

Tuesday, 23rd March, 1926

**THE
COUNCIL OF STATE DEBATES**

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OF THE

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COUNCIL OF STATE.

Tuesday, 23rd March, 1926.

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

APOLOGY BY THE HONOURABLE LALA SUKHBIR SINHA FOR HIS ABSENCE FROM THE MEETING OF THE 15TH INSTANT.

THE HONOURABLE THE PRESIDENT: The Honourable Lala Sukhbir Sinha.

THE HONOURABLE LALA SUKHBIR SINHA: Sir, before I ask my questions I would like, with your permission, to say a few words about the remarks that you had to make on the 15th of this month. These questions were put on the agenda paper at my request for that day and I was ready to attend that meeting, but I am very sorry to say that on account of my ill-health and the bad weather that prevailed on that day, I could not be present. It is the first instance in my 18 years of Council work when I have been absent from a meeting in which I had to ask my questions or move some Resolution. On this occasion I was very sorry that I could not attend the meeting and I apologize for my absence.

THE HONOURABLE THE PRESIDENT: Will the Honourable Member proceed with his questions?

QUESTIONS AND ANSWERS.

CONCESSION AND RETURN TICKETS ON RAILWAYS.

199. THE HONOURABLE LALA SUKHBIR SINHA: (a) Will Government be pleased to state on what railway lines concession and return tickets have been introduced and at what rates?

(b) Do Government propose to have concession and return tickets introduced on all the Railway lines, without further delay, where they have not yet been introduced?

THE HONOURABLE MR. D. T. CHADWICK: (a) Various concession and other return tickets have been introduced on the principal Railways and it is not practicable within the limits of a reply to a Council question to give details of them all.

(b) The introduction of such concessions is within the competence of Railway Administrations who are fully alive to the desirability of introducing them as circumstances permit.

THE HONOURABLE LALA SUKHBIR SINHA: Will Government draw their attention to the necessity of introducing them as soon as possible?

THE HONOURABLE MR. D. T. CHADWICK: All Railways have been asked to make reductions wherever possible in their fares, and as the Honourable Member will see from the statements that have been published in the proceedings of the Standing Finance Committee for Railways, many concessions and reductions have been made. It will be necessary first of all to see the financial effect of these reductions before going further.

THE HONOURABLE LALA SUKHBIR SINHA: My question is not about concession but about return tickets.

THE HONOURABLE MR. D. T. CHADWICK: A Railway has to look to its receipts taken as a whole. As I have said, it has made reduction in the rates and fares and it cannot proceed further until it has seen the effect of what it has already done.

APPOINTMENT OF A CENTRAL AGRICULTURAL COMMITTEE, ETC.

200. THE HONOURABLE LALA SUKHBIR SINHA: Are Government going to appoint a permanent Central Agricultural Committee in the Government of India and hold an Agricultural Conference?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR: Government have no intention at present of taking either of the steps indicated by the Honourable Member.

THE HONOURABLE LALA SUKHBIR SINHA: Is it settled that a Royal Commission will be appointed for the improvement of agriculture in this connection?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR: The appointment of the Royal Commission has already been announced and until the recommendations of that Commission are received, Government have no intention of taking any action which would be for the settlement of issues mainly for the consideration of the Royal Commission.

IMPROVEMENT OF SUGAR-CANE CULTIVATION AND THE MANUFACTURE OF SUGAR.

201. THE HONOURABLE LALA SUKHBIR SINHA: What steps have the Government of India and the Local Governments taken after the publication of the Sugar Committee's Report, 1920, for the improvement of sugar-cane cultivation and the manufacture of sugar, and with what result?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR: So far as the agricultural side of the recommendations is concerned, the Government of India have brought the Sugar-cane Breeding Station at Coimbatore under Imperial control and have made it permanent. They have also sanctioned additional funds and staff for this Station for the expansion and development of breeding work which promises to bring about a great improvement of canes in India. Some of the promising types bred at this Station are already being grown on a large scale, particularly in North Bihar, where they are giving from 50 to 100 per cent. more juice per unit area than the local varieties.

Agriculture being a transferred subject, the recommendations of the Committee concerning different provinces were referred to Local Governments and most of them are, as far as possible, giving effect to them. In the cane-growing provinces the Agricultural Departments have drawn up and are now carrying out definite programmes of work on cane; some of these provinces are providing additional funds and staff for improving the methods of cane cultivation. The Local Governments of certain provinces, have, moreover, decided to give grants of land on special terms for cane-growing. Reports regarding the progress made in Madras, Bombay and Assam in the matter of the improvement and extension of sugar cultivation have been placed in the Members' Library.

On the manufacturing side, the Government of India have not yet been able to give effect to the Committee's recommendations owing to financial stringency. In the provinces, however, the use of three-roller iron mills for crushing cane and of iron pans and better types of furnaces for making *gur* are being demonstrated. The testing of different types of small power mills capable of crushing from one to two tons of cane per hour and of multiple furnaces for manufacturing *gur* is receiving attention in some of the more important cane-growing provinces.

IMPORT OF SUGAR INTO INDIA.

202. THE HONOURABLE LALA SUKHBIR SINHA: Will Government state separately the total quantity of cane and other sugars imported into India during the last three years and the total income of import duty collected on them; also the total area under cane cultivation, the total amount of consumption of sugar and the average income of cultivation per acre in this country?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR: The total quantity of cane and other sugars (including molasses and confectionery but excluding saccharine) imported into India and the amount of import duty collected during the three years ending 1924-25 were as follows:

---				Imports (Tons).	Import duty Rs.
1922-23	.	.	.	503,986	43,822,000
1923-24	.	.	.	476,021	33,785,000
1924-25	.	.	.	729,889	58,396,000

The total area under cane cultivation in this country during the same period was:

	Acres.
1922-23	2,740,000
1923-24	2,820,000
1924-25	2,582,000

Figures showing the estimated amount of sugar available annually for consumption as published in the reports of the Sugar Bureau are as follows:

	Quantity (Tons).
1922-23	515,000
1923-24	528,000
1924-25	709,000

Figures relating to the average income of sugar cultivation per acre during the last three years are not available, but the Sugar Committee made inquiries in 1920 from all cane-growing provinces regarding the cost of growing cane and the profits obtained therefrom. The average of all the figures they obtained in 1920 was Rs. 150 per acre profit. Prices have fallen since that year and the average profit per acre is probably now substantially less.

AREA UNDER WHEAT CULTIVATION, ETC.

203. THE HONOURABLE LALA SUKHBIR SINHA: Will Government state the total area under wheat cultivation, the average produce of wheat per acre, the total export to other countries and the total amount required for consumption in this country?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR: During the year 1924-25 the total area under wheat in India was 31,788,000 acres, the average outturn per acre 613 lbs., and the total export of wheat and wheat flour 1,189,760 tons. Government are not in a position to state the amount of wheat required for consumption in this country as the demand must vary from year to year with prices and other factors. The net balance of the wheat crop available for domestic consumption in 1924-25 was estimated at 8,441,000 tons. It is, however, impossible to state what stocks were brought forward from the previous year or carried forward to the succeeding year. The average quantity available for domestic consumption annually during the three years ending 1924-25 was 9,090,000 tons.

EXPENDITURE ON THE AGRICULTURAL DEPARTMENTS IN THE PROVINCES.

204. THE HONOURABLE LALA SUKHBIR SINHA: Will Government give a statement of expenditure on the Agricultural Departments of every province in the pre-reform year of 1919-1920 and every year after this Department was transferred in 1920-1921?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR: The statement desired is laid on the table.

Statement showing the total expenditure on Provincial Agricultural Departments from 1919-20 to 1924-25.

Province.	1919-20.	1920-21.	1921-22.	1922-23.	1923-24.	1924-25 Revised Estimates
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Bengal	8,38,871	9,07,446	9,81,911	10,02,777	8,52,096	10,48,000
Bihar and Orissa	3,88,872	4,69,612	4,71,529	5,02,552	*4,39,823	4,57,564
United Provinces	9,90,814	14,63,199	21,33,001	19,24,690	17,33,177	17,82,800
Punjab	11,18,512	17,78,058	16,72,072	14,33,289	13,25,399	15,28,800
Bombay	13,43,892	16,09,000	19,50,254	14,77,958	15,12,253	15,92,000
Madras	13,16,827	12,71,158	13,86,006	11,59,428	14,47,949	14,20,100
Central Provinces	5,10,020	7,22,926	9,55,800	9,09,803	9,56,641	9,25,700
Burma	2,96,723	3,77,712	5,22,615	6,50,220	7,82,224	8,39,200
Assam	3,08,066	2,39,840	3,21,099	2,58,060	2,56,186	2,52,900
N.-W. F. Province	40,019	50,433	55,954	57,312	53,608	81,000
Baluchistan	18,519	28,401	28,461	19,540	12,170	16,800

*For the whole year according to the accounts for 1923-24.

RECOMMENDATIONS OF THE ECONOMIC INQUIRY COMMITTEE.

205. THE HONOURABLE LALA SUKHBIR SINHA: Will Government be pleased to state what further steps they are going to take on the Report of the Indian Economic Inquiry Committee published in 1925, in order to give effect to the recommendations of the Council of State, made in their Resolution on the 4th February, 1924, and of the Legislative Assembly on the 22nd September, of the same year?

THE HONOURABLE MR. D. T. CHADWICK (on behalf of the Honourable Mr. A. C. McWatters): The Government have addressed Provincial Governments as regards the further action to be taken on the Report of the Committee. I am afraid I shall not be in a position to give a more detailed reply on the subject until those answers have been received and considered.

AGE OF RETIREMENT OF HIGH COURT JUDGES.

206. THE HONOURABLE LALA SUKHBIR SINHA: Will the Government be pleased to state whether the question of raising the age limit for the retirement of the Chief Justices and Judges of the High Courts in India to sixty-five years is under consideration and what steps, if any, have been taken in that direction?

THE HONOURABLE MR. J. CRERAR: The reply to the first part of the question is in the negative, and the second part does not therefore arise.

APPOINTMENT OF A THIRD MINISTER IN THE UNITED PROVINCES.

207. THE HONOURABLE LALA SUKHBIR SINHA: Will Government be pleased to state whether the United Provinces Government has appointed a third Minister without the previous sanction of the Governor General in Council?

THE HONOURABLE MR. J. CRERAR: The sanction of the Governor General in Council to the appointment of Ministers is not required by section 52 of the Government of India Act.

STRENGTH OF THE ALLAHABAD HIGH COURT.

208. THE HONOURABLE LALA SUKHBIR SINHA: (a) Is it a fact that the Allahabad High Court is to have a permanent strength of nine Judges, instead of seven, and two additional Judges besides for a period of two years?

(b) Will the Government be pleased to lay on the table the figures of institution and disposal of (i) civil appeals and revisions; (ii) criminal appeals, revisions and references; and (iii) original trials, relating to the High Court at Allahabad for the years 1915 to 1925?

THE HONOURABLE MR. J. CRERAR: (a) Yes.

(b) I refer the Honourable Member to the Statistics given in the Civil Statements of the High Court of Judicature at Allahabad and of the Courts subordinate thereto for the years in question. For example the information required for the year 1924 will be found in paragraph 7 of the volume of Civil Statements for that year.

ACCUMULATION OF ARREARS IN HIGH COURTS.

209. THE HONOURABLE LALA SUKHBIR SINHA: (a) Will the Government be pleased to state the actual number of court sittings of each Judge in the different High Courts in India in the years 1923, 1924 and 1925?

(b) Will it be pleased to state in what High Courts in India the Judges do not sit on Saturdays?

(c) Is it a fact that in most High Courts the actual number of court days on an average hardly exceeds two hundred days in a year and that frequent reports of accumulation of arrears are received from the High Courts with a recurring demand for additional Judges; if that is so, what remedy do the Government propose to adopt to prevent further accumulation?

THE HONOURABLE MR. J. CRERAR: The Honourable Member is doubtless aware that the Government of India are directly concerned with the Calcutta High Court only. The information asked for by the Honourable Member is also information in regard to the detailed internal administration of the Courts themselves. That administration has, in the case of all the Courts, been invested by the Government of India Act, by the Letters Patent and by legislation in India in the High Courts as a whole and in the Chief Justices in particular. It is true that under the provisions included in the Letters Patent, the Government of India and, except in the case of the Calcutta High Court, Local Governments, may call for records, returns and statements. The Government of India, however, consider that no public purpose would be served by publishing the detailed information asked for. They are aware of the great increase in litigation in the High Courts in India which has resulted in much congestion of legal business. That congestion has engaged and is engaging the attention of the High Courts, the Chief Justices and the Executive Governments concerned and they trust that the action which has been and is being taken will result in the disposal of the arrears, which have accumulated, as far as possible.

PASSAGE ALLOWANCES OF GOVERNMENT OFFICERS.

210. THE HONOURABLE MR. MANMOHANDAS RAMJI: Will the Government be pleased to state:

(a) whether their attention has been drawn to the advertisement of the Ellerman City and Hall Lines, in the *Times of India* to the following effect:

Government allowance, £140 per return passage. Ellerman Line return fare £122, First Class, A., £105, First Class, B. The difference will be credited by Government and may be utilized by the officer against additional passages;

(b) whether it is a fact that the payment for the passage allowance, under the Lee scheme to Government officers, is made in cash;

(c) if so, whether such was the recommendation of the Lee Commission;

(d) if not, why have the Government adopted this procedure; and

(e) whether the difference in the Government allowance and the steamship company's rate can be utilized by the officer for himself?

THE HONOURABLE MR. D. T. CHADWICK (on behalf of the Honourable Mr. A. C. McWatters): The Government have seen the advertisement in question. The position is that the Lee Commission recommended the grant of a certain number of passages of the standard of P. and O., 1st Class, "B". In practice, it is not obligatory on the officers or their families to travel by this Company or that class. The cost of each journey debitable to Government is limited to the amount admissible according to this standard. If a particular journey is actually more expensive, the officer has to pay the excess from his own pocket. If less expensive, the saving remains at the credit of a *pro forma* passage account opened in the name of the officer and of each member of his family separately and may be utilised by the beneficiary towards further passages later, but no transfer of a credit is allowed from one account to another. Payment is not made in cash to the officer: In fact, except in the case of certain journeys by land, payments are usually made only to Steamship companies or passenger agents. If the Honourable Member requires more detailed information, I would invite his attention to the Home Department Notification No. F.-172-B., dated the 15th January, 1925, and the Finance Department Notification No. F.-35, dated the 6th February, 1925, which contain the rules originally framed on the subject and which were published in the Gazette of India at the time.

RESOLUTION RE EMIGRATION OF INDIAN UNSKILLED LABOURERS TO BRITISH GUIANA.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH SAHIB BAHADUR (Member, Education, Health and Lands): Sir, I move:

"That this Council approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to British Guiana and recommends to the Governor General in Council that the notification be published in the Gazette of India."

Sir, I do not propose to weary the House by reading the notification which, I take it, has been in the hands of Honourable Members for the last few days. Nor do I intend to take the House over the whole history connected with this episode beyond mentioning for their information a few relevant facts from and after the year 1920. It will, I think, be within the recollection of Honourable Members that in that year a deputation consisting of Dr. Nunan and Mr. Lukhoo visited Delhi for the purpose of laying before the Government of India a colonisation scheme for the benefit of such of the Indians who intended to take advantage of the same. Before coming to any conclusion as regards the steps which the Government of India should take in the matter it was decided to appoint a Committee of the then Indian Legislature to interview the deputation, ascertain the full details of the scheme and its implications, if any, and make a definite recommendation to Government. This Committee of the Legislature went into the whole question completely and fully and was of opinion that the scheme as presented by the British Guiana representatives appeared then to be capable of acceptance but that a deputation should be sent from India with certain definite instructions to examine the scheme. The instructions to the deputation were to investigate local conditions in British Guiana, to examine on the spot the suitability of the colonisation scheme put forward by the representatives of British Guiana and to report whether any further guarantee in respect of the status of

[Sir Muhammad Habibullah.]

Indian emigrants are necessary before emigration was renewed. For certain reasons, into which I need not enter at the present moment, the deputation which was appointed by the Indian Government to proceed to British Guiana with these definite instructions could not leave India before 1922. They examined the question thoroughly and made a report in two instalments. The first instalment consisted of a report by the two Indian members and the second by the English member. The English member of the deputation could not sign the report which was prepared by the Indian members as by the time it was ready he had left London and was otherwise engaged. However, these two instalments of the report were received by the Government of India in May, 1923, and October, 1923, respectively. The question as to the action which the Government of India should take thereon had naturally to be referred to the Standing Emigration Committee, a body which had come into existence since, and after a very careful consideration of the question they came to the conclusion that another officer should be deputed to British Guiana for the purpose of making a thorough survey of the position and securing such concessions on behalf of the Indians who may emigrate as it was possible to do. In the meantime, Sir, there was an unfortunate incident in British Guiana which I think somewhat disturbed the Indian feelings—I am referring to the riot in British Guiana in which a few Indian lives were lost. After, however, the atmosphere had calmed down and after we had obtained authentic records relating to the Coroner's inquiry which was held in British Guiana over the riot in question, the proposal to depute an Indian officer to British Guiana was renewed. Kunwar Maharaj Singh, an officer of undoubted merit and ability and one whom the Government of India regarded as best fitted for that appointment, was eventually chosen. As he happened to be at the time on leave in England his services were not available for that purpose before October, 1925. He proceeded to British Guiana, made thorough and careful inquiries and submitted a report which I take it is in the hands of Honourable Members as it was published in February 1925. The notification which I ask the sanction of this House to issue is based on the main recommendations contained in that report. There are, I know, a few subsidiary recommendations which have been made by the special officer and they have been or are being dealt with between the Government of India and the Colonial Government by correspondence, and I can assure the House that so far even as those subsidiary recommendations are concerned, the Colonial Government is willing to accept them. What will be the effect of these recommendations may I ask myself? It seems to me, Sir, that if this notification is approved, and if Indians are permitted to emigrate to British Guiana under the terms and conditions which have been therein specifically mentioned, we shall have secured a guarantee on behalf of those Indians who go to British Guiana for equal rights and status in common with the other residents of British Guiana regardless of colour or caste. We have secured on behalf of the future emigrant an honourable means of livelihood unfettered by any social or other considerations. We have also created, I think, a link between British Guiana and India which I hope and trust will be to the mutual advantage of both the countries. Sir, those who have read the report would have noticed that as things now stand the condition of Indians in British Guiana is more satisfactory than what could be found in some of the slums of

our own country. The moment they go there they shake off the social barriers which rather hamper them in this country and are permitted to carry on such trade, avocation or calling as may be to their taste. Some of them belonging to what may technically be regarded in India as the untouchables or the depressed classes have adorned some of the honourable professions in that country. We therefore hope, Sir, that this further batch of Indians which will go with sufficient safeguards and sufficient guarantees will add still more to the prosperity of the Indian settler there and I also hope, Sir, that by this means we shall extend India across the seas in every British Possession and Colony, and thereby convince the world that we really are a part of the British Commonwealth of Nations.

THE HONOURABLE THE PRESIDENT: The question is that the following Resolution be adopted, namely:

“ This Council approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to British Guiana and recommends to the Governor General in Council that the notification be published in the Gazette of India.”

The motion was adopted.

INDIAN SUCCESSION (AMENDMENT) BILL.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Sir, I beg to move that the Bill to amend the provisions of section 33 of the Indian Succession Act, 1925, be taken into consideration.

Sir, I have very little to say further in connection with this small Bill than what I said when introducing it in this House a few days ago. I made it plain then that this Bill has no application to any community in this country except to Europeans and Anglo-Indians. When the Indian Succession Act of 1865 came into being, those portions of it which applied to Anglo-Indians and Europeans in this country were based on the law as it then was in England. The law in England was amended in 1890 to introduce some improvements in the Succession Act there in connection with small estates in cases of intestacy without lineal descendants. The law of India was never amended in a similar fashion, and this small Bill of mine now seeks to amend that law in order to introduce in this country the improvements made in the English law. As I said on the previous occasion, this Bill has received the approbation of Europeans and Anglo-Indians in this country, and I commend it to this Council.

The motion was adopted.

Clause 2 was added to the Bill.

THE HONOURABLE THE PRESIDENT: The question is:

“ That clause 3 stand part of the Bill.”

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir I move as an amendment:

"That in sub-section (5) of section 33-A proposed to be inserted in the Indian Succession Act, 1925, by clause 3 of the Bill, the following be added to clause (a), namely:

'or of any person professing the Hindu, Buddhist, Sikh or Jaina religion the succession to whose property is, under section 24 of the Special Marriage Act, 1872, regulated by the provisions of this Act'."

This is purely a drafting amendment designed to carry out the intentions of the Honourable Mover. The provisions of the Special Marriage Act, section 24, are as follows:

"Succession to the property of any person professing the Hindu, Buddhist, Sikh or Jaina religion who marries under this Act and to the property of the issue of such marriage shall be regulated by the provisions of the Indian Succession Act, 1865."

The Honourable Sir Arthur Froom has explained to the Council that his intention is that this Bill should regulate solely the intestate property of members of the European and Anglo-Indian communities. Owing, however, to the existence of this provision in the Special Marriage Act, unless a special provision for exclusion is made, it will apply to a class of persons which was not contemplated by the Honourable Mover. The amendment proposed is, as I say, an entirely drafting amendment, and I trust the House will accept it, and also the Honourable Mover.

THE HONOURABLE SIR ARTHUR FROM: Sir, I accept the amendment, and in doing so I should like to express my thanks to the Honourable Mr. Crerar for introducing it. I recognize at once that it constitutes a further improvement on my small Bill.

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE SIR ARTHUR FROM: Sir, I beg to move that the Bill as amended be passed.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The Council will now adjourn till 11 o'clock on Thursday, 25th March, when the Council will meet in the Chamber of the Legislative Assembly to hear the address of His Excellency the Governor General.

The Council then adjourned till Eleven of the Clock on Thursday, the 25th March, 1926.