

Tuesday, 15th February, 1944

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT)

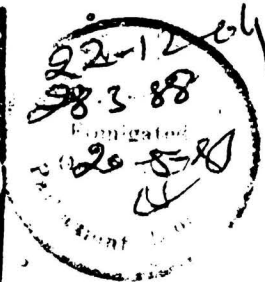
VOLUME 1, 1944

(15th February to 6th April, 1944)

SIXTEENTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1944



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1944

Council of State

President :

THE HON. SIR MANECKJI DADABHOY, K.C.S.I., K.C.I.E., LL.D., BAR.-AT-LAW.

Panel of Chairmen :

THE HON. SIR DAVID DEVADOSS.

THE HON. MR. M. N. DALAL.

THE HON. MR. V. V. KALIKAR.

THE HON. SAIYED MOHAMED PADSHAH SAHIB BAHADUR.

Secretary :

THE HON. MR. SHIVAJI A. LAL, C.I.E.

Committee on Petitions :

THE HON. RAJA CHARANJIT SINGH, *Chairman*.

THE HON. PANDIT HIRDAY NATH KUNZRU.

THE HON. SRI RAMUNNI MENON.

THE HON. HAJI SYED MUHAMMAD HUSAIN.

THE HON. MR. CHIDAMBARAM CHETTIYAR.

} *Members.*

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THE
COUNCIL OF STATE DEBATES
**OFFICIAL REPORT OF THE SIXTEENTH SESSION OF THE FOURTH COUNCIL
OF STATE)**

VOLUME I—1944

COUNCIL OF STATE

Tuesday, 15th February, 1944

The Council met in the Council Chamber of the Council House in New Delhi Eleven of the Clock, being the First Day of the Sixteenth Session of the Fourth Council of State, pursuant to section 63 Q(2) of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935. The Honourable the President (the Honourable Sir Maneckji Byramji Dadabhoy, K.C.S.I., K.C.I.E., LL.D., Barrister-at-Law) was in the Chair.

MEMBERS SWORN :

The Honourable Sir Leonard Wilson (Chief Commissioner for Railways).

The Honourable Mr. A. V. Pai (Indians Overseas Secretary).

The Honourable Moulvi A. Z. M. Rezai Karim (East Bengal Muhammadan).

**POSTPONEMENT OF THE DATE FOR THE PRESENTATION OF THE
RAILWAY BUDGET, 1944-45.**

THE HONOURABLE THE PRESIDENT : Honourable Members, you are perhaps already aware that His Excellency the Governor General has postponed the date for the presentation of the Railway Budget till tomorrow, today being a holiday. I shall therefore, today only do some formal work and shall adjourn the Council, until tomorrow, in pursuance of the directions issued by His Excellency the Governor General.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT : I have to deliver to you four messages from His Excellency the Governor General. The messages are as follows :—

RAILWAY BUDGET.

"For the purposes of sub-section (1) of section 67A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, and in pursuance of rule 43 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, Archibald Percival, Viscount Wavell, hereby appoint Wednesday, the 16th February, 1944, for the presentation to the Council of State, and Wednesday, the 23rd February, 1944, for the General discussion in the Council of State, of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.

NEW DELHI ;
the 30th January, 1944.

WAVELL,
F. M.,
Viceroy and Governor General."

GENERAL BUDGET.

"For the purposes of sub-section (1) of section 67A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, and in pursuance of rule 13 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I,

Archibald Percival, Viscount Wavell, hereby appoint Tuesday, the 29th February, 1944, a P.M., for the presentation to the Council of State, and Tuesday, the 7th March, 1944, for the General Discussion in the Council of State, of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of subjects other than Railways.

NEW DELHI ;
The 30th January, 1944.

WAVELL,
F. M.,
Viceroy and Governor General.

"In pursuance of the provisions of sub-section (3) of section 67A, as set out in the Ninth Schedule to the Government of India Act, 1935, I hereby direct that the heads of expenditure specified in that sub-section other than those specified in clause (v) thereof, shall be open to discussion by the Council of State when the Budget for the year 1944-45 is under consideration.

WAVELL,
F. M.,
Viceroy and Governor General."

PANEL OF CHAIRMEN.

"In pursuance of the provisions of sub-section (2) of Section 63A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, I, Archibald Percival, Viscount Wavell, hereby nominate the following Members of the Council of State to be on the Panel of Chairmen of the said Council of State.

In the first place, the Honourable Sir David Devadoss ; in the second place, the Honourable Mr. M. N. Dalal ; in the third place, the Honourable Mr. V. V. Kalikar ; and lastly the Honourable Saiyed Mohamed Padshah Sahib Bahadur.

NEW DELHI ;
The 6th February, 1944.

WAVELL,
F. M.,
Viceroy and Governor General."

COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT : Under Standing Order 76 of the Council of State Standing Orders, I am required at the commencement of each session to constitute a Committee on Petitions consisting of a Chairman and four members. The following members at my request have kindly consented to preside over and serve on the Committee. I accordingly have much pleasure in nominating as Chairman of the Committee the Honourable Raja Charanjit Singh and as members, the Honourable Pandit Hirday Nath Kunzru, the Honourable Sir Ramunni Menon, the Honourable Haji Syed Muhammad Husain and the Honourable Mr. Chidambaram Chettiyar.

CONGRATULATIONS TO RECIPIENTS OF HONOURS.

THE HONOURABLE THE PRESIDENT : It is customary for the President to offer the congratulations of the Council to Honourable Members who have been fortunate enough to be the recipients of Honours in the last New Year's Gazette. You must have noticed that this time many of our past members who had adorned this Council for long periods as well as some new members are the recipients of Honours.

We have all heard with great pleasure and satisfaction the conferment of the Grand Commandership of the Indian Empire on our old and esteemed colleague, the Honourable Sir Reginald Maxwell. After a very successful official career in the Bombay Presidency he came to the Government of India some years ago and he was appointed Home Secretary and a Member of this Council. For many years he was a very able and enthusiastic member in this Council and gained the esteem and respect of all Honourable Members by his persuasive methods, his humbleness, his politeness specially and the way in which he conducted his arduous duties as Home Secretary. We are all therefore very pleased. Later on, he was translated to the Assembly where also he has done very good work for over five years. We are all very glad to know that Government have appreciated his great services to India and conferred on him this high distinction.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : I take it that this is a purely personal expression of opinion on your part.

THE HONOURABLE THE PRESIDENT: Honourable Members of this Council, it is usual for the President, as you know, to express his opinions on matters like this. Some individuals may differ from what I say, but I have only to take the longstanding practice into consideration and go by the general opinion which I believe a large majority of members of this Council have in that connection.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I made this remark with reference to what you said with regard to our appreciation of his great services to India.

THE HONOURABLE THE PRESIDENT: I have said that some members may differ. We all differ in this country on many important points. But that is no reason why this Council should lag behind in the matter of appreciation of the good services of a person who is about to retire when he has rendered them.

The next gentleman to whom I wish to refer was in this Council at one time as His Excellency the Commander-in-Chief and later on as Deputy Commander-in-Chief, General Sir Alan Fleming Hartley. You are all aware that during the time he was acting as Commander-in-Chief and also as Deputy Commander-in-Chief in this House he gained the esteem and confidence of all by his sobriety of views and his very courteous treatment to this House. He participated in many important discussions connected with military affairs and he always spoke with great ability and humility and we all appreciate that Government has on his retirement from this House conferred on him this high distinction.

You must all have learnt that our old colleague who was for a short time in this House and who now occupies the position of Private Secretary to His Excellency the Viceroy and Governor General, Sir Evan Meredith Jenkins, has received the honour of a K.C.I.E. We have all known him for many years. He has been in Delhi for some years. First as Chief Commissioner of Delhi he did excellent work and he gained the confidence of the people of Delhi and was highly respected, liked, and admired. On account of his great ability he subsequently became Secretary in the Supply Department where he has worked with zeal to the satisfaction of his old master Sir Homi Mody and also of the public generally. We are glad that he has been appointed Private Secretary to His Excellency the Governor General and we are confident that on account of his great ability, his vast experience and his great erudition, humility and personal deportment he will be very much appreciated and liked by all.

Sir Charles MacIvor Grant Ogilvie who was for many years a member of this House has been honoured with a Knighthood. As Secretary in the Defence Department his work was very much appreciated. He deserves our congratulations. I have no doubt that other and higher honours are awaiting him also if he continues to remain here in India. I also offer to him congratulations on your behalf.

You must have all been pleased to know that our colleague, Mr. Sen, who cut such a brilliant figure in this House at the last session when he discussed food questions, has been awarded the C.I.E. We all admire the great ability with which he dealt with very important questions in this Council. On your behalf I offer him our congratulations on the honour which he has received.

Another gentleman who has received the C.I.E. is Kanwar Hajee Ismaiel Ali Khan. He was in our Council from the 21st August, 1937 till the 23rd January, 1940 and, later on, he became a member of the Assembly. He very seldom spoke but whenever he did he was appreciated in this House. We offer him our congratulations.

DEATH OF KHAN BAHADUR IHTISHAM HYDER CHAUDHURY.

THE HONOURABLE THE PRESIDENT: Honourable Members, you must all be aware by this time that one of our old colleagues has unfortunately died. I refer to Khan Bahadur Syed Ihtisham Hyder Chaudhury. He was a member of this House for some three or four years and was very well known to all of us. I will not therefore trouble you by making further remarks. We are all very sorry to hear of his untimely demise.

GOVERNOR GENERAL'S ASSENT TO BILLS.

SECRETARY OF THE COUNCIL : Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the following Bills which were passed by the two Chambers of the Indian Legislature during the Autumn Session, 1943, namely :— .

1. The Victoria Memorial (Amendment) Act, 1943.
2. The Criminal Procedure (Amendment) Act, 1943.
3. The Code of Criminal Procedure (Amendment) Act, 1943.
4. The Code of Criminal Procedure (Second Amendment) Act, 1943.
5. The Indian Tea Control (Second Amendment) Act, 1943.
6. The Indian Companies (Amendment) Act, 1943.

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 a copy of the Bill further to amend the Coffee Market Expansion Act, 1942, which was passed by the Legislative Assembly at its meeting held on the 10th February, 1944.

THE HONOURABLE THE PRESIDENT : The rest of the business will be adjourned till tomorrow.

The Council then adjourned till Eleven of the Clock on Wednesday, the 16th February, 1944.