

Friday, 19th March, 1926

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

VOLUME VII

FIRST SESSION

OF THE

SECOND COUNCIL OF STATE, 1926



**DELHI
GOVERNMENT OF INDIA PRESS
1926**

CONTENTS.

	PAGES.
MONDAY, 8TH FEBRUARY, 1926—	
Members Sworn	1—2
Bills passed by the Legislative Assembly—Laid on the Table ...	2
TUESDAY, 9TH FEBRUARY, 1926—	
Inauguration of the Second Council of State	3—8
WEDNESDAY, 10TH FEBRUARY, 1926—	
Member Sworn	9
Questions and Answers	10—29
Welcome to Members by the Honourable the President	29—30
Messages from His Excellency the Governor General <i>re—</i>	
(1) Panel of Chairmen	30
(2) Presentation and Discussion of the Railway Budget	30
Committee on Petitions	31
Appointment of the Honourable Mr. K. C. Roy to the Library Committee.	31
Governor General's Assent to Bills	31
Bills passed by the Legislative Assembly—Laid on the Table ...	32
Election of a Panel for the Standing Committee on Emigration ...	32
Resolution <i>re</i> Ratification of the Draft Convention of the International Labour Conference concerning Workmen's Compensation for Occupational Diseases—Adopted.	32—37
Resolution <i>re</i> Continuation of the Imposition of a Customs Duty on Lac—Adopted.	37—41
Statement of Business	41—42
MONDAY, 15TH FEBRUARY, 1926—	
Members Sworn	42
Questions and Answers	43—62
Election to the panel of the Standing Committee on Emigration ...	62
Bills passed by the Legislative Assembly—Laid on the Table ...	62
Resolution <i>re</i> the Royal Commission on Agriculture—Adopted ...	62—81
Resolution <i>re</i> Reduction of the travelling and daily allowances of the Members of the Council of State—Discussion postponed <i>sine die</i> .	81—90
Statement of Business	90
TUESDAY, 16TH FEBRUARY, 1926—	
Member Sworn	103
Messages from His Excellency the Governor General	103
Bill passed by the Legislative Assembly—Laid on the Table ...	104
Small Cause Courts (Attachment of Immoveable Property) Bill—Passed.	104—105
Code of Criminal Procedure (Amendment) Bill—Passed	105
Government Trading Taxation Bill—Passed	106
Guardians and Wards (Amendment) Bill—Passed	106—107
Indian Lunacy (Amendment) Bill—Passed	107—108
WEDNESDAY, 17TH FEBRUARY, 1926—	
Questions and Answers	109—111

WEDNESDAY, 17TH FEBRUARY, 1926—*contd.*

Private Notice Questions and Answers	111—113
Statement regarding Negotiations with the Union Government of South Africa.	113—115
Resolution <i>re</i> Leader of the Indian Delegation to the League of Nations—Adopted.	115—132
Resolution <i>re</i> Formation of a separate Kannada Province—Negatived	132—144

THURSDAY, 18TH FEBRUARY, 1926—

Member Sworn	145
Bills passed by the Legislative Assembly—Laid on the Table ..	145
The Railway Budget for 1926-27	145—161
Elections to the Panel for the Standing Committees on Emigration ...	162
Resolution <i>re</i> Appointment of a Royal Commission to inquire into the working of the Indian Constitution—Negatived.	162—215
Election of Panels for Standing Committees	215

SATURDAY, 20TH FEBRUARY, 1926—

Questions and Answers	217—219
Nominations to the Panels for Standing Committees	220
Bills passed by the Legislative Assembly—Laid on the Table ...	220
General discussion of the Railway Budget	220—251
Statement of Business	254

MONDAY, 22ND FEBRUARY, 1926—

Members Sworn	255
Statement laid on the Table	255—257
Indian Medical Education Bill—Introduced	258
Election of a Panel for the Central Advisory Council for Railways ...	259

TUESDAY, 23RD FEBRUARY, 1926—

Questions and Answers	261—262
Code of Civil Procedure (Amendment) Bill—Passed	262
Indian Naturalization Bill—Passed	263—265
Steel Industry (Amendment) Bill—Passed	265—268
Insolvency (Amendment) Bill—Passed	268—269
Code of Criminal Procedure (Second Amendment) Bill—Passed ...	269—284
Madras Civil Courts (Amendment) Bill—Passed as amended ...	285—286
Resolution <i>re</i> Grant of Supplementary Assistance to the Tin-plate Industry—Adopted.	286—290
Nominations to the Panel for the Central Advisory Council for Railways.	290—291

THURSDAY, 25TH FEBRUARY, 1926—

Questions and Answers	293—296
Legal Practitioners (Amendment) Bill—Passed as amended ...	296—297
Promissory Notes Stamp Bill—Passed	297—298
Indian Trade Unions Bill—Passed as amended	298—304
Election of a Panel for the Central Advisory Council for Railways ...	305
Nominations to the Panels for Standing Advisory Committees ...	305—306

MONDAY, 1ST MARCH, 1926—

Questions and Answers	307—316
Result of the Election to the Central Advisory Council for Railways ...	317

MONDAY, 1ST MARCH, 1926—*contd.*

Election to the Advisory Publicity Committee of Messrs. Ramadas Pantulu and Khaparde.	317
Elections to the Panels of Departmental Standing Committees	317
General Budget for 1926-27	317-327

TUESDAY, 2ND MARCH, 1926—

Result of the Elections for the Panels of the Standing Departmental Committees.	329
Contempt of Courts Bill—Passed	330-341
Indian Medical Education Bill—Motion to circulate—Adopted	341-343
Photographic group of the Members of the Council of State	343

WEDNESDAY, 3RD MARCH, 1926—

Resolution <i>re</i> Import Duty on Artificial Ghee—Withdrawn	345-359
Indian Registration (Amendment) Bill—Passed	359

SATURDAY, 6TH MARCH, 1926—

Questions and Answers	361-373
General Discussion of the Budget (Part II)	373-422
Statement of Business	422

MONDAY, 8TH MARCH, 1926—

Questions and Answers	423-424
Resolution <i>re</i> Guarantee of Appointments on State Railways to qualified students of the Madras Engineering College, Lahore, etc.—Negated.	424-438
Resolution <i>re</i> Privileges and Status of Members of the Council of State—Adopted.	438-442

WEDNESDAY, 10TH MARCH, 1926—

Questions and Answers	443-450
Resolution <i>re</i> Qualifications of Assistant Commissioners of Income-tax—Withdrawn by leave of the Council.	451-458
Resolution <i>re</i> Banking Legislation—Discussion adjourned	458-466

MONDAY, 15TH MARCH, 1926—

Questions and Answers	467-471
Resolution <i>re</i> Salaries of the two Members of the Judicial Committee of the Privy Council with Indian Experience—Adopted as amended.	471-488
Resolution <i>re</i> Creation of a self-governing Tamil-speaking Province—Discussion adjourned.	489-505

TUESDAY, 16TH MARCH, 1926—

Statement laid on the Table	507-543
Bills passed by the Legislative Assembly—Laid on the Table	544
Resolution <i>re</i> Reduction of the Exports of Opium—Adopted	544-547
Resolution <i>re</i> Creation of a self-governing Tamil-speaking Province—Negated.	548-562
Statement of Business	562

WEDNESDAY, 17TH MARCH, 1926—

Questions and Answers	563
Bill passed by the Legislative Assembly—Laid on the table	564
Indian Succession (Amendment) Bill—Introduced	564-565
Message of Gratitude from the Council of State to Their Excellencies the Earl and Countess of Reading—Motion adopted	565-579

FRIDAY, 19TH MARCH, 1926—

Members Sworn ...	...	...	...	...	...	581
Message from His Excellency the Governor General ...	...	...	...	...	...	581
Bills passed by the Legislative Assembly—Laid on the Table ...	...	...	...	...	...	581—582
Message from the Legislative Assembly ...	...	...	...	...	...	582
Indian Tariff (Amendment) Bill—Passed ...	...	...	...	...	...	582—583
Madras Civil Courts (Second Amendment) Bill—Passed ...	...	...	...	...	...	583—584

MONDAY, 22ND MARCH, 1926—

Members Sworn ...	...	...	...	...	...	585
Question and Answer ...	...	...	...	...	...	585
Message from H. E. the Governor General ...	...	...	...	...	...	585—586
Indian Finance Bill—Passed ...	...	...	...	...	...	586—611
Cotton Industry (Statistics) Bill—Passed ...	...	...	...	...	...	611—612
Legal Practitioners (Fees) Bill—Passed ...	...	...	...	...	...	612—613
Code of Civil Procedure (Second Amendment) Bill—Passed ...	...	...	...	...	...	613
Delhi Joint Water Board Bill—Passed ...	...	...	...	...	...	613—614
Indian Income-tax (Amendment) Bill—Passed ...	...	...	...	...	...	614—630
Indian Divorce (Amendment) Bill—Passed ✓...	...	...	...	...	...	630—632
Indian Factories (Amendment) Bill—Passed ...	...	...	...	...	...	632
Transfer of Property (Amendment) Bill—Passed ...	...	...	...	...	...	632

TUESDAY, 23RD MARCH, 1926—

Questions and Answers ...	...	...	...	...	...	635—641
Resolution <i>re</i> Emigration of Indian Unskilled Labourers to British Guiana—Adopted.	...	...	...	...	...	641—643
Indian Succession (Amendment) Bill—Passed as amended ✓...	...	...	...	...	...	643—644

THURSDAY, 25TH MARCH, 1926—

Farewell speech delivered to the Council of State and the Legislative Assembly by His Excellency the Viceroy.	645—649
---	-----	-----	-----	-----	-----	---------

COUNCIL OF STATE.

Friday, 19th March, 1926.

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

MEMBER SWORN.

The Honourable Sardar Shivdev Singh Oberoi (Punjab: Sikh).

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: I have a Message for the Council from His Excellency the Governor General.

(Honourable Members received the message standing.)

"In pursuance of sub-section (3) of section 63A of the Government of India Act, I, Rufus Daniel, Earl of Reading, hereby require the attendance of the Members of the Council of State in the Legislative Assembly Chamber at Delhi at 11 O'Clock on Thursday, the 25th of March, 1926."

(Signed) *READING,*
Viceroy and Governor General."

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

THE SECRETARY OF THE COUNCIL: Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at their meeting held on the 17th March, 1926:

1. A Bill to provide for the regular submission of returns of quantities of cotton goods manufactured and cotton yarn spun in British India.
2. A Bill to define in certain cases the rights of legal practitioners to sue for their fees and their liability to be sued in respect of negligence in the discharge of their professional duty.
3. A Bill to amend the law relating to the appointment of Legal Practitioners in civil suits, and for this purpose further to amend the Code of Civil Procedure, 1908.
4. A Bill to provide for the maintenance of the works established to supply drinking water in bulk for the urban area of the city of Delhi, and for that purpose to constitute a joint water board to undertake such maintenance.

[Secretary of the Council.]

5. A Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.
6. A Bill further to amend the Indian Divorce Act.
7. A Bill further to amend the Indian Factories Act, 1911.
8. A Bill to explain certain provisions of the Transfer of Property Act, 1882.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

THE SECRETARY OF THE COUNCIL: Sir, a message has been received from the Legislative Assembly, which runs as follows:

"Sir, in accordance with Rule 36 (1) of the Indian Legislative Rules I am directed to inform you that the amendments made by the Council of State in the following Bills were taken into consideration by the Legislative Assembly at their meeting held on the 17th March, 1926, and that the Assembly have agreed to the amendments:

1. The Indian Trade Unions Bill.
2. The Legal Practitioners (Amendment) Bill.
3. The Madras Civil Courts (Amendment) Bill."

INDIAN TARIFF (AMENDMENT) BILL.

THE HONOURABLE MR. D. T. CHADWICK (Commerce Secretary): Sir, I beg to move that the Bill further to amend the Indian Tariff Act, 1894, as passed by the Legislative Assembly, be taken into consideration.

This is a very small Bill and the number of items included in it are few. The object of the Bill is briefly to improve to some extent our Tariff Schedules. The reasons for these improvements are, generally speaking, either administrative convenience or so to alter the wording of the Tariff Schedules to make them more convenient for the trade and industry in the country. The total effect on revenue of the changes proposed in this Bill will be very small. I do not think I need delay the House by going into details on each head of these different items, the reasons for the changes have been very fully explained in the Statement of Objects and Reasons. Amongst those which are merely directed towards administrative convenience, I will cite a change in the duty on saccharine, the change in the definition in regard to fire-arms and the changes in regard to duties on hand-loom and spare parts of hand-loom. The reduction which is proposed in the duty on saccharine is really designed to discourage smuggling and to help us to get some revenue from imports of saccharine. Three years ago, the Council will remember, the duty on saccharine was raised to the extent of Rs. 20 a lb. Since then, as I have explained in answer to a question in this Council, the amount of saccharine imported last year on which duty was paid was 13 lbs. and in the year before 11 lbs. In spite of that saccharine is still selling freely in the large cities in India. The article is at present smuggled into the country. The amendment in regard to fire-arms is directed to making our definition of fire-arms and weapons in the Tariff Schedule agree with the definitions in the rules under the Arms Act, the object being that only on those classes and kinds of weapons for which under the Arms Rules a license is required should high duties be imposed. Smaller weapons for the possession of which the Home

Department do not require people to take out a license will now come in merely as toys, etc., under a 15 per cent. *ad valorem* duty. The amendment in regard to hand-loom and parts of hand-loom will facilitate much of the work in the customs offices. At present under our definition of machinery, parts of machines which cannot be adapted or are not adaptable for use on machines worked by hand or by animal labour come in at 2½ per cent. There are, however, a certain number of spare parts used in the textile industry which can be used either on power-driven machinery in large mills or on hand-loom, and those at present are subject to 15 per cent. It is therefore necessary for customs officers to determine whether any of those spare parts which are imported are solely applicable for power-driven machinery or could be used also on hand-loom. There is another reason for this amendment. We consulted Local Governments and nearly all of them were in favour of reducing the duties on spare parts of hand-loom and on hand-loom generally in order to help and encourage the ordinary hand-loom weaving in the villages throughout the country. The proposal for alteration in regard to printers' ink gives effect to a recommendation of the Tariff Board designed to remove an existing anomaly in our tariff. The changes in regard to cement and mineral oil are made for this reason. Cement is an article very well suited for specific duty and Government see no reason why that duty should be any less than what has been levied in the last year. I ought to have mentioned before that mineral oil is one of those cases in which a change is desired for sound administrative reasons owing to the difficulty of determining its market value. It also is an article which in nearly every other country in the world is subject to a specific duty. I submit, as the Council will have inferred from this brief recital, that the reasons I have given for these changes are sound and admirable, and I trust that nobody will raise any objection to any one of these changes being made.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill further to amend the Indian Tariff Act, 1894, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. D. T. CHADWICK: I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

MADRAS CIVIL COURTS (SECOND AMENDMENT) BILL.

THE HONOURABLE MR. S. R. DAS (Law Member): Sir, I move that the Bill further to amend the Madras Civil Courts Act, 1873, as passed by the Legislative Assembly, be taken into consideration.

This is a very short Bill intended to give effect to another of the recommendations of the Civil Justice Committee. Under the present Madras Civil Courts Act, the High Court may authorise a Subordinate Judge or a Munsif to take cognisance of cases of a small cause court nature up to the

[Mr. S. R. Das.]

value of Rs. 500 and Rs. 200, respectively. The Civil Justice Committee recommended that the High Court should have power to increase that to Rs. 1,000 and Rs. 500, respectively. So far as the powers of the subordinate Judge are concerned, we have accepted the recommendations of the Civil Justice Committee as to Rs. 1,000, but as regards the jurisdiction of the Munsif, the Madras Government are of opinion that their jurisdiction should for the present be increased only to Rs. 300, and this Bill gives effect to that.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. S. R. DAS: I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Monday, the 22nd March, 1926.
