

Monday, 27th March, 1922

THE  
**COUNCIL OF STATE DEBATES**  
(Official Report)

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**SECOND SESSION**  
OF THE  
**COUNCIL OF STATE, 1922**



SIMLA  
SUPERINTENDENT, GOVERNMENT CENTRAL PRESS  
1922

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# COUNCIL OF STATE.

Monday, the 27th March, 1922.

The Council assembled at Metcalfe House at Eleven of the Clock. The Honourable the President was in the Chair.

## QUESTIONS AND ANSWERS.

The HONOURABLE THE PRESIDENT: The Honourable Raja Motichand.

The HONOURABLE LALA SUKHBIR SINHA: Sir, he is not here. He has authorised me to request the Government Member to reply to his questions if he has no objection.

The HONOURABLE THE PRESIDENT: (to the Honourable Mr. Lindsay): Has the Government Member any objection?

The HONOURABLE MR. H. A. F. LINDSAY: No, I have no objection.

The HONOURABLE THE PRESIDENT: The Honourable Member will reply to it.

## STRIKE ON THE E. I. RAILWAY.

\*142. The HONOURABLE RAJA MOTI CHAND: (a) Is it a fact, as reported in the *Pioneer* of Sunday, February 19th, 1922, that strikers at Ghaziabad have instituted their own Courts and have been punishing non-strikers?

(b) If so, what action, if any, do the Government propose to take to deal with this?

The HONOURABLE MR. H. A. F. LINDSAY: There were rumours that a Khilafat court had been established at Ghaziabad in order to deal with non-strikers. The Government of India were not able to ascertain definitely whether such a court really was established, and as the strikers have returned to duty, they do not propose to take any further action in the matter.

## DEMANDS OF STRIKERS, E. I. RAILWAY.

143. The HONOURABLE RAJA MOTI CHAND: (a) Will the Government be pleased to state what the demands of the strikers on the East Indian Railway are; and (b) whether it is possible for the Government to meet any or all the demands?

The HONOURABLE MR. H. A. F. LINDSAY: One of the difficulties of the authorities in this matter has been to know with whom they have to deal. A meeting of delegates was held at Tundla on 28th February last and formulated certain demands. These demands were discussed by Mr. Andrews on behalf of the men with the Agent and a provisional settlement was arrived at. The terms of this settlement have been published in the press. Most of the strikers from Jhajha to Kalka have returned to duty on hearing

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\* The Honourable Member was absent.

of this settlement, but below Jhajha and Howrah the strikers are still holding out.

The HONOURABLE SAIYID RAZA ALI: May I ask a supplementary question to question No. 143, Sir? Are Government prepared to direct the Agent of the East Indian Railway that none of those employees who went on strike should be dismissed inasmuch as from what I have seen in the press now, the real bone of contention centres round the point whether those men who have been dismissed should be retaken or not.

The HONOURABLE MR. H. A. F. LINDSAY: The Agent has full authority to settle the matter.

The HONOURABLE SAIYID RAZA ALI: Are the Government prepared to interfere in the matter?

The HONOURABLE MR. H. A. F. LINDSAY: There is no need for Government to interfere.

#### LEGISLATION FOR STRIKES ON RAILWAYS.

144. The HONOURABLE RAJA MOTI CHAND: Is it a fact that in certain countries strike on railways is a crime? If so, do the Government propose to undertake any similar legislation?

The HONOURABLE MR. H. A. F. LINDSAY: Yes; particulars of legislation in different countries are given in Bulletin No. 23 of the Bulletins of Indian Industries and Labour which are distributed to the Honourable Members of this Assembly. In India, however, the going out on strike, or the advocacy of a strike, is not of itself a criminal offence, and Government do not at present propose to introduce legislation such as that suggested.

#### OVERCROWDING OF 3RD CLASS COMPARTMENTS

145. The HONOURABLE RAJA MOTI CHAND: (a) Is the Government aware that it is the general complaint that even under normal conditions third class compartments on Indian Railways are very frequently overcrowded?

(b) If so, what action, if any, do the Government propose to take to prevent such overcrowding?

The HONOURABLE MR. H. A. F. LINDSAY: (a) and (b) Yes. As the Honourable Member is no doubt aware, the remedy lies in the provision of more rolling stock and of better traffic facilities. Improvement is therefore a matter of time and money, but the subject is one which is always engaging the attention of the Government and the Railway Administrations.

#### OVERCROWDING ON RAILWAYS.

146. The HONOURABLE RAJA MOTI CHAND: (a) Has the attention of the Government been drawn to a recent decision of the Patna High Court reported in the *Pioneer* of the 3rd March, 1922, upholding the action of a traveller prosecuted for bringing a train to a halt by pulling the chain for use in grave emergencies as the only alternative to suffocation?

(b) Do the Government propose to take any action to prevent this sort of overcrowding in Railways? If so, what?

The HONOURABLE MR. H. A. F. LINDSAY: (a) The reply is in the affirmative.

(b) The Honourable Member is referred to the answer given to him to-day on the same subject.

#### EUROPEAN AND ANGLO-INDIAN EMPLOYEES ON RAILWAYS.

147. The HONOURABLE RAJA MOTI CHAND: (a) Is it a fact that of the total employees on Indian Railways at the close of the year 1920-21, 6,901 were Europeans and 11,699 Anglo-Indians?

(b) Will the Government be pleased to state how many Indians were in the same grade as the 6,901 Europeans and 11,699 Anglo-Indians?

The HONOURABLE MR. H. A. F. LINDSAY: (a) The reply is in the affirmative.

(b) Government have not this information and, in view of the expenditure of time and labour involved in its collection, they do not propose to obtain it.

The HONOURABLE SAIYID RAZA ALI: I want to ask a supplementary question with reference to No. 147. Will Government be pleased to take such steps as they consider advisable in order to introduce the Indian element in larger numbers?

The HONOURABLE MR. H. A. F. LINDSAY: I think if the Honourable Member refers to the last report of the Railway Department, he will see that all possible measures are being taken to increase the Indianisation of the Railways.

#### TRAINING OF INDIANS IN MECHANICAL ENGINEERING.

148. The HONOURABLE RAJA MOTI CHAND: (a) Is it a fact that regular schemes for the training of educated Indians in mechanical engineering have been drawn up by Indian Railway authorities for an adequate supply of skilled workmen in their mechanical services?

(b) Do the Government propose to publish the scheme in the near future? If so, how soon?

The HONOURABLE MR. H. A. F. LINDSAY: The more important railways provide facilities for the training of Indians as mechanics in their workshops and of recent years enlarged the scope of the training and improved the facilities at shops and technical classes, as it is recognised that the efficient training of Indians for these posts is a most important consideration. It is believed that these facilities are already sufficiently well known and appreciated at the various Railway centres where they exist to render any special steps for their publication unnecessary.

#### EUROPEANS AND INDIANS, WIRELESS BRANCH.

149. The HONOURABLE RAJA MOTI CHAND: (a) Is it a fact that out of a staff of 155 men engaged by the Telegraph Department on Wireless, none are Indians, the percentage being 46 Europeans, 54 domiciled Europeans, Indians nil?

(b) If so, will the Government be pleased to state the circumstances under which no Indians could be so employed?

(c) Do the Government propose to give any chance to Indians on wireless?

The HONOURABLE MR. B. N. SARMA: (a) The exact percentages are:

Europeans, 49 per cent.

Domiciled Europeans, 28 per cent.

Anglo-Indians, 23 per cent.

Indians, Nil.

(b) Before the war, the only civilians employed on wireless were a few specially selected men; and during the war, all stations were worked by the Army or Navy. After the war, wireless Telegraph stations reverted to civil control, but no additional personnel has been employed pending the introduction of the new scheme recently sanctioned.

(c) Under the scheme of reorganisation referred to in (b), stations will employ civil and military personnel in approximately equal proportions, and Indian recruits will be given every opportunity and encouragement to reach the higher posts. Moreover, if the supply of recruits is suitable and sufficient, it is proposed, in due course, to replace military telegraphists by civilians.

#### STRIKE ON E. I. RAILWAY.

150. The HONOURABLE RAJA MOTI CHAND: (a) Is it a fact that the strike on the East Indian Railway is entirely due to the preaching of lawlessness and racial hatred among the more ignorant classes of the community?

(b) Is it also a fact that intimidation and the incitements of political extremists are responsible for the refusal of large bodies of men to return to their work?

(c) If so, what action, if any, do the Government propose to take in the matter?

The HONOURABLE MR. H. A. F. LINDSAY: (a) The Honourable Member knows the facts and can draw his own conclusions.

(b) The Government of India believe that as in most strikes cases of intimidation have occurred, but intimidation being a non-cognizable offence it is always difficult to prevent it.

(c) The Government can be trusted to take action where offences against the law have been proved.

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#### WELCOME TO THE RIGHT HONOURABLE SRINIVASA SASTRI.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I believe I am voicing the opinion of all the Members of this Council, whether officials or non-officials, when I extend a very hearty welcome to our friend the Right Honourable Srinivasa Sastri. (Cheers). Mr. Sastri has been away from us for practically two Sessions, but as he was doing very important work for the country and for the Empire, I think, although we have missed his presence and his leadership here in this House, we are not going to grudge him his absence on account of the services that he has rendered there. We all felt proud when we read of the announcement that His Gracious Majesty the King Emperor gave him the honour of Privy Councillorship. The honour was not for him only, Sir. I believe it was meant, in the first instance, for this Council, and, in the second instance, for the whole country. At least we

take it that the honour was for us also. Those of us who have watched his career whether in Genoa, England or America, have seen what eminent services he has rendered to the country, and we are quite sure that when he goes again to Australia and Canada, he will render similar eminent service to the country in those parts also. With these words, Sir, I beg to congratulate my Right Honourable friend, Mr. Srinivasa Sastri, on the honour that has been done to him by His Majesty, the King Emperor, and wish him a long and happy life of usefulness to the country. (Cheers).

The HONOURABLE MR. K. V. RANGASWAMY AIYYANGAR: Sir, I wish to associate myself with the remarks that have fallen from my friend the Honourable Mr. Lalubhai Samaldas. Mr. Sastri is known to me for the last 20 years, and I have a great respect for him with all my differences in his politics. I should congratulate him on his successful tour abroad and wish him good luck and long life.

The HONOURABLE THE PRESIDENT: I should like also to associate myself from the Chair with the remarks that have fallen from the Honourable Members who have spoken. I endorse every word they have said and need only say how much we have missed the Right Honourable Srinivasa Sastri and how glad we are to see him back again. I will only add one word and that is, I trust that during the remainder of the Session he will attend with the greatest punctuality. (Laughter.)

The RIGHT HONOURABLE V. S. SRINIVASA SASTRI: Sir, I am really very happy to be back as one of you here in the Indian Council of State. I can assure you that amidst my duties abroad I never for one moment failed to remember the Council of State and the Legislative Assembly whose work I had often to interpret at a great distance to people, some of whom were profoundly interested in our advance and some of whom, as you may only expect, were disposed to be rather critical of our work. I was not very happy to be away from India at a time which was so full of difficulties and anxieties—difficulties and anxieties which I always felt it was my duty to have shared with you on the spot. I have forgotten it. I have not been addressing you, Sir. But all the time I was feeling that it was a great honour done to me to be able so to interpret the new regime as, if I may be allowed to say so, to enlist more sympathy in the West than we have hitherto enjoyed. Sir, I cannot let this occasion pass without thanking you from the bottom of my heart for allowing this departure from the routine in order that we may exchange cordial good wishes. I am profoundly touched by the way in which my friends have referred to the honour which I perfectly agree with them was meant more for the country that I represent than for myself. I am very pleased indeed to note that my countrymen regard my time spent abroad as not having been spent uselessly, and they consider that I have done nothing to discredit those whom I had the good fortune to represent. It is a great grief to me that I have to go away so soon, after of course putting in the possible attendance during the rest of the Session. But during the time that I shall be away again, I hope similarly to make known India's point of view to the Dominions for, if I have learnt one thing more than another during the recent months, it is that in future even more than in the past the public opinion of the Dominions and the public opinion of America will be of tremendous influence in shaping the policy of Great Britain even towards India, and if I may be allowed some opportunities of making known India's point of view and India's ambitions at their best in those parts of the great Commonwealth to which we are so proud to belong—if I may

[The Right Honourable Srinivasa Sastri.]

be allowed those opportunities—I think my absence, sad as it will be otherwise, will be relieved by the thought that I should still be serving away from you the same cause which you here are serving.

I thank you, Sir, once more.

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#### BILLS AS PASSED IN LEGISLATIVE ASSEMBLY LAID ON TABLE.

The HONOURABLE MR. H. MONCRIEFF SMITH: Sir, in accordance with rule 25 of the Indian Legislative Rules, I lay on the table the Bills which were passed by the Legislative Assembly at its meeting of the 25th March 1922. They are:

1. A Bill to repeal the Indian Press Act, 1910 and the Newspapers (Incitements to Offences) Act, 1908, and to make certain provisions in regard to the liability of editors of newspapers, and to facilitate the registration of printers and publishers; and to provide for the seizure and disposal of certain documents; and
  2. A Bill to regulate the employment of child labour in ports in British India.
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#### PRESS LAW REPEAL AND AMENDMENT BILL.

The HONOURABLE MR. S. P. O'DONNELL: With reference to the intimation which you gave on Saturday last when I mentioned this matter, I beg to inquire whether you would permit a motion to be moved to-day, that the Bill to repeal the Indian Press Act and the Newspapers (Incitements to Offences) Act be taken into consideration. If, Sir, it is not found possible to accede to that suggestion, I beg to inquire whether you would permit me to give notice that the same motion will be made to-morrow.

The HONOURABLE THE PRESIDENT: I should like to inquire from the Honourable gentleman when this Bill was introduced in the Assembly, and what was its progress there?

The HONOURABLE MR. S. P. O'DONNELL: The Bill was introduced in the Assembly on the 15th September 1921. It was referred to a Select Committee and the Report of the Select Committee was presented on the 1st March this year. The Report was circulated to Members of the Assembly the same day. The Report of the Select Committee was taken into consideration in the Assembly and the Bill was passed on the 25th March. The Bill, as passed by the Assembly, was circulated to the Members of this Council on the 25th March.

The HONOURABLE THE PRESIDENT: The Honourable Member very rightly mentioned this Bill on Friday, and therefore, the Honourable Members have had some intimation of the fact that the Bill might be laid on the table to-day, and taken into consideration. I will say at once that I cannot regard an attempt to make a motion on the day the Bill is laid as justifiable. This is an important Bill, and if the Council of State is to discharge its functions with regard to legislation, it must have some



time for the consideration of the Bill and some time for sending in amendments if they are found necessary. It is true that the Honourable Member mentioned the matter to me on Friday, and that Honourable Members may have followed the progress of the Bill. In these circumstances, although I cannot allow the motion to be made to-day, I am prepared to allow the Honourable Member to give notice now fixing to-morrow for discussion, but that will be subject to this reservation that the ordinary rule which requires amendments to be sent in with two days' clear notice will be abrogated and the Government must be prepared to deal with amendments as they are put forward. Honourable Members will, I am sure, hand in their amendments, if any, in time. If, therefore, the Honourable Member will give notice for to-morrow, I will fix a meeting of the Council of State for to-morrow.

THE HONOURABLE MR. S. P. O'DONNELL: I am much obliged for the permission to allow the motion to be made to-morrow. I beg to give notice of my motion to be made to-morrow. (Here hands in notice.)

THE HONOURABLE THE PRESIDENT: Is there any notice with reference to the other Bill?

#### INDIAN PORTS (AMENDMENT) BILL.

THE HONOURABLE MR. H. A. F. LINDSAY: There is a notice with regard to the Bill to regulate the employment of child labour in ports in British India which was passed in the Legislative Assembly on Saturday last and is laid on the table to-day. I should like to know if you will allow me to hand in a notice asking for the Bill to be taken up to-morrow?

THE HONOURABLE THE PRESIDENT: I should like to inquire of the Honourable Member what is his particular justification for asking for a departure from the ordinary rule in this case of three days' notice.

THE HONOURABLE MR. H. A. F. LINDSAY: In this particular case we hope to give legislative effect to a Convention which was passed and accepted in the Washington Conference and adopted and ratified on behalf of India. One clause of that Convention insists that signatory Governments shall give effect to the Convention by the 1st July, 1922. There was unfortunately a slight delay in considering the Bill in the other House as a small amendment was brought up and a few days' notice was required to consider it. The amendment was accepted by Government and the Bill was passed in the Assembly. In view of the fact that legislation under the terms of the Convention should be passed, if possible, before the 1st July 1922, I hope there will be sufficient justification in this case.

THE HONOURABLE THE PRESIDENT: In view of what the Honourable Member has said, I will very reluctantly allow notice to be given for to-morrow. I feel it my duty to say that it is not a right thing to come to the Council of State at the end of a dying Session and then state that a Bill must be passed owing to some Convention or some outside force, especially when it is not clear that the Bill has been proceeded with with unusual rapidity in the other Chamber. I desire to make it quite clear that in so far as it involves the exercise of my powers of discretion and so long as I am in the Chair, I will be no party to the rapid passing of legislation at the end of a Session unless there are arguments of paramount public importance. (Hear, hear.)

The HONOURABLE MR. H. A. F. LINDSAY: Sir, I give notice for to-morrow.

The HONOURABLE THE PRESIDENT: In these circumstances, it will be necessary to hold a meeting of the Council of State to-morrow, and as there is no further business before the House, the Council stands adjourned till 11 o'clock to-morrow, the 28th March 1922.

The Council adjourned till Tuesday, the 28th March, 1922, at Eleven of the Clock.