state their case when the referendum was made and many of them actually signified their assent to the agreement. I mention this in order to correct any misapprehension that may exist in the mind of any Honourable Member of this House as to the attitude of the industry as a whole to the small owner. I am certain that the assurance given by the Government of India on the floor of the Assembly—that the powers reserved in sections 7 and 23 of this Bill will, if necessary, be used to redress legitimate grievances—will have the entire sympathy and support of the tea industry.

Secondly, it must be remembered that a licencing committee of identical composition with the one which will be constituted by this Bill has actually been functioning since the 26th May ; and, I am informed, has given universal

satisfaction. It may therefore be accepted that the scheme outlined in this Bill is no tentative experimental idea but a sound practical proposition.

It has been urged in the course of the discussions that the restrictions imposed by this measure cannot be regarded as a complete solution of the tea industry's difficulties, and that there are two other directions in which supplementary action is essential, namely, (1) in the matter of restriction of tea production, and (2) in the matter of improved propaganda to increase consumption of Indian tea in India and elsewhere.

As regards restriction of crop I am in a position to give definite information to the House to the effect that the requisite 93 per cent. of agreement in the industry has now been obtained and a scheme of crop restriction will be inaugurated forthwith.

As regards propaganda I am informed on the best authority that this matter has been engaging the active interest of the Indian Tea Association both in London and in Calcutta and that arrangements have been made whereby the activities of the Tea Cess Committee in India will henceforth be expanded and intensified.

Having discussed this Bill with members of the tea industry I desire to offer my congratulations to the Government of India and to its draftsmen on the businesslike and practical piece of legislation which they have provided in this measure.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christians) : Sir, I have much pleasure in supporting this Bill. The tea industry has been suffering a good deal during the last few years. Quite recently I had the pleasure of visiting a tea estate myself in Travancore and I was taken round by the manager and he told me that "there were 27 European officers some years ago whereas now there are only seven". A number of bungalows were vacant, which shows that the tea industry has been very hard hit.

This measure, I am sure, Sir, will give relief to the tea industry. My only observation on this Bill is this, that the rules should be so framed as not to discourage the small Indian-owned and Anglo-Indian-owned tea estates. There is a fear in some quarters that the small estates may go to the wall. But I am glad that the Honourable Member has given an assurance that the smaller estates will not suffer.

There are one or two things in the Bill about which I should like to speak. There is a section which requires returns to be made. Sir, it is a well-known fact and I am ashamed to confess it—that some of the Indian-owned tea estates do not keep correct accounts. For instance, clause 20—if accounts are called for and are not produced in time, there is a penalty attaching to it. I hope the rules would provide for relief in such cases. Where it is a *bona fide* inability or a *bona fide* mistake, the rules ought to give some relief.

With these few remarks, I have much pleasure in supporting this Bill.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, this Bill has evidently been brought forward at the suggestion of the tea planters. They have in their own interest desired

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that the international agreement on the subject be enforced. It does not go against the interest of the consumers or the general public. We should therefore readily give to the tea planters the facilities they ask for.

Sir, with these remarks, I support the Bill.

THE HONOURABLE MR. T. A. STEWART: Sir, there is very little I have to add to what I have already said, but I would repeat the assurance given before, that the interests of the small estates will be safeguarded. As regards the particular reference which the Honourable Sir David Devadoss made to clause 20, that clause is not meant to refer to growers giving *bona fide* returns. When it is suspected that a false return has been made, this clause is intended to enable the Committee to obtain evidence by which they may check the returns of the tea estates.

THE HONOURABLE SIR DAVID DEVADOSS: If I may make a personal explanation? False return is dealt with in a subsequent section. This is to only failure to return. In section 31 a penalty is provided for a false return. Section 20 deals with

“Where any return required under sub-section (1) in respect of any tea estate is not furnished to the Committee within the period specified in the notice, etc.”

THE HONOURABLE MR. T. A. STEWART: I would still make the same observation. This clause provides a penalty for a man who in bad faith refuses to produce evidence by which the Committee may check his returns.

THE HONOURABLE SIR DAVID DEVADOSS: Wilful omission.

THE HONOURABLE THE PRESIDENT: The question is:

“That the Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

Clauses 2 to 25 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. T. A. STEWART: Sir, I move:

“That the Bill, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

INDIAN MERCHANT SHIPPING (SECOND AMENDMENT) BILL.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I move:

“That the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes (Second Amendment), as passed by the Legislative Assembly, be taken into consideration.”

This, Sir, is a Bill of a highly technical character. I shall not therefore try the patience of Honourable Members by taking them through it clause by

clause. It will perhaps suffice if I explain the origin of, and reasons for, the Bill and give a general description of its provisions.

One of the main objects of a Merchant Shipping Act is to provide by regulations for the safety of those who go down to the sea in ships, whether they be seamen or whether they be passengers. Each maritime country has its own shipping law, but until a few years ago, the standards of safety prescribed varied from country to country and, as a consequence, there was to no great extent any general recognition by one country of the regulations framed by another. It was inevitable, therefore, that there should have been delay and inconvenience to ships of one country visiting the ports of another where different standards of regulation prevailed, and it is not astonishing that the maritime nations of the world should have directed their energies towards the formulation of a common agreed standard of regulation which might be the subject of universal recognition and acceptance.

Two Conferences were held at which practically every important maritime nation, including India, was represented. Two Conventions were drawn up and signed—one in 1929, entitled the International Convention for the Safety of Life at Sea and one in 1930, entitled the International Convention, respecting Load Lines. These Conventions prescribe certain uniform standards for safety regulations and it is the object of the present Bill to incorporate these standards into the Indian Merchant Shipping Act of 1923, so that ships registered in India, so far as safety regulations are concerned, may go without let or hindrance into all ports on an equality with the other merchant navies of the world.

Both Conventions to which I have referred deal with the safety of life at sea. The first Convention concerns itself with such subjects as the construction and maintenance of ships, the equipment of ships with life-saving apparatus, with wireless apparatus and with a proper complement of wireless operators, rules for safe navigation, uniformity of distress signals, and the like. The essential connection of these subjects with the safety of human life at sea is obvious. The Load Line Convention, however, is somewhat more technical. It embodies the results of scientific investigations as to the safe limits to which ships of various types may be loaded in various circumstances and provides that these limits should be indicated by lines marked in prescribed situations on the sides of ships. These lines are termed load lines and their object is to make it immediately apparent that the ship is not over-loaded. It will be realised that an over-loaded ship, while it may safely voyage in calm waters is at the mercy of the sea in foul weather. Over-loading may also cause instability of the ship with a resultant danger of the ship capsizing.

The opportunity has been taken of making a few desirable amendments in the Act, such as the removal of the invidious phrase "native passenger" and a change of phraseology so that the Act may cover motor ships as well as steam ships. Honourable Members, however, will see that, with a few exceptions, the provisions of this Bill deal with the subject-matter of the Conventions to which I have referred.

These provisions represent the results of the joint deliberations of experts representing the more important maritime nations, and may I think be regarded as reasonable requirements to ensure safety of life at sea. They

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have been generally accepted by the commercial bodies who were consulted on the subject and have also been the subject of examination by a Select Committee of the other House. It is I submit in the interests of India's mercantile marine that these Conventions should be ratified and incorporated in our mercantile marine law, and I accordingly commend the Bill for acceptance.

The motion was adopted.

Clauses 2 to 34 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. T. A. STEWART: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, the Council will not sit tomorrow, which is a holiday. In addition to the Bill which has been laid on the table today, it is expected that another Bill might be received from the other Chamber by Wednesday. I therefore suggest that the motion for consideration and passing of the Bill which has been laid on the table today be taken up on Wednesday, the requirement under the Standing Orders in respect of the period of notice being dispensed with. With a view to ensure the possibility of laying on the table of this Council the other Bill on Wednesday, the 20th, I further suggest, Sir, that the meeting on that day may be held at 4 P.M. instead of 11 A.M.

THE HONOURABLE THE PRESIDENT: I am in agreement with the suggestions made by the Leader of the House, and as regards the Dangerous Drugs Bill I will suspend the operation of Standing Order 37 and the Bill will be taken up on Wednesday next. I also agree with the suggestion that the Council should meet in the afternoon and not in the morning so that in the event of the other Bill being passed in the other House it may be laid on the table here.

The Council then adjourned till Four of the Clock on Wednesday, the 20th September, 1933.