

Monday, 19th September, 1938

THE COUNCIL OF STATE DEBATES

VOLUME II, 1938

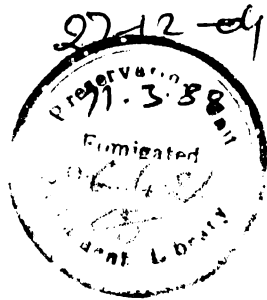
(5th September to 22nd September, 1938)

FOURTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1938

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COUNCIL OF STATE.

Monday, 19th September, 1938.

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

MEMBER SWORN :

The Honourable Mr. Nikunja Kishore Das (Orissa : Non-Muhammadan).

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 17th September, 1938, namely :—

A Bill to consolidate and amend the law relating to motor vehicles.

A Bill further to amend the Indian Emigration Act, 1922.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) : Sir, in regard to the Emigration Bill I would request you to suspend the Standing Orders so that we may be able to dispose of this Bill tomorrow. It is a non-controversial measure and I think it is the general desire of the House that they should be able to dispose of it tomorrow.

THE HONOURABLE THE PRESIDENT : I understand it is the general desire of the House to dispose of this Bill tomorrow ?

SEVERAL HONOURABLE MEMBERS : Yes.

THE HONOURABLE MR. HOSSAIN IMAM : But will it be the last meeting ?

THE HONOURABLE THE PRESIDENT : Very probably we may have other Bills laid on the table tomorrow.

In the circumstances I will suspend the Rules of Business and the Bill will be taken up tomorrow.

DEATH OF SIR PHIROZE SETHNA.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have convened this meeting specially today in consultation with the Honourable the Leader of the House to express our sentiments on the mournful loss which this Council has sustained by the death of our dear friend and colleague the late Sir Phiroze Sethna. My idea was to convene this meeting in order to enable the Leaders of Parties and other Members to express their sentiments and feelings on this occasion.

But before I proceed I would like to inform the House that His Excellency the Commander-in-Chief is unavoidably absent and he has written to me explaining the cause of his absence. I would therefore like to read his letter to the House. His Excellency says :—

“ DEAR SIR MANECKJI,

I have just heard that the Council of State is sitting on Monday next for a short time in order to move a Motion of condolence on the death of Sir Phiroze Sethna. I very much regret that as I have to be present at an important conference of Army Commanders on Monday I shall not be able to be present. I should however like to add that I was very shocked to read of Sir Phiroze's death and appreciate what a loss he will be to the Council of State. I should like therefore to associate myself in every way with the general feeling of all Members on this sad occasion ”.

Honourable Members, in the course of the last six years that I have occupied this Chair it has been my misfortune on various occasions to refer to the sad loss which this Council has sustained by the death of some of our most useful and eminent Members, but I can hardly describe to you today the measure of the grief and distress I feel in speaking about our old friend Sir Phiroze Sethna. During the last 18 years he has been a Member of this House and a very valuable, very useful and highly respected Member. We have all got so accustomed to his presence here for many years, but latterly on account of his increasing responsibilities elsewhere he was not able to give much of his time to the affairs of this Council. But whenever it was possible for him to attend this Council he did so because he had a burning enthusiasm and his patriotism was so great that when on all important questions affecting the people and the welfare of India were discussed he thought it his duty to be in this Council to support such resolutions and motions as were intended for the benefit of the people of this country.

Before I come to his work in this Council I should like briefly to refer to his activities elsewhere, because it was not only on account of his work in this Council but in many spheres of life that he distinguished himself and rendered such useful services, not only to Bombay and Calcutta but to the whole of India. I will refer therefore in the first instance briefly to his activities in the Bombay Presidency. He started life many years ago and I believe he succeeded me a few years after I left the Bombay Corporation. There he distinguished himself as a very clever and able member of the Corporation. As a young man he was listened to with great respect, even in a heterogenous body like the Bombay Corporation. After many years of useful work, he became the President of the Bombay Corporation and some of you who are Bombay Members here.

know of the great services which he not only rendered to the Bombay Corporation in the matter of the work of local self-government but in the various spheres of activities. As many of you know, after the death of that great politician and statesman Sir Phirozeshah Mehta his mantle fell on Sir Phiroze Sethna so far as the Bombay activities were concerned. He was thereafter translated to the Legislative Council of Bombay and I will not refer at any length to his work there ; but he was the life and soul of the Bombay Legislative Council for many years during the time he adorned that Council by his presence ; his powers of speechification and the materials which he used, his powers of conciliation and his personally charming manners and affability made him a most popular Member of the Bombay Legislative Council ; and from thence he emerged with a reputation not only for untiring energy and hard work, but he proved himself to be one of the foremost of politicians in Bombay. He was a Liberal by principle and he was a member of the National Liberal Party. In the All-India National Liberal Federation he took an extensive and abiding interest. He was twice President of that Association and his principles were so staunch that he regularly as far as possible attended the annual meetings of the Federation and on many occasions spoke at considerable length. He belonged in this House to the Progressive Party which practically is a Liberal Party and there is not much line of demarcation between the Liberals outside this House and the Liberals who profess to be in this House. But his great work, his *magnum opus*, was in the Council of State. He has been elected four times to the Council of State by a large majority of voters in Bombay ever since the inception and formation of the Council. In this Council he has been a most prominent figure not only well respected by his Indian colleagues but much respected by the Government Benches and by everybody. He was a most eloquent and forceful speaker. He never spoke without a critical study of the subject he was handling and he spoke always with masterful ability. His language was at times trenchant but never contained any rancour or invective and he placed his facts and figures replete with arguments and in such an incontrovertible manner that he commanded not only the respect but the admiration of this House. Out of India his services have been conspicuous. He was a member of the Round Table Conference and the reports of those proceedings will show in what able manner he acquitted himself there. Further, he was sent as a British Indian Delegate to the Joint Parliamentary Committee where he also discharged his duties in a manner worthy of India.

I have so far alluded to his political career and his public life. I will now briefly say a word or two about the part he has taken in the economic development of India. He was connected with insurance business for many years and brought that business to a stage which compelled the Government later on to bring before the Central Legislature the great Insurance Bill which both Houses of the Central Legislature passed last Delhi session. He played a most important part both privately and publicly in connection with that Bill. He was Director of almost all the big industrial works in this country. His services were sought not only on account of his wide economic experience, his great knowledge of the many Indian financial questions, but on account of his influence and general command over business affairs particularly in this country. He was Director of several Joint Stock Companies in Bombay—I understand about

[Mr. President.]

30 to 40 companies—where his services as Director were very much valued. But his great work was in connection with the Central Bank of India and on the death of that great financier and able Managing Director, the late Sir Sorabji Pochkhanavalla, his mantle again fell on him, in the midst of his manifold duties and his increasing and more serious responsibilities, and I am afraid the strenuous work which he had to do in that connection combined with the other work unfortunately accelerated his death. It was only ten days ago that he spoke on the Recruiting Bill and he had to suddenly stop his speech because he had a slight cramp in his heart and many of you must have noticed that day the sudden stoppage of his speech and he felt very ill afterwards. I had to warn him to go home at that time, but his sense of duty was so great that when one Member wrote to him to come back to the Council for voting he got up from his sick bed and came to this Council and recorded his vote. Such was the character of the man, such was his sense of public duty, such was his deportment in matters affecting the interests of the country. Honourable Members, you all recognize that his place will not be filled in this House for many long years. He was a man of resolute disposition and worked till the end of his life; but we never knew that his end was so near. But he also never knew that his end was so near. His loss will be very great to this Council but you are all here today to appreciate his great loss to the country and particularly to this Council.

You will excuse me finally if I sound a personal note. He was my friend for the last 50 years. We practically came in contact together in our teens. He has been associated with me in business, in some of my important business, for some years as a Director and I found him a very useful and valuable friend, colleague and associate. I will not take up your time much longer but when you, Honourable colleagues, have expressed your sentiments, I propose to communicate the sense of this Council to Lady Sethna and his family and offer them our deep sympathy and condolence, and I also propose to adjourn the House as a mark of respect to his memory.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadian) : Sir, I fully associate myself with the feelings which you, Sir, have expressed on the untimely death of our esteemed friend Sir Phiroze Sethna. Sir, I enjoyed his friendship for over 25 years and had the privilege of working with him on various Boards of directorate of Joint Stock Companies. The more I knew him the more I loved and admired him. Sir, I was extremely distressed when I heard the sad news on the radio of his sudden demise. Sir, we all deplore the loss of one who was an illustrious Parliamentarian and a great Leader who rendered his all for the service of his country by unflinching devotion to the national cause. You, Sir, have told this House that, a Member of our party (my Honourable friend Mr. Sapru), telephoned to him at Hotel Cecil the other day when we were discussing the Army Recruitment Bill that the division was coming on, he, although he was not feeling very well, then came to the Council Chamber to vote with us and proved his powerful sense of duty to his country and to the Progressive Party of which he was a most esteemed Member. You, Sir, I know, stopped him from going on an inspection tour of the Punjab Branches of the Central Bank

of India on the 8th instant, but his sense of duty impelled him to go and that inspection, the strain of which must have accelerated his death.

Sir, he was widely respected in all spheres of life, whether political, commercial, industrial or social. Sir, the Progressive Party always enjoyed his sound and valuable advice. We all wanted him to be the Leader of our Party on the formation of the party but being very busy, he could not accept our offer, but all the same, Sir, he was always giving us his time and his valuable and ripe advice. I always used to call him a universal director, as he was on the directorate of almost all leading Joint Stock Companies. Whenever I used to be in Bombay and whenever I 'phoned him for an engagement, I always was informed that he was out attending some meeting of the Board of Directors somewhere so it was very difficult to catch him during the day.

Sir, in the Honourable Sir Phiroze Sethna I have lost a dear and an esteemed friend, this Council a very valuable colleague, and India a worthy son and a great leader. Sir, I fully endorse the feelings you have expressed and wish that a vote of condolence to Lady Sethna and his relations on this sad bereavement be sent. His loss is irreparable, which we all deeply mourn. May his soul rest in eternal peace!

*THE HONOURABLE MR. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I desire on behalf of the Congress Party in the Council of State to associate myself with the well-deserved tribute paid by you to the late lamented Sir Phiroze Sethna. His utterances in the Council of State as elsewhere were characterized by knowledge, eloquence and patriotic fervour. He was easily the most impressive and informed speaker in this Council and commanded the respectful attention of all sections of this House whenever he rose to speak. His striking personality imparted a peculiar distinctiveness and force to his speeches. His last contribution to the debates of this House was his notable speech on the Army Recruitment Bill on the 8th of this month. I am told that he specially came to attend the current session of this Council to participate in the debate on that Bill and to vote in the division over it even at the risk of his health.

He was a tower of strength to the Opposition in this House. His part in the struggle for the constitutional advancement of India was by no means small. He was an impressive and a brilliant Liberal in Indian politics, a liberal Liberal in the true sense, if I may say so. He served on many important commissions and committees and his one aim as a member thereof has been to promote the true interests of India. He was one of the few great business men of this country who unstintingly devoted their influence, knowledge, talent and time to the service of the Motherland. The most sincere tribute which we on this side of the House can pay to him is to emulate him in his zeal to serve public interests on all occasions on which an opportunity presents itself to us.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Mr. President, I rise to associate myself with the expressions of grief and sorrow made by you and the previous speakers on the death of Sir Phiroze Sethna. By his death not only the business world has lost a

* Not corrected by the Honourable Member.

[Mr. Hossain Imam.]

towering personality but the political sphere has also suffered an irreparable loss. Those of us, Sir, who were associated with him in the Progressive Party found that he was not only helpful to us who had come in as new Members then, but his sane advice and sound judgment used to help us all. We found him, Sir, an ideal elder statesman. The whole of the Council will mourn his death, particularly, Sir, because death has been taking rather a liberal toll in our Council. This is the fifth death among the elected sitting Members of the new Council of State. Sir, we all mourn his loss and wish our condolences to be conveyed to Lady Sethna.

THE HONOURABLE SAIED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, it is with the greatest regret and the utmost grief that I join in the tributes that are being paid to the memory of the late lamented Sir Phiroze Sethna. Sir, it is almost impossible to express, in words, the feelings of sorrow and pain which we all share on finding ourselves having lost for ever one for whom we had such great affection and regard. Sir, Sir Phiroze Sethna was one of the most distinguished and popular Members of this House. By his genial disposition, by the useful contributions which he used to make to the debates in this House and by his good nature and invariable courtesy and kindness to every section of this House he had endeared himself to every one here, and his absence here will be very keenly felt. Sir, his was a versatile genius which enabled him to achieve success in every thing which he undertook to do. He was a great financier, a most successful business man who used to be consulted even by the most experienced business men in a city like Bombay. Again, he was a sincere patriot and a great politician. He had striven hard and strenuously for the uplift of his countrymen and left his impress on many things in the social, economic and political life of this country. Sir, as you have observed, he participated in the deliberations of all the three Round Table Conferences and also those of the Joint Parliamentary Committee. In short, Sir, he had been called upon to perform many an important and great public task and each one of these he accomplished with great success and with great credit to himself and benefit to his countrymen. As you, Sir, have mentioned some of his important activities, I will not try to enumerate any one of them. And I feel, Sir, that his activities have been so many and so varied that it would be practically impossible even to make a brief reference to them in the short compass of a speech which is made on an occasion like this. As has been observed, Sir Phiroze Sethna was a great public spirited person, and a very distinguished son of India, but above all, he was really a very good and high souled gentleman. By his character, by his kindly nature, and amiable disposition, he endeared himself to every one of his friends, and his death will be mourned for a long time by every one who had known him. Sir, his death has caused a void in the public life of this country which it will take many long years to fill. I had the privilege of being associated with him in this House for over 14 years and I may be permitted to say that his death has caused an almost irreparable loss to this Council and the country.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce) : I wish to associate myself with everything that you, Sir, have said, and with

what has been said by other Honourable Members. I knew Sir Phiroze Sethna for very nearly 20 years. Shortly after I landed in this country we were jointly associated in the formation of what is now the biggest Indian Insurance Company in India. For the last 14 years we have been concerned, jointly with others in the management of a big public utility undertaking in Bombay. I came to this House a little more than three years ago to find he was already an eminent Member here, as eminent as he was in Bombay. He had been here for a very long time before I came. Throughout all the time that I knew him he was full of vitality and took the keenest interest in every subject—political, social or business—that might come up. As we all know, although he was 70 years of age, he thought nothing of getting into an aeroplane and flying off to London if he thought his duty lay there. He told me only the other day that he came here against the advice of his doctor because he believed it to be his duty to do so. Of him we can truly say that he died a patriot in harness.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Sir, I wish to render my sincere tribute to the memory of our esteemed colleague the late Sir Phiroze Sethna, a distinguished Liberal leader and one of India's prominent businessmen. It was a shock to me intense and unexpected when I heard of his passing away. Those of us who saw him at work during this session of the Council little thought that the end of his life could be so near. He died in harness working hard till the very last silently and cheerfully with an amount of energy given to few.

He was a man of whom of any country could be proud. Rising from the ranks through sheer merit he carved for himself a great position in the commercial and financial circles of India. After the death of the late Sir Sorabji Pochkhanawalla, Sir Phiroze bravely stepped into the breach and carried on the affairs of the Central Bank of India with as much success as his predecessor. As a member of the Indian Merchants' Chamber, Bombay, he rendered precious services to that organization, and was elected its President. His services to the cause of Indian commerce, finance and industry will be ever gratefully remembered by his countrymen.

In politics his services to the country as a leader of the Liberal school of thought have been invaluable to his party. Though we differed on occasions in matters political yet we always differed as two good friends. He knew how to differ without bitterness—a precious and wonderfully sweet quality among politicians. His part in the boycott of the Simon Commission, his work in the Round Table Conference and his work here in this Council have always borne the quality of a broad and well-informed Nationalism of which we on this side of the House were very proud. His last speech this session on the Honourable Mr. Saprú's Resolution regarding the Defence Policy of Government will be remembered for its manly vigour and deep wisdom born of mature experience. From the very inception of this Council he has been a distinguished and valued Member always taking his place in the van over important issues. To my province and city he rendered equally faithful and valuable service as Member of the old Provincial Council and the Corporation of Bombay. As a cultivated public

[Mr. G. S. Motilal.]

speaker his alert memory, clear logic and a fine sense of humour lent charm and distinction to his speeches and helped him over difficult situations.

The Parsi community, small as it is, has contributed to the prosperity and advance of India in a generous measure to do credit to any great community. That community has given us devoted patriots like Dadabhoy Nauroji and Phirozeshah Mehta, merchant princes, industrialists, politicians and administrators. Sir Phiroze was an illustrious son of India. Sir, it has been a personal loss to me as I have enjoyed his friendship for over 20 years. Twenty years is a long time : and when I say that never once in this long while have I found his friendship cloying, never once reason to feel unpleasant, then I shall have expressed what my feelings are about Sir Phiroze Sethna.

I mourn the death of a distinguished and liberal statesman, a loyal son of India and a real friend. May his memory continue to inspire us and may his soul rest in peace !

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : Non-Muhammadan) : Sir, it is with a deep sense of regret that I rise and join the previous speakers in paying my tribute to the revered memory of our ex-colleague Sir Phiroze. Sir Phiroze Sethna was a tower of strength to the Progressive Party. During the last six years that I had the privilege of working with him as a member of the Progressive Party I found in him a real guide who used to give advice to us on very difficult and complicated matters and who used to be a source of inspiration to youngsters like us.

About his political, social and economic activities you, Sir, have already mentioned, and I may submit that he was regarded as one of the " Old Guard " and was connected with the political, social and economic life of India in general and Bombay in particular. Sir Phiroze Sethna had a very keen sense of public duty, and you, Sir, referred to the incident which took place here on the 8th of this month. That shows how he regarded public duty as of the greatest importance, even at the sacrifice of his health. Sir Phiroze Sethna's death is not only a loss to the House but is the greatest loss to the Opposition, and I am afraid we shall not be able to make up his loss, especially to the Progressive Party, for a long time to come.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member) : Mr. President, it is indeed a mournful and grievous task that I should stand here today to mourn the loss of a colleague who it seems but yesterday, was in the full vigour of life and participated in our debates with his usual ability and alertness. None of us realized when we heard the impassioned words of Sir Phiroze Sethna the other day that that was to be his last utterance in this House and that we were to hear his voice no more. He died in harness, as he would have wished to. The transition from life to death was mercifully swift and painless. Right to the end he fulfilled his diverse public and private duties with relentless assiduity. His ceaseless energy knew no rest. By his death this House loses a Councillor of sane judgment, of

simple and upright character, adroit in debate and fair in argument and well versed in the practical affairs of men. By his rare qualities of character and intellect he achieved great eminence both in politics and in business, and by his death the Parsi community loses one of its most prominent figures and India one of its foremost citizens.

It now only remains for me on my own behalf and on behalf of those who sit on this side of the House to pay my reverent tribute to the memory of a colleague who had worked ceaselessly for the welfare and advancement of his country, who deserved well of his people and of this Council of State and whose loss it will be difficult to fill. We shall all sorely miss in these dark and momentous days his ripe and experienced counsel.

I would request you, Sir, to adjourn this House as a mark of respect to our late colleague and to convey on our behalf to Lady Phiroze Sethna and to other relations our sense of deep loss and our sympathy in their great sorrow.

THE HONOURABLE THE PRESIDENT: In respect for the memory of the late Sir Phiroze Sethna, I will now adjourn the Council till 11 A.M. on Tuesday, the 20th September.

The Council then adjourned till Eleven of the Clock on Tuesday, the 20th September, 1938.