

Wednesday, 26th August, 1925

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OF THE
COUNCIL OF STATE, 1925



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CONTENTS.

Pages.

THURSDAY, 20TH AUGUST, 1925—

Inauguration of the Sixth Session of the Council of State and the Third Session of the Second Legislative Assembly	1—15
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TUESDAY, 25TH AUGUST, 1925—

Members sworn	17
Message from H. E. the Governor General—Panel of Chairmen ...	17
Committee on Petitions	17—18
Questions and Answers	18—45
Governor General's Assent to Bills	45
Deaths of Lord Rawlinson, Sir Surendra Nath Banerjea and Mr. C. R. Das	45—54
Indian Succession Bill—Presentation of Report of the Joint Committee	54
Indian Succession (Amendment) Bill—Presentation of Report of the Joint Committee	54
Resolution <i>re</i> Piece-workers in the Government of India Presses—Negatived	54—67
Resolution <i>re</i> Reforms—Not moved	68—69
Filling of a vacancy on the External Capital Committee	69—70

WEDNESDAY, 26TH AUGUST, 1925—

Election of the Honourable Sir William Currie as a Member of the External Capital Committee	71
Messages from the Legislative Assembly	71
Oudh Courts (Supplementary) Bill—Introduced	71
Criminal Tribes (Amendment) Bill—Introduced	72
Cotton Transport (Amendment) Bill—Introduced	72
Repealing and Amending Bill—Introduced	72
Madras, Bengal and Bombay Children (Supplementary) Bill—Introduced	72—73
Indian Ports (Amendment) Bill—Introduced	73
Carriage of Goods by Sea Bill—Referred to Joint Committee	73—75
Statement of Business	75

MONDAY, 31ST AUGUST, 1925—

Questions and Answers	77—80
Oudh Courts (Supplementary) Bill—Passed	80—91
Criminal Tribes (Amendment) Bill—Passed	91—92
Cotton Transport (Amendment) Bill—Passed	92—93
Repealing and Amending Bill—Passed	93
Madras, Bengal and Bombay Children (Supplementary) Bill—Passed	94—95
Indian Ports (Amendment) Bill—Passed	95

TUESDAY, 1ST SEPTEMBER, 1925—

Questions and Answers	97—125
Bills passed by the Legislative Assembly laid on the Table ...	126
Carriage of Goods by Sea Bill. Report of Joint Committee laid on the Table	126

COUNCIL OF STATE.

Wednesday, 26th August 1925.

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

ELECTION OF THE HONOURABLE SIR WILLIAM CURRIE AS A MEMBER OF THE EXTERNAL CAPITAL COMMITTEE.

THE HONOURABLE THE PRESIDENT: The nominations to fill the vacant place on the External Capital Committee closed at 11 o'clock this morning. I have received one nomination only, that is, the name of the Honourable Sir William Currie, nominated by the Honourable Dr. Sir Deva Prasad Sarvadhikary. I therefore declare the Honourable Sir William Currie to be duly elected.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

THE SECRETARY OF THE COUNCIL: Sir, two messages have been received from the Legislative Assembly. The first message runs as follows:

“ I am directed to inform the Council of State that the following motion was carried in the Legislative Assembly at their meeting on the 25th August, 1925, and to request the concurrence of the Council of State in the recommendation contained therein, namely:

That this Assembly do recommend to the Council of State that the Bill to amend the law with respect to the carriage of goods by sea be referred to a Joint Committee of this Assembly and of the Council of State, and that the Joint Committee do consist of 14 Members.”

The second message runs as follows:

“ I am directed to inform you that the further amendments which were made by the Council of State in the Bill to amend and consolidate the law relating to Government and other Provident Funds were taken into consideration by the Legislative Assembly at their meeting of the 25th August, 1925, and that the Legislative Assembly have agreed to the amendments.”

OUDH COURTS (SUPPLEMENTARY) BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I move for leave to introduce a Bill to supplement the Oudh Courts Act, 1925.

As Honourable Members will observe, this is a formal measure and at this stage I do not propose to add anything to the Statement of Objects and Reasons.

The motion was adopted.

THE HONOURABLE MR. J. CRERAR: Sir, I introduce the Bill.

CRIMINAL TRIBES (AMENDMENT) BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary) : Sir, I move for leave to introduce a Bill to amend the Criminal Tribes Act, 1924.

This Bill is designed to remove doubt or to express more clearly the law on a small administrative point relative to the working of the Criminal Tribes Act. The particular point involved is a somewhat technical one and is fully explained in the Statement of Objects and Reasons to which at the present stage I do not propose to add anything.

The motion was adopted.

THE HONOURABLE MR. J. CRERAR : Sir, I introduce the Bill.

COTTON TRANSPORT (AMENDMENT) BILL.

THE HONOURABLE MR. D. T. CHADWICK (Commerce Secretary) : Sir, I move for leave to introduce a Bill to amend the Cotton Transport Act, 1923.

The object of this Bill is to remove a small difficulty which has occurred in the working of the Act and has been reported by the Government of Bombay. The alteration is also recommended by the Central Cotton Committee and at this stage I do not think I need say any more.

The motion was adopted.

THE HONOURABLE MR. D. T. CHADWICK : Sir, I introduce the Bill.

REPEALING AND AMENDING BILL.

THE HONOURABLE SIR NARASIMHA SARMA (Law Member) : Sir, I beg leave for the introduction of a Bill to amend certain enactments and to repeal certain other enactments.

The Statement of Objects and Reasons fully sets out the reasons for the amendments suggested and the repeals proposed. They are of a purely formal and non-controversial character. I would invite the attention of Honourable Members to the amendments proposed in the Indian Mines Act. The original intention of the Act has been carried out by the substitution of the punishment proposed in section 4 of the Act of 1889 in lieu of the punishment, which is a little more severe, provided for in the Repealing Act of 1923. This is certainly in favour of the subject. I have no further remarks to offer at this stage.

The motion was adopted.

THE HONOURABLE SIR NARASIMHA SARMA : Sir, I introduce the Bill.

MADRAS, BENGAL AND BOMBAY CHILDREN (SUPPLEMENTARY) BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary) : Sir, I move for leave to introduce a Bill to supplement certain provisions of the Madras

Children Act, 1920, of the Bengal Children Act, 1922, and of the Bombay Children Act, 1924.

As Honourable Members will observe these three Provincial enactments provide that in certain cases orders made by a Presidency Magistrate or by a Court of Session under the provisions of these Acts are appealable to the High Court. These provisions affect the jurisdiction of the High Courts concerned and therefore require the validation of the Indian Legislature.

The motion was adopted.

THE HONOURABLE MR. J. CRERAR : Sir, I introduce the Bill.

INDIAN PORTS (AMENDMENT) BILL.

THE HONOURABLE MR. D. T. CHADWICK (Commerce Secretary) : Sir, I move for leave to introduce a Bill further to amend the Indian Ports Act, 1908.

At present section 31 (4) of the Indian Ports Act exempts from the provisions of sub-section (1) of that section certain vessels in the port of Bombay. The object of this Bill is to allow similar exemptions to be given in other ports where that seems desirable. The matter has been brought up by the Karachi Port and the Bombay Government.

The motion was adopted.

THE HONOURABLE MR. D. T. CHADWICK : Sir, I introduce the Bill.

CARRIAGE OF GOODS BY SEA BILL.

REFERENCE TO A JOINT COMMITTEE.

THE HONOURABLE MR. D. T. CHADWICK (Commerce Secretary) : Sir, I beg to move :—

“That this Council do agree to the recommendation of the Legislative Assembly that the Bill to amend the law with respect to the carriage of goods by sea be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of fourteen members.”

This is an invitation from the Assembly to the Council of State to appoint seven of its Members to serve on a Joint Committee to consider the Bill for the amendment of the law regulating the carriage of goods by sea. This Bill deals with bills of lading, and is at the present moment under the consideration of the Assembly. As it has not been before this Council before, it is only right and proper that I should explain briefly its scope and what has been done in regard to it.

The House is aware that commercial goods in maritime trade are mostly carried on bills of lading which are negotiable instruments in which the ship owners or the carriers, the shippers, bankers, insurance agents and also merchants who purchase goods whilst afloat are alike interested. For many years these different sections of commerce have been conferring together in an attempt to reach some definition of the liabilities which should attach to carriers of goods by sea, in other words, to regulate the conditions which might reasonably

[Mr. D. T. Chadwick.]

be attached to bills of lading. That subject has been an extremely difficult one. It has been discussed among these different sections of commerce not only in each country but also at International Conferences, and after many years an agreed set of rules has been arrived at. The last International Congress, a conference not of Government Officials, but of business men interested in each portion of these trades, namely, as carriers, merchants, bankers or insurance agents, agreed to this set of rules and also recommended that all countries with considerable maritime trade should embody those rules in their legislation. Therefore, Sir, the rules are a compromise, if you like, but yet they form a set of rules agreed to by those business men most concerned with these affairs. As such they have been already brought into force in the United Kingdom and also in Australia, and other countries have undertaken to legislate in the same sense.

With that object, in the last Delhi Session a Bill was introduced in the Legislative Assembly. That Bill was circulated to all parts of India for commercial opinion and the opinions of the Local Governments and High Courts. The opinions of all sections have been practically unanimous—I may say absolutely unanimous—in favour of these rules, and, therefore, I claim that this Bill is not merely a purely commercial Bill affecting commercial interests only, but it is also non-controversial. There is a little point in regard to one portion of it which would require discussion in Committee, but that is all. For this reason the Assembly has thought it advisable to refer it to a Joint Committee in which business interests will be well represented. It would save the time of this Council and it would be an expeditious and business-like way of disposing of this Bill if this Council agreed to the invitation of the Assembly and agreed to the appointment of a Joint Committee, which would consist of fourteen members, seven of whom will be elected or nominated by this House.

The motion was adopted.

THE HONOURABLE MR. D. T. CHADWICK : Sir, I beg to move :

“That the following Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill to amend the law with respect to the carriage of goods by sea, namely :

- the Honourable the Law Member ;
 - the Honourable Sir Dinshaw Wacha ;
 - the Honourable Sir William Crawford Currie ;
 - the Honourable Sir Maneckji Byramji Dadabhoj ;
 - the Honourable Mr. Manmohandas Ramji ;
 - the Honourable Mr. Ramdas Pantulu ; and
- myself.”

THE HONOURABLE THE PRESIDENT : The motion made by the Honourable Member does not correspond with that in my hand ; I do not find the name of the Honourable Mr. Ramdas Pantulu. The name on my list is that of the Honourable Rai Bahadur Lala Ram Saran Das.

THE HONOURABLE MR. D. T. CHADWICK : Sir, I owe you an apology for not having explained this at the time. In order to get this Bill through in this Session, it is desirable to hold the meeting of this Joint Committee before the end of this week, probably on Friday afternoon ; and while the Honourable Lala Ram Saran Das expressed his pleasure, if it were possible, to serve on this Committee, he explained that he would be absent from Simla for the week end ; and in his place this morning I invited the Honourable Mr. Ramdas Pantulu who accepted the invitation. I trust I have your permission, Sir, and the permission of the House to substitute the name of the Honourable Mr. Ramdas Pantulu for that of the Honourable Rai Bahadur Lala Ram Saran Das.

The motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE THE PRESIDENT : Has the Honourable the Leader of the House any information to give to the Council as to the future course of business in this Session ?

THE HONOURABLE SIR NARASIMHA SARMA (Law member) : Sir, the business balloted for the non-official meetings to be held on the 1st, 3rd, 5th, and 10th September has been communicated to Honourable Members. As regards official business, motions will be made on Monday next for the consideration and passing of the Bills introduced to-day.

On Wednesday, the 2nd September, you, Sir, will, I understand, move that the Bill to consolidate the law applicable to intestate and testamentary succession in British India be taken into consideration and passed, and time will be given to the Honourable Sir Arthur Froom to make a motion with regard to his Bill to amend the provisions of section 27 of the Indian Succession Act, 1865.

The further course of official business will depend on events elsewhere.

THE HONOURABLE THE PRESIDENT : I may inform the House that I intend to make the motion to which the Honourable the Leader of the House has referred on Wednesday next--the motion in regard to the Indian Succession (Consolidation) Bill.

The Council then adjourned till Eleven of the Clock on Monday, the 31st August 1925.
