

Saturday, 17th October, 1936

THE
COUNCIL OF STATE DEBATES

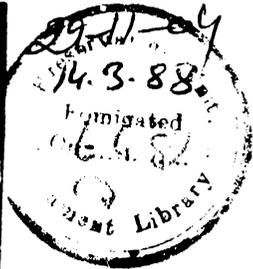
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(21st September to 17th October, 1936)

TWELFTH SESSION

OF THE

THIRD COUNCIL OF STATE, 1936



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COUNCIL OF STATE.

Saturday, 17th October, 1936.

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

QUESTIONS AND ANSWERS.

RENT CHARGED FOR QUARTERS FOR DUFFRIES AND PEONS IN SIMLA AND NEW DELHI.

181. THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : (a) Is it a fact that peons and duffries employed in the offices of the Government of India Secretariat are not charged any rent for the Government quarters occupied by them in New Delhi during *winter* ?

(b) Is it a fact that no family quarters have been provided for duffries at Simla ?

(c) Is it a fact that rent is recovered from duffries who are compelled to leave their families in Government quarters at Delhi during the *summer* season ? If so, what is the amount of rent charged per month ?

(d) Is it a fact that most of the quarters of the duffries remain vacant during summer ?

(e) Do Government propose to allow a few of the duffries who leave their families at Delhi in summer, to occupy the Delhi quarters free of rent, or to recover only a nominal rent ? If not, why ?

THE HONOURABLE MR. A. G. CLOW : (a) Yes.

(b) There is one class of quarters for all inferior servants in Simla, the rooms in which differ only in size ; the larger ones are treated as married quarters or as quarters for more than one man, and the smaller ones as single quarters. There is no bar to quarters being given to married duffries when available.

(c) Yes. About Rs. 8 per mensem including charges for water.

(d) Yes.

(e) Rent-free quarters cannot be given, but the question whether the rents charged at present are excessive will be examined.

WOMEN VOTERS ON THE ELECTORAL ROLL OF THE COUNCIL OF STATE.

182. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) With reference to the answer of question No. 138 of the 6th October, 1936, will Government be pleased to state if a single name of

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women voters has been brought on the electoral roll in the United Provinces ?

(b) If not, what are the reasons ?

(c) Why have the names of the women whose husbands are voters, been not brought on the electoral rolls ?

(d) Are the electoral rolls under the circumstances complete or incomplete ?

(e) Will Government be pleased to issue immediate orders to the United Provinces Government to bring the names of all women whose husbands are voters on the electoral rolls before the general elections to the Council of State take place ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) Yes.

(b) Does not arise.

(c) Because the wives of qualified men are not as such qualified.

(d) and (e). Do not arise.

SHORT NOTICE QUESTION AND ANSWER.

RIOTS AT BOMBAY.

THE HONOURABLE THE PRESIDENT : Honourable Members, I have received notice of a short notice question, which runs as follows :

183. (a) Have Government any information in regard to the rioting at Bombay ?

(b) What steps have Government taken to check its spread and to prevent stray assaults in bye-lanes, etc. ?

Has the Honourable Member in charge any objection to this short notice question ?

THE HONOURABLE MR. R. M. MAXWELL : No, Sir, I have no objection.

THE HONOURABLE MR. P. N. SAPRU : Sir, I put the question.

THE HONOURABLE MR. R. M. MAXWELL : Sir, both parts of the question can best be answered by reading to the House the telegrams we have received from the Government of Bombay. The first telegram is one dated 15th October :

“ Following commencement of work by municipal contractor on reconstruction of Maruti Temple at Byculla severe communal rioting broke out over a wide area in Bombay city today. Riots took form of sporadic attacks and numerous stabbing cases. So far 60 casualties including some deaths have been reported. Situation is very tense and more organised rioting commenced late this evening. Commissioner of Police fears that rioting will continue tonight. Orders prohibiting carrying weapons, assembly of more than five persons and imposing a curfew have issued. Additional police are being drafted to Bombay and military are standing by ”.

The next telegram is one dated the 16th October :

“ Sporadic rioting continued in Bombay city till late last night taking the general form of clashes between small parties of Hindus and Muhammadans over a wide area. Police were compelled open fire on three or four occasions and four persons suffering from gunshot wounds were admitted to hospital. Casualties estimated at about one hundred and seventy including fourteen dead, eight Hindus and six Muhammadans. After midnight night was quiet except for isolated stabbing cases and it was not found necessary to call out military ”.

The last telegram is one which was received later yesterday and said :

“ Apart from minor scuffles and some stone throwing situation in Bombay city remains calm though tension continues. No further deaths. It is now reported that total number of shots fired by police was five only ”.

We have had no further telegram this morning yet. The House will realise with regard to part (b) of the question that the measures to check the spread of the disorder rest with the Local Government of Bombay and not with the Government of India.

THE HONOURABLE MR. HOSSAIN IMAM : What was the cause of this rioting, Sir ?

THE HONOURABLE MR. R. M. MAXWELL : A dispute about the building of a mandap at the Maruti Temple in Bombay.

DEATH OF SIR LALUBHAI SAMALDAS.

THE HONOURABLE THE PRESIDENT : Honourable Members, I presume you must have all heard with profound sorrow of the death of one of our former colleagues, Sir Lalubhai Samaldas. He was in the first Council of State from 1921 to 1925 and rendered very useful service during the period he occupied his seat in this Council. He was a well-known figure. He was a great business man. He had come to Bombay after long service in Bhavnagar State and other States and he took great interest in all commercial, industrial and economic questions that were discussed in this House. Later on he became a Member of the Bombay Governor's Executive Council for a short period, where he also distinguished himself as a Revenue Member. He took great interest in public questions and especially in the co-operative movement. He was connected with co-operative banking in Bombay and other co-operative movements. He was the founder of the Bank of Baroda. He was also President of the Industrial Commission in 1913 and the Indian Economic Conference in 1925. In various activities of life he distinguished himself and his loss is mourned not only in Bombay but all over India and I shall therefore on your behalf convey to his bereaved family our deep sympathy and condolence in their loss.

STATEMENT LAID ON THE TABLE.

PROGRESS OF RURAL DEVELOPMENT IN 1935-36.

THE HONOURABLE MR. J. C. NIXON (Finance Secretary) : Sir, I lay on the table a copy of the Report* on the progress of the schemes financed from the Government of India grant for rural development in 1935-36.

* Circulated to all Honourable Members separately.

THE HONOURABLE MR. HOSSAIN IMAM : On a point of information, Sir. Will the Honourable Member, at the time of the Budget session, lay a further statement of expenditure made from this grant ?

THE HONOURABLE MR. J. C. NIXON : Government will consider the suggestion.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL : Sir, two Messages have been received, from the Secretary of the Legislative Assembly.

First Message :

“ 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 Bill further to amend the Indian Companies Act, 1913, for certain purposes, were taken into consideration by the Legislative Assembly at its meeting held on the 15th October, 1936, and that the Assembly have agreed to the amendments ”.

Second Message :

“ I am directed to inform you that the Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah of Khwaja Moin-ud-Din Chisti, generally known as Durgah Khwaja Saheb, Ajmer, which was passed by the Council of State at its meeting held on the 7th October, 1936, was passed by the Legislative Assembly at its meeting held on the 16th October, 1936, with the amendments shown in the enclosed statement.

The Legislative Assembly requests the concurrence of the Council of State in the amendments ”.

Sir, I lay on the table the Bill, as amended by the Legislative Assembly.

DURGAH KHWAJA SAHEB BILL.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab : Muhammadan) : Sir, may I request you kindly to suspend the Standing Order imposing the condition of giving three days' notice and allow us to take into consideration all these amendments just now? You, Sir, have got discretion under rule 34.

THE HONOURABLE THE PRESIDENT : Has any Honourable Member any objection ?

HONOURABLE MEMBERS : No, Sir.

THE HONOURABLE THE PRESIDENT : Then you can move consideration.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : Sir, I beg to move

“ That the amendments made by the Legislative Assembly in the Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah of Khwaja Moin-ud-Din Chisti, generally known as Durgah Khwaja Saheb, Ajmer, be taken into consideration ”.

THE HONOURABLE THE PRESIDENT : Do you wish to make a speech explaining these amendments? These amendments are already in possession of Honourable Members. Please be very brief.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I would like to make a statement on the second reading, when I move these amendments.

THE HONOURABLE THE PRESIDENT : It will be my function under the rules to put these amendments. I am giving you an opportunity to speak now if you desire to speak.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : Sir, after a very short time we will be able, if Honourable Members give their consent, to place on the Statute-book a very important piece of legislation. I consider this important, Sir, not merely because it relates to a Durgah which is considered the holiest shrine by the Mussalmans throughout India and even outside India but because this is the first occasion when a private Bill has been passed by both the Houses so expeditiously. If you remember, Sir, this Bill was for the first time taken into consideration by the Council of State on the 7th of this month. During this brief period of ten days the Bill has been taken into consideration and passed by the Council of State with certain amendments unanimously agreed to by the Members concerned. Then the Bill was sent to the other House and they took into consideration and passed it with certain amendments yesterday. Those amendments had the unanimous support of all the Members of that House. And today, Sir, exactly on the tenth day, we are considering the amendments which have been made by the Legislative Assembly. As a matter of fact, I feel proud of the fact that a private legislation originating from this Chamber should be passed so expeditiously. I am very grateful to you, Sir, for the facility which you always very kindly provided for getting this Bill through and I am also very much indebted to the Honourable the Leader of the House who, in spite of the knowledge that Members were anxious to get away from Simla as early as possible, detained the Council of State till today, so that the Bill may be passed. There would have been no occasion for this hurry, Sir, except for the rule that if a Bill is passed by one Legislature and is not passed by the Indian Legislature before one Legislature is dissolved, the Bill lapses. It was in view of this that the Leader of the House in the Assembly and also the Leader of the Council of State very kindly agreed to give us an opportunity to get this Bill through. Another characteristic of this Bill is that there are conflicting interests in Ajmer itself. There is the mutawalli who has been virtually in sole possession of the management of the Durgah although working under the guidance and control of a committee. There are other interests too, and therefore I could not possibly expect that the Bill would be passed unanimously. I am very grateful to all Honourable Members of this House and of the other House that they have agreed to amendments which I believe do not adversely affect the interests of any party concerned. (Hear, hear.) Sir, as I said in my previous speech, this is the first step which the Muhammadan community have taken in trying to improve the management of a religious shrine. I am sure, Sir, that if this example is followed by others in the Provincial Legislatures, the Muhammadan community will certainly have done something which would be practical and bring substantial relief to the community. When other communities tried to bring this sort of legislation concerning their own sacred places, they had to struggle and pass through different stages of strife ; they had

[Raja Ghazanfar Ali Khan.]

to make sacrifices and it was only after a good deal of bloodshed and unpleasantness that they were able to get the Bill passed. It is a matter of gratification to us that we should have been able to achieve that object without any unpleasantness or conflict.

The amendments made by the Assembly are large in number, but they do not substantially change the Bill. I regret, Sir, that the movers of amendments in the Lower House have given proof of very hopeless and bad drafting. I regret, Sir, that they should have mauled and mutilated some of the clauses of this Bill. They have turned very good and perfect English into a language which I can hardly call English. But, Sir, I do not blame them, because a mathematician from Aligarh and a Knight from Moradabad cannot be considered expert draftsmen. Just to give you an idea of the absurdities which have been committed—

THE HONOURABLE THE PRESIDENT : I think the less said the better.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : One of the amendments was that clause 9 in the original Bill may be omitted. Clause 9 related to the preparation of the electoral roll. They have omitted that clause and have provided that all the Muhammadans who are voters for the Municipal Committee, Ajmer, shall be voters for this Durgah Committee. Having done that they have retained section 14 which gives power to the Chief Commissioner to frame rules and regulations as to how the electoral rolls are to be prepared.

THE HONOURABLE THE PRESIDENT : If you are not satisfied it is open to you not to move.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I know that, Sir. But these are only silly mistakes which will not materially affect the legislation. And as they attacked the Honourable Members of this House, I think it is up to us to show up their absurdities. Another amendment they have made is to delete "British" from "British India". Sir, with my limited knowledge of the constitution, my impression was that this Legislature was not competent to legislate for Indian States, but the so-called Parliamentarians of the other place thought that they had power even to bring forward legislation concerning the whole of India including the Indian States. However, the Bill will operate only so far as British India is concerned, and even if they had included the whole world that would not have helped them. They have also increased the number of members of the Committee from 19 to 25. In a way they have acted wisely, because this will give an opportunity to all the Provincial Councils to elect one of their representatives to the Durgah Committee, with the result that it will probably inspire a feeling in those representatives to improve the wakfs in their own provinces also.

Having said this, I must admit in one or two matters they have improved the Bill. They have also proposed a tribunal consisting of one officer to be nominated by the Chief Commissioner of Ajmer, not below the rank of a District Judge, one member to be nominated by the Committee and one member to be nominated by the aggrieved party, and that their decision in the case of

all disputes shall be final. This, I am sure, will protect the Committee and the different interests concerned from entering into endless litigation in the civil courts and wasting money.

I do not think there are any other amendments which require any particular mention; they are mainly verbal. There is one provision "Provided he may not be a Member of the Legislature" which is badly worded. Their intention was, as far as I know, that the Legislatures will be entitled to elect a Member either from amongst themselves or from outside, but the language they have used is somewhat extraordinary.

THE HONOURABLE THE PRESIDENT: I understand that it is a compromise measure.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Yes, and we are not objecting because we have to pass these amendments under the threat that unless we accept them the Bill will lapse. So we are bound to accept them whether we like the drafting or not. But one great consolation is that the Members of the other place passed these amendments unanimously and the Honourable Members of this House will also I am sure pass these amendments unanimously. The history of this Bill teaches a moral lesson that when we really set about to do a work we can always achieve unanimity. I hope the same spirit will be displayed by us in even larger questions.

I have nothing more to say except, with your permission, just to make a passing reference to one important matter. That concerns the present Sajjadanashin. Publicly and on the floor of this House I pay my tribute to the selfless sacrifices he has made in training public opinion to support this Bill. In this Bill we are not giving anything to the Sajjadanashin in any form or shape. In all the trouble he has taken and the money he has spent in broadcasting the whole history of the administration of this shrine, he was only moved by the noble motive that this place of his ancestors should be better managed. That was the whole object he had in view. I also appreciate the great services and help given to me by a very public spirited advocate of Ajmer, Mirza Abdul Kadir Beg, who is the President of the Rajputana Muslim League, without whose help probably I would not have succeeded in bringing this measure in the form in which it is being passed. He gave me all possible information about Ajmer and its affairs. Unfortunately the other day one of my Honourable friends, for whom I have great regard, Nawab Sir Akbar Khan, made a reference that the Dewan Sahib Sajjadanashin was not a descendant of Khwaja Muinuddin Chishti.

THE HONOURABLE THE PRESIDENT: You are going into irrelevant matters.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: I will just try to help my friend to get to the real facts. If he would only refresh his memory from *Tarikh Farishat* and *Muntakhab-ut-tarikh* of Mulla Abdul Qadir Badauni, he would find that the fact of Khwaja Saheb having left descendants is clearly established by both. The mistake of Abdul Fazal that Khwaja Hussain was deposed by Akbar, because his claim to be a descendant of Khwaja Saheb was found groundless, as also explained by Badauni, who was

[Raja Ghazanfar Ali Khan.]

Abkar's official record of events at the time when the deposition of Khwaja Hussain took place. In addition to above I also advise Sir Akbar to consult and read the following books on this subject :

- (i) Tuzak Jahangiri, (ii) Akhbar-ul-Akhyar, by Maulana Abdul Haq Muhaddis of Delhi, (iii) Siyarul-Aulia, by Syed Mohammad Kirmani, (iv) Munisul-Arwah, by Princess Jahanara Begum.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated : Indian Christians): On a point of order, Sir. How is all this relevant to the Bill ?

THE HONOURABLE THE PRESIDENT: I have already said this matter is irrelevant. You can settle your differences outside the House.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Sir, I have no intention of starting a riot in Simla ! One is going on in Bombay ! May I just finish the name of the book, Sir ?

THE HONOURABLE LIEUTENANT-COLONEL NAWAB SIR MAHOMED AKBAR KHAN: I know all the books that he refers to. In spite of those books I say that the claim is absolutely groundless.

THE HONOURABLE THE PRESIDENT: You can settle the matter outside.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: I have no misgivings on the subject. I know that once my friend makes up his mind, nothing in the world, no proofs, no books, no history, no arguments, no persuasion, can make him change his mind ! That is a matter where I am sure one's wrong opinion does not count.

I thank you, Sir, once again and thank the Leader of the House and all the Honourable Members for the full support which they have given me in getting this Bill passed.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to welcome the measure and I am glad that the Legislative Assembly have also thought it fit to pass this measure which aims at the reform, and the right reform, in the management of religious institutions. Sir, as this shrine, amongst others, is one which is also visited by non-Muslims, and as a number of non-Muslims have devotion to the Khwaja Sahab, it would have been much better, in case non-Muslims had also been included in the Committee. However, Sir, I wish that in future when such like Bills are introduced, in order to create better feelings amongst the two great communities of India, the movers will see that this communal distinction is avoided. I did not like to move such an amendment when this Bill was before this House, because the Honourable mover in his proviso to clause 5 had said :

" Provided that no person other than a Hanifi Muslim shall be a member thereof".

I am sorry that even amongst Muslims there has been communal distinction. This is a measure which was badly needed for improvement in the management

of religious institutions. I congratulate the Honourable mover, Raja Ghazanfar Ali Khan, and Members of both the Houses for giving their support to this useful measure and thereby enabling this Bill to come on the Statute-book.

With these words, Sir, I support the Motion.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I rise to support the Motion. It is a matter for real satisfaction that the Bill which was introduced in the last Delhi session and which had started a very heated controversy, both in the Council and outside, has, after all, been so well and suitably modified by amendments that have been made by this House just a few days ago and those carried out by the Legislative Assembly yesterday, that it has now assumed a form which is agreeable to all sections of opinion in this House. Sir, as has been observed by my Honourable friends who have preceded me, this is a very important measure, inasmuch as it concerns the administration of a shrine, which is held to be the holiest in the whole of India and which is held in great respect by the Mussalmans, not only all over India, but even those outside this country. Sir, it is very gratifying to find that, even though the Government rightly adopted an attitude of neutrality in this matter, both yourself and the Honourable the Leader of this House and the Honourable the Leader in the other House, did all they could to expedite the passing of this measure. Even though they did not interfere in the decisions to be taken, still you all gave us every facility to see that we were able to accomplish our task as quickly as possible. So, Sir, with the help of you all and our non-Muslim brethren, both in this House and in the other House, we have been able to modify this measure as we thought best and to have it carried.

Sir, as has been remarked by the Honourable mover, the amendments that have been made in the Assembly are all, on the whole, quite good and commendable. As has been said, there have been some very remarkable omissions and defects in not carrying out the consequential corrections, after having deleted one of the clauses in the Bill, as was passed by this House. But all those things apart, the amendments made by the Assembly are, on the whole, good, and they can all be accepted in a body ; especially in the case of the amendment that they have made in regard to clause 5, I feel that they have made a substantial improvement in that respect. This clause was amended by this House just a few days ago, and in amending that clause we had in view the fact that, instead of handing over the administration to the people who belong to Ajmer, it would be better to introduce an independent element also, so that people who come from outside could be such as would be beyond the influence of party politics in Ajmer. We were able to bring about this result to some extent, by having a majority of those outsiders, though only a narrow majority of outsiders. Sir, the amendment that has been passed in the other House has now given a clear majority to this outside element. In this respect it is a very decided and substantial improvement in the Bill. About clause 7 also, the Assembly has been able to effect an amendment, which is really good, because to have admitted everybody in Ajmer to be eligible to exercise the franchise would not have been quite a feasible thing, because it would be just possible on occasions of elections to import people from the villages close by

[Saiyed Mohamed Padshah Sahib Bahadur.]

so that, when contests happen to be keen, it would have been just possible for these parties to have brought outsiders from neighbouring villages and made them take part in the elections. But now the amendment that has been made in the other House has made that impossible. And the provisions, that they have made for the settlement of disputes by recommending an Arbitration Board, is really very good. It will put an end effectively to all the litigation that has been ruining the parties in that place. This is a very useful provision.

With these words, Sir, I give my support to the Bill.

THE HONOURABLE LIEUTENANT-COLONEL NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : Sir, I am glad to see that the Durgah Khwaja Saheb Ajmer Bill has been passed by the Legislative Assembly with some modifications. I am not at all concerned with the alterations made in it in the other House, because these are quite immaterial. What I wished was to get the Bill through both the Houses of the Central Legislature so as to have it enacted with the least possible delay and indeed, it is a very good thing to see its passage through both the Houses, for which I must congratulate my Honourable friend, Raja Ghazanfar Ali Khan, for bringing in this Bill on behalf of the Mussalmans of this country.

What I wish to say in regard to it now is, that the wakf of Durgah Khwaja Saheb originated by the Emperors Akbar and Shah Jahan and further augmented by his successors and various Rajput chiefs and rajas. So far as I have ascertained in this matter, none of the various donors of this wakf have set apart a portion of its income for the muttawali of the sajjadanashin. The object underlying the origin of this wakf was to continue and keep up the mission of Khwaja Saheb, *i.e.*, the spiritual and moral upliftment of humanity, for which the Khwaja Saheb himself worked for nearly 23 years in India. The question has been raised in the other place as to the descent of Khwaja Saheb. Well, Sir, it is an easy thing now-a-days to make one's descent. Genealogical tables, in order to prove descent from a certain ancestor, can easily be made without any trouble.

THE HONOURABLE THE PRESIDENT : Will you please leave that question at this stage ?

THE HONOURABLE LIEUTENANT-COLONEL NAWAB SIR MAHOMED AKBAR KHAN : I will leave it, Sir, but I will say this, that the Khwaja Saheb came to India at the advanced age of 75 years and I can furthermore prove that he never got married here. The official recorder of that period is Minhajusrraj who, in his well-known history, distinctly said that the Khwaja Saheb never got married here and died quite childless. And, furthermore, this is supported by Akbar's Minister.

THE HONOURABLE THE PRESIDENT : Order, order. All this is irrelevant to the Bill.

THE HONOURABLE LIEUTENANT-COLONEL NAWAB SIR MAHOMED AKBAR KHAN : Well, Sir, as it is your ruling, I will not go into the descent of anybody but I must say that neither the sajjadanashin nor the mutawalli are the direct descendants of Khwaja Saheb. Even supposing the pretended

claim to be a correct one, it does not make any difference at all. Khwaja Saheb did not make any will and the aukaf were given after his death. The donors never mentioned the mutawallis or sajjadanashins in any of their gift-deeds. There can be no adverse possession of the wakf property under any circumstances, no matter if its possession may extend to many centuries. Hence the whole of this wakf is for the Muhammadan world and it is for the Muhammadan community to look after it and manage it for its good administration.

Sir, I would have liked personally—as the Honourable the Leader of the Opposition said—that there ought to have been at least some nominee of the Hindu Rajput Chiefs on it, but as we cannot do anything to the amendments at this stage if we want the Bill to be passed, I will express a hope that, if in future this Bill is ever brought before the Council, it should be borne in mind that the Khwaja Saheb Durgah endowments are not only from the Muslims but from the Hindu Ruling Chiefs as well.

I am glad to find that the Honourable Raja Ghazanfar Ali Khan has been instrumental in bringing forward this Bill in the interest of the Muslim community, for which he rightfully deserves their gratitude, and I expect that its wholesome working will surely prove beneficial and advantageous for the whole Muslim world. On the other hand, if its experience of work is found disagreeable to anybody, it is always open to anyone to have it modified by another Bill later on.

With these words, Sir, I support the Bill whole-heartedly.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Mr. President, it gives me great pleasure to support the measure before the House and in this connection I have a personal pleasure in reflecting that, though the Bill, as it was last before the House, had some features to which I had conscientious objections, I am glad that the Assembly has removed many of them and the Bill as it has come to us is on the whole much better than the Bill which we passed. I was not prepared, Sir, to listen to a lecture from Raja Ghazanfar Ali Khan on the misdeeds of the Assembly. It is scarcely fair for those who live in glass houses to indulge in stone throwing. He particularly questioned, Sir, the power of this Legislature to legislate for India. I would remind him of the great constitutional custom whereby the nationals of a country are subject to income-tax from whatever source their income may be derived. Yes, Sir, it is a law throughout the world that income-tax can be collected from incomes derived outside the country when the residents are the nationals of the country, and in a similar manner the Durgah being situated in British India, we are perfectly authorised and constitutionally empowered to legislate for its properties belonging outside India.

THE HONOURABLE THE PRESIDENT: You need not dilate on that point because we have already got foreign investments liable to income-tax.

THE HONOURABLE MR. HOSSAIN IMAM: I am very grateful to you, Sir, for reminding us of this. Then, Sir, as to the accuracy in English of the Mathematician of Aligarh and the Knight of Moradabad, I scarcely think it

* Not corrected by the Honourable Member.

[Mr. Hossain Imam.]

was necessary to bring in personalities. We should avoid personalities as far as possible because after all people can pay us back in our own coin.

As far as the amended Bill is concerned, the Honourable mover himself has admitted that there have been some improvements. As we were in a hurry, so were the Assembly people—they did not have the time to go over the amendments with the care which would have been necessary to achieve mathematical accuracy.

Now, Sir, I will merely make a reference to one fact, that the question about the sajjadanashin has absolutely no relevance. It was rather a waste of time that such a question should have been brought forward. The holder of this office is rightly respected throughout India and that is sufficient unto itself. I would not dilate on the historical aspect of the question. The Bill, as I said, Sir, is an improvement. If there are defects, we can bring in amendments in the next session, but we would like to give a due share of the congratulations to all those who were responsible for bringing forward this Bill.

Sir, I support this Bill.

THE HONOURABLE THE PRESIDENT : The Question is :

“That the amendments made by the Legislative Assembly in the Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah of Khwaja Moin-ud-Din Chisti, generally known as Durgah Khwaja Sahab, Ajmer, be taken into consideration.”

The Motion was adopted.

THE HONOURABLE THE PRESIDENT : I should like to say a few words on the next stage of the Bill, because, to my knowledge, this is the first time during the history of the Council of State when a Bill which has originated in the Council of State has been amended in the Assembly and has been sent back to the Council of State for further disposal. The procedure in connection with this is somewhat different from the ordinary procedure, and this is prescribed by rules framed under the Government of India Act—rules 32 to 35. I will draw the attention of the House at this stage only to rule 35. It says :

“If a Motion that the amendments be taken into consideration is carried, the President—(not the Member-in-charge)—shall put the amendments to the Chamber in such manner as he thinks most convenient for their consideration”.

I propose to put all these 14 amendments together, both to save time, and as I understand this is an agreed and compromised Bill, I may point out that under clause (2) of rule 35 no further amendments to these amendments is permitted, except those which are of a consequential character or of an alternative nature. Clause (2) of rule 35 runs thus :

“Further amendments relevant to the subject-matter of the amendments made by the other Chamber may be moved, but no further amendment shall be moved to the Bill, unless it is consequential upon, or an alternative to, an amendment made by the other Chamber”.

In view of this, I shall put all the 14 amendments together myself from the Chair.

The Question is :

“That this Council do agree with the Legislative Assembly in all these 14 amendments.”

The Motion was adopted.

THE HONOURABLE THE PRESIDENT : This finishes the work of this session.

LEGISLATIVE ASSEMBLY.

Statement showing the amendments made in the Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah of Khwaja Moin-ud-din Chisti, generally known as Durgah Khwaja Saheb, Ajmer, by the Legislative Assembly at its meeting held on the 16th October, 1936.

1. In clause 2—

- (i) in sub-clause (4) (b) after the word “ building ” the words “ and moveable property ” were inserted ;
- (ii) in sub-clause (4) (c) after the word “ Jagir ” the words “ including all land, houses and shops and all landed property wheresoever situated belonging to the Durgah Sharif ” were inserted ;
- (iii) in sub-clause (4) (d) the word “ British ” was omitted ; and
- (iv) for sub-clause (4) (e) the following was substituted :

“ (e) only such offerings as are intended explicitly for the use of the Durgah ”.

2. In sub-clause (1) of clause 4, for the word “ supervision ” the word “ administration ” was substituted and the words “ and of buildings connected therewith ” were omitted.

3. In clause 5—

- (i) for the word “ nineteen ” the word “ twentyfive ” was substituted ;
- (ii) for sub-clause (e) the following was substituted :
“ (e) three shall be elected by the Muslim Members of the Central Legislature ; ”
- (iii) sub-clause (f) was omitted and the subsequent sub-clauses were re-lettered accordingly ;
- (iv) sub-clause (g) was omitted and the subsequent sub-clauses were re-lettered accordingly ;
- (v) sub-clauses (h) and (i) were re-lettered as sub-clause (f) and (g) respectively ;
- (vi) after sub-clause (i) the following new sub-clauses were inserted :
“ (j) one shall be elected by the Muslim Members of the United Provinces Provincial Legislatures ;
(k) one shall be elected by the Muslim Members of the Bihar Provincial Legislatures ;
(l) one shall be elected by the Muslim Members of Bengal Provincial Legislature ;
(m) one shall be elected by the Muslim Members of the Punjab Provincial Legislature ;
(n) one shall be elected by the Muslim Members of the Sind Provincial Legislature ;
(o) one shall be elected by the Muslim Members of the Madras Provincial Legislature . ”

(vii) in sub-clause (j) for the words "Hyderabad's Government" the word "Hyderabad" was substituted; and the sub-clause was re-lettered as sub-clause (n);

(viii) after sub-clause (n) the following new sub-clause was inserted :

"(o) four Sajjadanashins of the Shrines of the Chisti Order of Soofis to be co-opted by the members elected or nominated under the preceding sub-sections (a) to (n);" and

(ix) the following proviso was added :—

"Provided that no person other than a Hanafi Muslim shall be a member thereof. Members elected by the Provincial and Central Legislatures may not be members of Legislatures".

4. In clause 6 after the word "election" occurring in the first line the words "of members mentioned in section 5 (d)" were inserted.

5. For clause 7 the following was substituted :

"7. Only those Muslims who are recorded as voters in the Register of voters of the Municipal Board of Ajmer, except persons belonging to the Khadim community, shall have the right to vote in the election of members under section 5 (d)."

6. Clause 9 was omitted.

7. To clause 10, the following were added at the end :

"casual vacancies shall be filled up by the authority which has the power to appoint the members".

8. In clause 12—

(i) in sub-clause (1) all the words occurring after the figures "1863" were omitted

(ii) for sub-clause (2) the following was substituted :

"(2) The duties and powers of the Committee shall be—

(a) to manage the Durgah endowment ;

(b) to keep the buildings within the boundaries of the Durgah Sharif and all buildings, houses and shops comprised in the Durgah Endowment in proper order and in a state of good repair ;

(c) to receive all moneys and other income of the Durgah Endowment ;

(d) to see that the endowment funds are spent in the manner desired by the donors ;

(e) to pay salaries, allowances, and perquisites, and make all other payments due out of or charged on the revenues or income of the Durgah Endowment ;

(f) to engage, appoint, promote, degrade, suspend or dismiss servants of the Durgah Endowment ;

(g) to do all other such things as may be incidental or conducive to efficient administration" ; and

(iii) after sub-clause (2) the following new sub-clause was inserted :

"(3) That the Committee will exercise its powers of administration, control and management of Durgah Endowment through the Muttawalli who shall be its Manager."

9. For clause 13 the following was substituted :

"13. The Committee may appoint such and so many standing and special committees as it deems fit, and may appoint to them persons who are not member

of the Committee, to exercise such powers and perform such duties as may be delegated to them by the Committee, subject to the confirmation by the Committee."

10. For clause 17 the following was substituted :

" 17. Any dispute arising about the powers, or privileges of Sajjada Nashin, Mutawalli or any Khadim and the Committee shall, at the request of either side, be referred to a Tribunal of Arbitration consisting of one member appointed by the Committee, one member appointed by the aggrieved party and an umpire of a rank not below that of a District Judge appointed by the Chief Commissioner of Ajmer-Merwara. The decision of the tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration under the terms of this section within the meaning of the Indian Arbitration Act, 1899, and all the provisions of that Act, with the exception of section (2) thereof, shall apply accordingly."

11. After clause 17 the following new clause was inserted :

" 18. No act or proceeding of the Committee shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members."

12. In clause 19 for all the words occurring after the words " Durgah Endowment " in the fifth line the words " to religious preaching " were substituted.

13. For clause 20 the following was substituted :

" 20 (a) The accounts of the Durgah shall be duly audited every year by a Chartered or Registered Accountant appointed by the Committee.

(b) The Committee shall publish an annual report on the administration of the Durgah with the financial estimate and the report of the Auditor."

14. Necessary corrections of the numbering and lettering of the sections inserted were carried out together with consequential corrections of cross references.

FAREWELL SPEECHES ON THE DISSOLUTION OF THE THIRD COUNCIL OF STATE.

*THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) : Sir, it is now nearly four years since my distinguished predecessor, the late Sir Fazl-i-Husain, welcomed you here as the first non-official President of this House, and in doing so he expressed the hope that you will be the best custodian of the rights and liberties of this Chamber. I think that hope has been amply fulfilled. (Applause.) You came to your task fully equipped with experience, knowledge and achievement in many fields of public activity. After being called to the Bar nearly 50 years ago, after making your mark in your own province as an Advocate, you turned your attention to industrial pursuits. Later, you were a member of the Fiscal Commission, a Governor of the Imperial Bank, and a member of the Royal Commission on Currency and Exchange. You devoted a good deal of your valuable time to local administration and were for a number of years a member of the Municipal Corporation of Nagpur. As President you have conducted the debates and proceedings of this House with fairness, with firmness, and with efficiency. In your private capacity you are an ideal President of this House. Your hospitality, your accessibility, your geniality, and your kindness have attracted to you all the good wishes of the Members of this House. It is only natural that we, both officials and non-officials, should join in the united

* Not corrected by the Honourable Member.

[Sir Jagdish Prasad.]

tribute of regard and affection to you on the eve of the dissolution of this House. For my own part, since I have had the honour of being the Leader of this House you have shown nothing but kindness and help in all my difficulties. Our very best wishes go with you for your continued health and happiness.

I should also like, Sir, with your permission, to take this opportunity of saying a word of farewell to the non-official Members of this House. Some of them will be going back to their constituencies to contest elections; some will be seeking new fields of service and distinction in the Provincial Legislatures. I think we can all look back to six years of good work none-the-less effective because it has been done quietly and unobtrusively.

I should like also to thank the Leader of the Opposition and other Members for the friendly spirit in which our proceedings have been conducted. The clash of opinion, the thrust and parry of attack have, I am glad to say, left no scars behind. We have all done our work with the sole object of doing the best that we can according to our abilities and a spirit of goodwill and co-operation has prevailed throughout. In wishing you all good-bye, I may express the hope of welcoming some of you back again next year. (Applause.)

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I deem it a privilege, as spokesman of this side of the House to add my tribute to the services which you, Sir, have rendered to the House both as a Member and as its President. There is a personal pleasure attached to this tribute in that I have enjoyed your friendship for over twenty years and have watched with interest and with profit your unique parliamentary career.

12 NOON.

You, Sir, entered public life in the legislative sphere at a time when some of us were in our teens. You have maintained, throughout that period, that vigour of thought and that clear outlook which makes parliamentary life so useful.

In honouring you, today, we are paying our tribute not only to the President but also to one who has been the Father of the House. We are proud of the fact that you, as the first non-official to be appointed to this Office, have added greatly to the dignity and the prestige of this Office. And the pleasure is doubled when we feel that this rôle has been filled by one of our countrymen. There was a time when in the heat of political controversies the Council of State stood in danger of being relegated to the background. Now, His Excellency the Viceroy addresses both the Houses jointly.

There will undoubtedly be some difference of opinion as to whether your office should be modelled on the Speakership of a popular Chamber or on the functions of the Lord Chancellor in the House of Lords. You have, on occasions, gone outside the purely technical duties of a President and helped the Council with the benefit of your counsel. Your rulings have always been implicitly obeyed by every section of the House even though on occasions Members of this Honourable House may have held a different view on the merit of the case.

We assure you, Sir, of a warm welcome should you choose to join this Chamber hereafter. We bid you farewell on the eve of the dissolution of the Council and pray for your long life, health and prosperity.

Sir, this being the last meeting of the present Council of State, I heartily thank the Honourable Leader of the House for his consistent courtesy to us and for his accommodating us always. I am also thankful to the Honourable Secretaries of Government, the Chief Commissioner of Railways and the Chief Commissioner of Delhi for the courtesy they have always extended to us, and am equally thankful to His Excellency the Commander-in-Chief, who notwithstanding his being a soldier has sympathetically and patiently heard us in debates.

I at this juncture bid farewell to all my official and non-official colleagues and wish them peace and health. Sir, I am also thankful to the Honourable the Leader of the House for paying a compliment to the Party to which I have the honour to belong. The Party has criticised Government when criticism was necessary and this Party has always strived to serve our King and country according to its best lights.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I rise to join in the congratulations on the work done by you during the last four years. There is no doubt that your appointment has been a red letter day in the history of the Council of State, firstly, because a non-official was elevated to the Chair, and secondly, because in you we found a sage adviser, helpful and obliging patron and at the same time one who was ready to maintain the dignity of this House. To us it has been a great pleasure that whenever any question involving the dignity of the House came up you were always ready to take up our cudgels and to defend it with the vigour characteristic of your political life. Your appointment, Sir, has been beneficial to both sides of the House, because in you we have the rare combination of a critic, and sometimes a vehement critic, of Government as well as one who can understand the point of view of Government and adjudicate upon it dispassionately. When the question of the Joint Select Committee came before us you forwarded the laudable desire of the House to be associated with it, and when the Finance Bill was brought late to us you took up the matter with Government to have it brought to us in time to enable us to do justice to it.

We shall always remember your kindness to us inside and outside the House. Perhaps people have not realised how helpful you have been to us on this side because we do not blow our own trumpets. The Honourable the Leader of the House was kind enough to express his good opinion about the Opposition. I think that in this House we have a rare combination of good fellowship which is absent in most of the legislatures where legislatures are as powerless as this House. In spite of our differences we have always received most courteous and kindly treatment from the occupants of the Treasury benches and we are very grateful to them. The Third Council of State has set many new decisions. I looked into the debates concluding the First and Second Councils and found no counterpart of these congratulatory proceedings. Again, on this last day the Third Council of State has passed a non-official Bill and a Bill which originated in this House, which also is an innovation.

* Not corrected by the Honourable Member.

[Mr. Hossain Imam.]

We are now going back to our constituencies, some to go to the local Councils, some to return here, but all those of us who are fortunate enough to come back here hope that we will find in the Fourth Council of State the same genial good-fellowship as we have in this one. (Applause.)

*THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, may I as a junior Member of this House join in the tributes which have been paid to you this morning. This is the last occasion on which the present Council will sit and in a few days we shall be engaged in our elections. It is fitting therefore that we should say before we disperse what we feel about you. It is embarrassing, Sir, to say all that one feels about you in your presence, but I would ask you to believe, Sir, that what we are saying comes from the heart and that there is no element of exaggeration in what we are saying about you. You, Sir, have had a great career. You have had a rich and varied life. You have achieved great distinction in various walks of life, law, business and politics. You were, Sir, a very distinguished Member of the old Imperial Legislative Council, a contemporary of Gokhale, of Surendranath Banerjee, of Wacha, of Pandit Madan Mohan Malaviya and Bhupendranath Basu ; and you were a signatory to the famous Memorandum of the Nineteen which eventually led to the mission of Mr. Montagu and the introduction of the Montagu-Chelmsford Scheme. You were in your non-official days an able and distinguished fighter of public causes. You have been a Member, a distinguished Member, of this Council, since its birth and you were appointed its President in 1932. You were its first non-official Indian President and worthily, Sir, if I may say so with respect, you have filled that great office. You have been able, impartial, just and courteous as our President. But these qualities, great as they are, are not precisely the qualities which have endeared us to you. They are qualities which may win people's respect, but they are not precisely the qualities which win what is much more difficult, people's affections. You have won, Sir, not only our respect, but also our hearts. You are not only respected by us, but, if I may say so, loved by us. (Hear, hear and Applause.) What is the secret of your success ? The secret of your success, Sir, is that you are one of God's gentlemen, incapable of a mean thought, of a harsh word or an unkind deed. We have always looked up to you not only as our President, but as our best friend, guide and philosopher. You have ruled us through our hearts. You have added, Sir, dignity and prestige to this Council. It was, we know, at great sacrifice that you accepted this position and we have marvelled at the extraordinary capacity which you have shown for hard work. Even when some of us, younger men, feel tired and go to the lobbies and have a smoke, you go on, Sir, listening to our speeches, attentive to every word that we utter, alert, vigilant and watchful. You have been, Sir, a great President, the greatest President that this Council has ever had. (Applause.) And I am sure it is the unanimous wish of this Council that you may continue to preside over it for many many years more to come. (Applause.) We hope, Sir, that should the opportunity present itself to you—and we are sure it will—you will not refuse to guide the deliberations of this

* Not corrected by the Honourable Member.

Council at such a critical juncture. Sir, may I say that we are thankful to the Leader of the House for the great courtesy and spirit of accommodation that he has always shown. We are also obliged to our official colleagues, to His Excellency the Commander-in-Chief, to the various Secretaries, to the Chief Commissioner of Delhi, to the Chief Commissioner of Railways, for the kind help that they have always given us. Sir, we in this Council have a friendly atmosphere and we should be sorry if that friendly atmosphere disappeared. Sir, it has been a pleasure for us to work in this Council and whether we come back or not to this Council, we shall always look with pride and pleasure to the days that we have spent in this Council.

Sir, I join in the tributes that have been paid.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I associate myself with what has been said by the Honourable speakers who have preceded me in giving expression to the grateful appreciation of the excellent manner in which you have discharged your onerous duties as the President of this House. Sir, before you entered upon this high office, you had for years been one of the most popular and esteemed Members of this Council. You had, Sir, already distinguished yourself in various fields of activity and had to your credit great services—a brilliant record of great services—rendered to the country for nearly a period of half a century. Sir, in your profession as a lawyer, in your career as an industrialist, as a pandit of high finance, and lastly, and not the least, as a politician and a parliamentarian, you had already earned a reputation—in everyone of these activities you had earned a reputation, which seldom falls to the lot of other individuals who devote their whole lifetime to the pursuit even of one of these careers. Therefore, Sir, it was patent that when you accepted this office, you accepted it at a considerable sacrifice. Great as was your sacrifice from the point of view of business, from the point of view of material gain, you made no small sacrifice in allowing yourself to be muzzled, as you said the other day at dinner, for all these years. It would of course have cost no small effort for one like you to have sat unconcerned in your Presidential Chair, when storms of controversies raged round about you and perhaps arguments were vehemently advanced, which in the fulness of your knowledge and experience you knew were not quite well-founded. Sir, a keen debater like you would have found it to be the hardest exercise of patience and self-control to have refrained from entering into the arena and taking part in the dialectical fencing which was going on around you. But, Sir, the cause which you wished to serve was well worth the sacrifice that you have made and in serving this cause we are glad to find that you have achieved the same success which you have achieved in every other work on which you had launched, and this success was always achieved by you by dint of your capacity, your sincerity and the honesty of purpose which you always brought to any task which you ever undertook. Sir, not only did your appointment open up a new chapter in the history of this august body, it being the first appointment of a non-official President for this House, but you were able, by all that you did achieve during the tenure of your office here, to fill up the first pages of this chapter with such glory and splendour that the traditions

[Saiyed Mohamed Padshah Sahib Bahadur.]

that you have set up would be well worth being preserved and followed in the Legislatures which will be set up in the new reforms.

THE HONOURABLE THE PRESIDENT: I shall thank you all to be as brief as possible and save my blushes!

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: Sir, as my Honourable friend Mr. Sapru has said, we feel embarrassed in your presence in paying you the tribute which is really your due and which you deserve by virtue of your capacity, character, breadth of view, kindness and genial disposition.

Sir, I will close my remarks by saying that this Council which is going to enter upon a more useful career under the new reforms, this Council was able to build up its claim to the greater power which it is going to be invested with by much that it was able to achieve under your guidance here. You, Sir, have enlarged the scope of the work that is being done in this Council. You have invested the non-official work that is done here with more dignity and by giving it as much encouragement as it was possible for you to give it.

Sir, it is a copious record if anyone attempts to enumerate all that you have done both in this Council and outside, and I will end my observations with reference to you by simply joining in the good wishes that have been expressed by the previous speakers and wishing you long life, health, every happiness and prosperity.

Before I sit down, Sir, I would take the opportunity of bidding good-bye also to my colleagues in this House. First of all, Sir, I would in particular express our grateful thanks to the Honourable the Leader of this House who has always been ready to accommodate the non-official Members of this House in the disposal of the non-official work not only by securing us additional days but also by consenting to sit for longer hours in this House and adjusting the business in a way so as to give us more time for the disposal of non-official work here. I am grateful also, Sir, to the other officials, His Excellency the Commander-in-Chief, the Secretaries of all Departments, the Chief Commissioner of Railways, and all the officials here who, whenever it was possible for them, were always found ready to help us and accommodate us.

Lastly, Sir, and not the least, I express my grateful thanks to all my other and non-official colleagues in this House from whom I have always received nothing but kindness and courtesy. We have, Sir, in this House, in spite of our differences on public questions, been able to carry on as members of a happy family.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON (Madras : Nominated Non-Official): Sir, I feel I cannot let this occasion pass without making a few remarks. Two thoughts are working in our minds today, both having their origin in our knowledge of the Council's impending dissolution. One is that you will soon cease to be its President. It has been said of Mark Twain that on reading his obituary in the daily papers he promptly announced that the report of his death was an exaggeration. I shall not commit the indelicacy, not to say the impropriety, of anticipating the decision

on a matter which rests partly in your own hands and partly and primarily in the hands of His Excellency the Governor General. But I may be permitted to express the hope—a hope which I am sure is shared by all Members of this Council—that the future course of events will prove that our apprehension of your demise as our President is altogether groundless. Indeed if our prayers and wishes can determine the course of destiny, I am sure that the next Council will find you adorning the Chair which you have filled with so much distinction during the last four years.

The other thought which comes up in the mind is the uncertainty in regard to many of us as to our return to the next Council. I therefore take advantage of this occasion of leave-taking to express my great gratitude to the Leader of the House for his unfailing kindness and courtesy and to you, Sir, my great esteem, and my appreciation of those great and varied qualities which you have shown in the discharge of your duties as our President. Opinions may differ as to the utility of this Council, under its present constitution, as an organ of the State. But I think there will be universal approval of the atmosphere of dignity, courtesy and tolerance in which its deliberations are conducted. Many factors have doubtless contributed to this atmosphere, but I think I may say without fear of contradiction that the most dominant of them is your own personality. I shall not embarrass you by referring to this subject in any detail, but I think I shall be lacking in appreciation if I do not mention the knowledge, experience and tact, the fairness and impartiality which you have brought to bear upon your great and onerous task and which have contributed so largely to the smooth and efficient working of this Council. Your consideration for the new Member has always been one of your obvious traits. No Member can ever forget the patience, sympathy and kindness which you extended to him when he rose to make his first speech. I have sometimes thought that you possess the gift of making the dumb speak.

People with some knowledge of men and affairs can readily tell a good thing or a bad thing when they see it. There is a story told of a certain Persian king who was asked to adjudicate between the claims of two rival poets to a prize. The king listened very patiently to the recitation of his poem by one of the rival claimants and without any hesitation awarded the prize to the other. Examples of the converse of this story are often found in practical affairs. We all know that we possess a very good President in you and that it will be difficult, if not impossible, to get another who can fill the Chair as worthily as yourself.

Before I sit down I should like to express the hope that the tradition which has been built up in this Council and to which you have so very largely contributed will grow and flourish under your wise guidance in the short period of time that lies between us and the inauguration of the Federation and that it will provide stimulus and inspiration to the reformed Council in its tender years.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): Sir, it would be tedious, though it may be pleasant, for me to repeat all that has been said by other Honourable Members of this

[Sir David Devadoss.]

House. I confine myself only to one or two points. In the first place, you are the guardian of our privileges and our liberties. On a memorable occasion, Sir, you protected our rights against encroachment by the Executive. After spending weeks in the other place—I will not say wasted, because they were not the people who wasted, but other people wasted the time—after spending several weeks, they came here and wanted a Bill to be passed in a few hours. You, Sir, very rightly protested against that, and ever since that, I believe the Executive has not been trying to encroach upon our privileges. That is an achievement which will go down to future generations as one which redounds not only to the credit but to the honour of your place.

The second point is this. Sir, the Chair is supposed to have a soporific effect on its occupants. As has been observed by the Honourable Mr. Sapru, many Members of this Honourable House find it exceedingly difficult to stay for half an hour in their seats and they go out either to have a smoke or a chat. You have been sitting for several hours. One day you sat from 10 o'clock in the morning to 6-30 in the evening. It is not at all an easy thing to do. People who have been occupying chairs, Sir, not only in the Legislative Assemblies but in other places, would be able to bear testimony to the fact that when they are elevated to a chair, especially when the chair is on a higher level than the benches of the other people, there is a tendency to have forty winks especially after lunch. You, Sir, never allowed your attention to slack for a moment; whether it be the subject of the Khewra mines of our Honourable Raja, or whether it be animal nutrition of some of our Rajas here or some other knotty conundrums relating to finance of the Honourable Mr. Hossain Imam, you were always ready to pull up when they strayed from the point. Sir, it is not an easy matter. It is a matter for great congratulation, especially when you have been hard worked, that you should follow the discussion so closely and pull up whenever necessary. Sir, the Council of State would be unthinkable without you, Sir, as President of it (Applause) and I hope that when the new Council meets, you will be asked to adorn it as its President. With these few words, I should like to say that we really feel very grateful for all that you have done for us here, inside as well as outside.

I may also say a word or two about the Honourable the Leader. He has been very kind to us and has in every way met the wishes of the Opposition. If we are sitting here today, when all the official business was over two days ago, we are doing so simply to oblige our Muhammadan friends; otherwise, we would have gone back to our places on the 15th of this month. We are here to pass a Bill—I do not know how it will work. The future alone will show. These trusts, it has been my experience, are mismanaged, and it is a good thing that the Muhammadans have thought of having a law which would enable them to see that these trusts are properly managed.

With these few words, Sir, let me take leave of you and the other Honourable Members of this House.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): Sir, one of the ablest of my Indian friends some time ago said to me that he regarded the greatness of England as due very largely to the fact that there were so many men there who were willing to put aside their own interests and perform a public service. If I may say so with great respect, you have shown that attitude in life. In my early days, I decided to have nothing to do with politics with the result that when I came here to Simla for the first time last year, I was completely unacquainted with parliamentary procedure and public speaking and I asked an Indian friend of mine if he could put me on to any line of thought or book which would guide me as a "young legislator" and he replied, "All you have to do is to ask Sir Maneckji Dadabhoy". That I have always done, as you know, Sir, and I have always found you, Sir, extremely kind in every possible way. I would like also to say that the Members of the Government benches have always shown great consideration to me and given me every help.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab : Muhammadan): Sir, like my Honourable colleague Mr. Sapru I am also speaking as a junior member. I must confess that in spite of my being seven years in the other place, and two years in the Council of State, up till the last Delhi session I did not know whether the Council of State had an elected President or a nominated President. I can assure you, Sir, that from the way in which you treated us, we always considered that no elected President could have done better. (Applause.) If the Governor General had left the choice to us, we could not have elected any other person except yourself to the Chair. To form a correct idea of what changes have taken place in the Council of State, one has to go back four or five years. Before I crossed the efficiency bar and was promoted to this House, I used to stand on the balcony of the Legislative Assembly and at about 20 minutes past 11, a long row of rickshaws with coolies dressed in beautiful uniforms used to pass with their faces towards the Mall, and on inquiry it was always found that the Council of State had finished their work and adjourned. Whenever we saw the Council of State rickshaws pass after 12 o'clock, we thought that something extraordinary had happened. Now, we have been sitting here, particularly on non-official days, up to 5 o'clock every day, and it is mostly due to our having the privilege of having a non-official Chairman who is always anxious to help us in every possible way to bring forward non-official legislation. This welcome change in the Council of State can also be attributed to the formation of the Opposition Party in this House, and I would be failing in my duty if on this, the last occasion, I did not express my great appreciation of the formation of the Progressive Party or the Opposition Party in the Council of State. I understand this Party was formed only four years ago. It is not easy to form an Opposition in a House like this and I must pay my highest tributes to the Honourable the Leader of the Opposition Party, Rai Bahadur Lala Ram Saran Das, on his success in forming a real opposition party in this House which is to a great extent responsible for making the debates in this House interesting. However mild that opposition may be, the existence of an Opposition Party in the House always adds to the value of its debates and deliberations. Government should never be afraid of an opposition party so long as my Honourable friend Sir Josna Ghosal is the Whip of the Government Party,

[Raja Ghazanfar Ali Khan.]

whose great popularity and whose entertainments in New Delhi will always attract more people to the Government side than on the side of the Opposition ! Sir, I will not say much about the Leader of the House. The only wise thing which the Government have been doing consistently for the last 16 years is always to pick out the best of the Executive Councillors and to appoint him Leader of the Council of State. I know the Honourable Sir Muhammad Habibullah, the late Sir Fazl-i-Husain and now our present Leader, and I am sure all Honourable Members will agree with me that no other Member of the Viceroy's Executive Council would be more fitted to be Leader of this Honourable House than our present Leader. I may further submit that we have luckily as Members of the Government those valiant Secretaries who really run the Government of India. However brief their replies to our questions they give us the impression that they mean to do what they say. That would not be the case if the reply was given by an Executive Councillor. And the Honourable the Chief Commissioner for Railways couches his replies in such a way that although he always refused what I asked I feel somehow indebted to him ! This small pink book of Standing Orders of 108 pages contains such matters as even those people who have been in the Legislatures for a number of years have still to look up every ten minutes and still make mistakes, we are grateful to the Secretary of the Council of State, Mr. Lal, who always readily helped us and was always obliging. Sir, we shall always remember with gratitude the kindness, the sympathy, which you have meted out to us, and I can assure you that I am not talking conventionally when I say that, provided you are prepared to make further sacrifice for a period of two or three years before the new constitution comes in, His Excellency the Governor General will be placing us all under a heavy debt of gratitude if he will ask you to again to occupy this Chair.

Before I sit down I must express my thanks to Rai Bahadur A. L. Banerjee. I am sure I am voicing the feelings of all the non-official Members that so far as our connection with the office is concerned he has always been very courteous and sympathetic.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : I cordially associate myself with the sentiments----

THE HONOURABLE THE PRESIDENT : I do not wish to prevent Members from expressing their sentiments, but I must request them once more to be very very brief.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : I do not propose to take long. I cordially agree with all the sentiments which the Honourable Members have expressed. You have, Sir, occupied an eminent position in the Legislature of India and by your dignity, cordiality, impartiality and fairness you have evoked the love and esteem of the Honourable Members, nay, you have enhanced the prestige of the Chair by following its traditions and have added fresh lustre to its dignity and great position. As regards your relations with Honourable Members, Sir, permit me to say that they have always met with impartiality and fairness at your

hands, a fact that has been conspicuous in the deliberations of this House I cannot however help saying that the deliberations in this House must have imposed a considerable strain upon your physical energy, not to say patience and powers of endurance. I am really surprised that you should have continued for hours together to keep the Chair and to give close attention to each and every point that arose. The Council has been happy in a President who has upheld its rights and privileges. Although in parting with you, Sir, we express our gratitude for all that you have done for the Council, we do hope that when the new Council assembles, you will continue to adorn the Chair with dignity and prestige. We bid you good-bye with all gratitude and cordiality.

One word as to the Honourable the Leader of the House. During my experience of four years I have never come across an occasion when the Honourable Leader of the House has expressed such sympathy towards a Member moving a Resolution as he has been to myself. I was very agreeably surprised at the way in which he expressed his sympathy and cordiality upon a question which was of great importance to all India. Need I say I feel extremely grateful to him.

With these words, Sir, I again wish you all happiness and prosperity.

THE HONOURABLE RAJA CHARANJIT SINGH (Punjab : Nominated Non-Official) : I should like to associate myself with the sentiments which have been so eloquently expressed by my Honourable friend the Leader of the House and other Honourable Members. I have had the privilege of knowing you, Sir, for very many years, and I can confidently say that there is no Member who has rendered more patriotic or more far-reaching services to the Government and country. Since your elevation to the Chair, which was once occupied by such great men as Sir Alexander Muddiman, Sir Montagu Butler and Sir Henry Moncrieff Smith, you have not only upheld the great traditions of your distinguished predecessors but have also added fresh lustre to it. You have been, Sir, a vigilant guardian of the honour and dignity of this House and we are very grateful to you for the courtesy and consideration you have always shown to us.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal : Nominated Non-Official) : I will be very brief and I would not have risen, except to associate myself in this very pleasant task of bidding you and the other Members of this Council good-bye. Otherwise, I would be in a minority as I find most of the Members have spoken and I am always afraid to be in a minority. But, Sir, as you have pointed out, it is useless for us to say things which may tend to make you blush. I consider it as awkward to praise a man to his face as to abuse him behind his back. So I will, Sir, only associate myself whole-heartedly with the sentiments that have been expressed so far as you are concerned and the other Members of the Treasury benches by the other speakers and shall not repeat them to your face. I wish you, Sir, health and peace of mind during the years to come.

THE HONOURABLE NAWAB MALIK SIR MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : I beg to associate myself with all that has been said by the Honourable Leader of the House, the Honourable

[Sir Mohammad Hayat Khan Noon.]

Leader of the Opposition and the other Honourable Members. Sir, we, the nominated Members, are particularly very thankful to you because we received just as much courtesy, justice and fair treatment from you, Sir, as any other section of the House. I also thank the Honourable Leader of the House and the Secretaries for their courtesy.

THE HONOURABLE PRINCE AFSAR-UL-MULK MIRZA MUHAMMAD AKRAM HUSSAIN BAHADUR (Bengal : Nominated Non-Official) : I am not a man of speech, and so there is not the least fear of my speaking at any length on this day. I have maintained silence throughout this session as well as in the last, but there are occasions when one feels tempted to break the monotony of his practice and to speak a few words, particularly on this day when our hearts are tender and we feel regret in parting from so many good friends, particularly you, Sir, as the head of the Council of State. I was associated with you, Sir, six years ago as a Member of the Council of State, when you were my colleague ; and it was then that I learnt to respect you for your views, your sincerity of purpose, which I admire. It is a matter of great joy that there is no conflict of views since you have occupied this Chair. You are the same person, the same sincere and honest person, that you were when you were an ordinary Member of the Council of State. You have shown to us courtesy and sympathy which we all appreciate and admire, and I feel it difficult to use words, because so many people have said so much and used so many words that I can hardly find myself able to express the sentiments of appreciation with which I am filled. I wish you, Sir, a long, healthy and useful life, and I am sure that if opportunity presents, as I am sure it will present itself to you, to do service to your country, you will not be diffident in accepting the offer so long as God gives you power and strength to do your duty to your country. (Applause.)

Sir, as regards the Leader of the House with whom I have been associated for two sessions, I cannot but express my great admiration for the consummate skill with which he has dealt with the many questions that have come up in this Council and presented Government Bills and Government cases. The Government benches are full, Sir, with the pick of the Civil Service and everyone of them is a past master in the art of argument,—and argument which brings conviction to many of us in this Council. I am sorry we have to part with them and I wish them, particularly the Leader of the House, a healthy, happy and prosperous life and I hope that the relations which have existed between the Leader of the House and the Members of the Council of State, the relations of amity and goodwill shall always continue.

Turning, Sir, to my right, I cannot refrain from expressing my admiration of the way in which the Leader of the Opposition, Rai Bahadur Lala Ram Saran Das, has done his duty. (Applause.) The way in which he has opposed Government has taken away all the stings of opposition ; and on the benches on his left, we have two very promising young men, I mean Mr. Sapru and Mr. Hossain Imam, who are shaping so well that I have no doubt that many of us think that they are destined to fill more important places and to do greater service to their country than they are doing at present. Before me, Sir, sits a man from the Punjab, the Honourable Raja Ghazanfar

Ali Khan, with whom also I was associated before as a Member of the Council of State. He was then not the same Raja Ghazanfar Ali Khan that he is today. He has developed his skill in debate to a considerable extent, and when he gets up he commands our attention for the way in which he deals with the several questions in which he has interested himself. I wish you, Sir, and all the Members of the Council of State good-bye and farewell.

*THE HONOURABLE KHAN BAHADUR SHAMUS-UD-DIN HAIDAR (Bihar and Orissa : Nominated Non-Official) : Sir, I feel I would be lacking in my duty if I failed to join my Honourable colleagues in expressing our feeling of great and genuine respect for you. I confess I am not an old Member of this House like most of my Honourable friends and have therefore not the privilege and pleasure of knowing you longer. But, Sir, during the short space of a year and a few months that I have been here, I found that your remarkable personality, your acknowledged ability, your able and just rulings, your encouragement to new Members, your uniform kindness and your proverbial hospitality, have not only endeared you to all the Members of this House, but have tended to raise you in the esteem of everyone, both inside and outside the House. We are aware, Sir, that the duties of the President are by no means of an easy character and it would not be wrong to say that that duty has been performed by you, Sir, in a manner worthy of your high reputation and of which every Indian ought to be proud.

Sir, I do not wish to take up more of the time of the House after all that has been said by my seniors, and will therefore end my tribute of respect by humbly and earnestly begging the God of the East and the West to spare you for many many years to come and to bestow on you and your family all that is noble and good. (Applause.)

THE HONOURABLE THE PRESIDENT : (Applause.) Honourable Members, this brings to an end the labours of the Third Council of State. This has been a remarkable Council in many ways, and that has been due to the contributions many of you, both individually and collectively, have made towards the discussions of many absorbing and important problems that have come before us during the last four years that I have presided over this Council. In the first instance, you would like to know the nature of the work done by you and I would therefore in a few words—I do not propose to detain the Council—but will give you a short resume of the contributions made by Members. Altogether eight sessions of this Council have been held. Altogether I had before me for disposal during these four years 1,900 questions for admission, out of which I admitted 1,548 only. It is a fairly large number and the proportion also is large. The number of questions answered, as I have said, was 1,548. The number of notices of resolutions which were received were 250. The number of resolutions discussed were 135. The number of Bills discussed were 111 and the number of Acts passed were 89 ; three Bills certified by the Governor General were also passed, and the number of Adjournment Motions—to my great satisfaction I say—received were only seven, and four were disallowed and three discussed. This is no mean volume of work. In a premier House like this, it is the quality that counts and not merely volume of work. Quantity has no place in this Chamber. I feel extremely gratified particularly over the small number of

* Not corrected by the Honourable Member.

[Mr. President.]

Adjournment Motions. I compliment the Council for having exercised that power, that privilege, which is given us with so much caution, with so much consideration and with so much moderation. Elsewhere we have noticed hundreds of Motions of Adjournment have been made on all and every trivial matter of business, whether they were pertinent to the proceedings of the Council or not. But here you have exercised this privilege with the same circumspection and discrimination which has been displayed by the House of Commons. I particularly refer to this matter because it is a very important and serious matter, and I am of opinion that no Member of the Council is authorised or permitted to take up the time of the Council by moving Adjournment Motions indiscriminately. The practice which you have adopted is an example to all the Legislatures in India and the way in which you have treated this great privilege and exercised it with such caution commends you to the whole country. I shall not detain you very much longer. You have very kindly expressed sentiments which I very highly appreciate and esteem. I have been tremendously touched with the sentiments expressed by many of you but I can say only one word in connection with that. Whatever little success I may have attained as your President is all due to you and not to me. When I first took charge of my office, I begged of you all, both officials and non-officials, to support me in the important task which destiny marked out for me. I was very diffident of doing any good work in this Council. I may honestly confess that at times in the beginning I felt very nervous but it was your co-operation, your willing help and assistance, your obedience to the rulings of the Chair and your generous regard for me that has helped me in discharging my duty. I may say that I shall miss you all. I cannot say what will be the composition of the new Council of State. Many of you will be attracted to your provinces, and I think you can serve your country better by some of you joining your own Councils in the provinces. Many of you will stand for election to this Council. Many of you will meet with success and come back here. As I know very well, some of you have an almost certain chance of coming back to this Council on account of your long association with this Council and on account of the good work which you have discharged here and on account of the position which you occupy in your own province. But the election turmoil will soon be over. I wish you all success in your efforts. But I ask you not to despair if you are defeated in the elections. There are many and more important avenues of service outside this House and if your one aim and object is to serve your country, that can be done in this House or elsewhere or in the local or Provincial Councils.

One thing I must say. It would be ingratitude on my part if I did not express my opinion as regards the work this Council has performed. I say without hesitation and without fear that the level of speeches in this Council has always been very high as compared with many Indian Legislatures. The tone and manner and the courtesy with which the Members have throughout acted is an example to other Councils. I should like to say much on that subject but I must say that I am gratified with the testimony which His

His Excellency the Governor General has given to the Members of this Council. His Excellency said, speaking of the Council of State :

“ Consisting as it does of Members of proved experience in many walks of life, its balanced judgment on the problems that have come before it and the pains which it has invariably taken to reach a just and objective decision on the many controversial issues with which it has been faced entitle it in a high degree to our gratitude and our esteem ”.

No such tribute to my knowledge during the last 30 years in the Legislative Council has ever been paid by the Governor General to any other Council. It is a feather in your cap. I hope that the great traditions which you have established, the great reputation which you have achieved, will be more firmly consolidated and will also serve as an example to your successors, whatever may be the position of that House, and that the next Council like you will work for the benefit and advancement of the country.

I again thank you for all kind sentiments you have expressed. Your approbation is my best reward. I will now wish you all good-bye and I will deem it a privilege if, after I have adjourned the Council, all the Honourable Members will come up to the Chair and I will regard it as a token of our everlasting friendship if you will kindly shake hands with me before you leave this Chamber. (Applause.)

The Council then adjourned *sine die*.

CORRIGENDA.

COUNCIL OF STATE DEBATES, VOL. II.

Page 161.—In the statement appended to the answer to question No. 76, *against* the province of the Punjab, in the column “Europeans” *for* the figure “1” *substitute* the figures “16”.

Page 171.—In the “List of Units” appended to the answer to question No. 103, under “Indian Infantry”, *for* “8th Punjab Regi-

ment, 2nd and 5th Battalions” *read* “8th Punjab Regiment, 2nd and 4th Battalions”; and *for* “13th F. F. Rifles, 1st and 5th Battalions” *read* “13th F. F. Rifles, 1st and 6th Battalions”.

Page 254.—In the second paragraph, 22nd line, *for* “further” *read* “farther”.

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