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(Official Report)

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THIRD SESSION

OF THE

COUNCIL OF STATE, 1923.



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CONTENTS.

	Page
WEDNESDAY, 24TH JANUARY, 1923—	
Members Sworn	523
Death of the Honourable Maung Po. Bye	523—25
Grant of Honours to Members	524
Questions and Answers	525—14
Arrangement of Questions	545
Questions and Answers	545—48
Reports laid on the Table of Joint Committee on Bills	548
Governor General's Assent to Bills	548
Statement of Exchange Gains and Losses	548—60
Communications in Frontier Province	561
Muslims, Hindus, etc., in Government of India Secretariat	561—66
Policy of His Majesty's Government with reference to the Government of India Act	567—68
Emigration to the Straits Settlements and Malay States	568—69
Emigration to Ceylon	569—70
Business of the House	570
THURSDAY, 25TH JANUARY, 1923—	
Report of Joint Committee on the Workmen's Compensation Bill	571
The Hindu Ceremonial Emoluments Bill—Request for postponement	571—72
Resolution <i>re</i> Purchase of Stores in England	572—77
Appointment of Public Services Commission	577—78
Resolution regarding the Indian Civil and other Imperial Services	578—86
Resolution <i>re</i> Conditions of Service of future entrants to I. C. S.	586—87
MONDAY, 29TH JANUARY, 1923—	
Member Sworn	589
Questions and Answers	589—92
The Criminal Tribes (Amendment) Bill	592—612
Message from the Legislative Assembly	612
TUESDAY, 30TH JANUARY, 1923—	
Questions and Answers	613—18
The Indian Boilers Bill	618
Message from the Governor General	618—19
The Registration of Chelas Bill	619—28
Resolution <i>re</i> Promotion of Irrigation Projects	629—50
WEDNESDAY, 31ST JANUARY, 1923—	
Bills passed by the Legislative Assembly	651
Gift of Books by Sir William Geary	651
The Indian Cotton Cess Bill—Reference to Joint Committee	651—71
The Indian Cotton Cess Bill—Nomination to Joint Committee	671
Course of Business	671—72

WEDNESDAY, 31ST JANUARY, 1923—contd.

Resolution <i>re</i> Workmen's Compensation and Social Insurance in Agriculture	672—84
Resolution <i>re</i> Protection of Women and Children in Agriculture—Recommendations of International Labour Conference	684—89
Statement of Business	688

MONDAY, 12TH FEBRUARY, 1923—

Questions and Answers	689—99
Dates for Discussion of Budget	699—700
Governor General's Assent to Bills	700
Bills passed by the Legislative Assembly	700
Alteration of Date of <i>Shivraatri</i> and Course of Business	700
Resolutions of which notice is given but not moved in Council	701
Resolution <i>re</i> Repeal of Army Amalgamation Scheme of 1869	701—17
The Malabar (Completion of Trials) Supplementing Bill laid on the Table	717—18

WEDNESDAY, 14TH FEBRUARY, 1923—

Questions and Answers	719—32
The Cotton Transport Bill	733—39
The Cantonments (House-Accommodation) Bill	739—49
Statement of Business	749

THURSDAY, 15TH FEBRUARY, 1923—

Statement <i>re</i> Government of India Presses laid on the table	751—53
The Malabar (Completion of Trials) Supplementing Bill	754—55
The Indian Mines Bill	755—59
The Indian Boilers Bill	759—65
Resolution <i>re</i> Emigration of Unskilled Labourers to Ceylon	765—70
Resolution <i>re</i> Emigration of Unskilled Labourers to Straits Settlements and Malay States	770—72

FRIDAY, 16TH FEBRUARY, 1923—

Resolution <i>re</i> Inquiry into Industrial Finance and Industrial Banks	773—87
Resolution <i>re</i> the Adoption of a System of Compulsory National Military Training and Service	787—98
The Married Women's Property (Amendment) Bill laid on the Table	798
Resolution <i>re</i> the Adoption of a System of Compulsory National Military Training and Service	798—818
Resolution <i>re</i> Necessity of Census of Products of British India	818—19

MONDAY, 19TH FEBRUARY, 1923—

Questions and Answers	821—23
Resolution <i>re</i> Necessity of Census of Products of British India	828—26
Resolution <i>re</i> Opportunities to Indians for qualifying for Secretaryships, etc.	825—27
Resolution <i>re</i> Radio Communications	828
Resolution <i>re</i> Imposition of an Export Duty on Benzine and Petrol	828—34

TUESDAY, 20TH FEBRUARY, 1923—	
Bills laid on the Table	885
The Prisoners (Amendment) Bill	885
The Indian Naval Armament Bill	886
The Workmen's Compensation Bill	887—78
WEDNESDAY, 21ST FEBRUARY, 1923—	
Resolution <i>re</i> Administration of Ajmer-Merwara	879—88
Resolution <i>re</i> Cognizance by Legislature of Matters on which Govern- ment of India has undertaken legislation [Modification of Rule 23 (1) of the Rules of Business]	888—906
Resolution <i>re</i> Recommendations of the Committee on Indian Arms Rules	907
THURSDAY, 22ND FEBRUARY, 1923—	
The Criminal Law Amendment Bill laid on the Table	909
Message from the Legislative Assembly	909
The Workmen's Compensation Bill	909—17
The Indian Factories (Amendment) Bill	917—20
The Hindu Ceremonial Emoluments Bill	929—31
Statement of Business	931
MONDAY, 26TH FEBRUARY, 1923—	
Questions and Answers	933—33
Bills laid on the Table	938
Resolution <i>re</i> Recommendations of Committee on Indian Arms Rules	939—62
Resolution <i>re</i> Amendment of Standing Orders	962—64
Discussion on the Criminal Law Amendment Bill	964
TUESDAY, 27TH FEBRUARY, 1923—	
Message from the Legislative Assembly	967
Bills laid on the Table	967
The Indian Paper Currency Bill	967—68
The Prisoners (Amendment) Bill	968
The Repealing and Amending Bill	969
The Hindu Ceremonial Emoluments Bill	969—95
Message from the Legislative Assembly	995
WEDNESDAY, 28TH FEBRUARY, 1923—	
Bill laid on the Table	997
Conference <i>re</i> Regulations under the Electoral Rules	997
Resolution <i>re</i> Appointment of Indians to the Traffic Inspector Cadre	997—1020
Resolution <i>re</i> Appointment of Indians as Departmental Secretaries, Joint Secretaries, etc.	1020—50
Statement of Business	1050
THURSDAY, 1ST MARCH, 1923—	
Member Sworn	1051
The Budget	1051—59
The Criminal Law Amendment Bill	1060—83

MONDAY, 5TH MARCH, 1923—

Questions and Answers	1085
Statement laid on the Table	1085
Resolution <i>re</i> Imposition of an Export Duty on Benzine and Petroli	1085—1101
Resolution <i>re</i> Rights and Status of Indians in Kenya	1102—21
The Married Women's Property (Amendment) Bill	1122—23

TUESDAY, 6TH MARCH, 1923—

Member Sworn	1127
Questions and Answers	1127—29
The Code of Criminal Procedure (Amendment) Bill	1129—31
Bills assented to by the Governor General	1131—32

WEDNESDAY, 7TH MARCH, 1923—

The Budget	1133—81
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THURSDAY, 8TH MARCH, 1923—

Absence from House at question time of Members who have given notice of Questions	1183
Questions and Answers	1183—90
Draft Notification <i>re</i> Emigration of Unskilled Labour to Mauritius	1190—91
The Indian Cotton Cess Bill	1191—1203
The Indian Income-tax (Amendment) Bill	1203—04
The Government Savings Banks (Amendment) Bill	1204—05
The Official Secrets Bill	1205—15
Message from the Legislative Assembly	1216
Statement of Business	1216

MONDAY, 12TH MARCH, 1923—

Questions and Answers	1217—18
Message from the Legislative Assembly	1218
Bill laid on the Table	1218
Resolution <i>re</i> Amendment of Electoral Rules	1219—29
The Malkharoda and Gaontia Villages Laws Bill	1229—30

TUESDAY, 13TH MARCH, 1923—

Announcement of Summer Session in July, 1923	1231
The Code of Criminal Procedure (Amendment) Bill	1231—70

WEDNESDAY, 14TH MARCH, 1923—

Questions and Answers	1271
Resolution <i>re</i> Indian Stores Department	1271—85
Resolution <i>re</i> Eligibility of Political Prisoners for Election to Legislature	1285—1302

THURSDAY, 15TH MARCH, 1923—

The Malkharoda and Gaontia Villages Laws Bill	1303—04
The Indian Penal Code (Amendment) Bill	1304—24
Statement of Business	1324—25

	Pages.
WEDNESDAY, 21ST MARCH, 1923—	
Member Sworn	1327
Questions and Answers	1327—34
Bill laid on the Table	1334
The Indian Finance Bill	1335—36
The Mahendra Partab Singh Estates Bill	1336—38
Report of Select Committee on Amendments to Standing Orders	1338
Bills assented to by His Excellency the Governor General	1339
Resolution <i>re</i> Emigration of Unskilled Labour to Mauritius	1338—45
FRIDAY, 23RD MARCH, 1923—	
Messages from the Legislative Assembly	1347
Bills laid on the Table	1347—48
The Indian Finance Bill	1348—97
MONDAY, 26TH MARCH, 1923—	
Questions and Answers	1399—1401
The Mahendra Partab Singh Estates Bill	1401—07
The Legal Practitioners (Women) Bill	1407—08
The Indian Merchant Shipping Bill	1408—10
Statement of Business	1410
TUESDAY, 27TH MARCH, 1923—	
Message from the Legislative Assembly	1411
The Indian Finance Bill	1411—18
Adjournment of Council of State and attendance at meetings	1413

COUNCIL OF STATE.

Tuesday, the 6th March, 1923.

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

MEMBER SWORN :

The Honourable Sir Henry Moncrieff Smith, Kt., C.I.E. (Secretary,
Legislative Department).

The HONOURABLE MR. V. G. KALE: May I, Sir, in the absence of the Honourable Mr. Sukhbir Sinha request that the questions be answered? I want an answer to question No. 162.

The HONOURABLE MR. B. N. SARMA: The proposal is under consideration.

*(Questions Nos. 163 and 164 were also answered.)

The HONOURABLE THE PRESIDENT: Does the Honourable Member want an answer to question No. 165?

The HONOURABLE MR. V. G. KALE: No, Sir.

The HONOURABLE THE PRESIDENT: Does he want an answer to the next question?

The HONOURABLE MR. V. G. KALE: No, Sir.

The HONOURABLE THE PRESIDENT: I shall have to ask the Government Benches whether they have got any information from the Member about his absence?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF and the HONOURABLE MR. B. N. SARMA: No.

The HONOURABLE THE PRESIDENT: I have on several occasions pointed out that if Honourable Members putting the questions on the paper absent themselves, it is only a matter of courtesy, if they cannot come here, that they should give notice of their absence, especially when there is the Budget discussion in another place where Government Members should be there or rather would like to be there. I have called their attention to this on several occasions.

QUESTIONS AND ANSWERS.

IMPERIAL CATTLE BOARD.

162. The HONOURABLE LALA SUKHBIR SINHA: Will the Honourable the Revenue Member be pleased to state whether the proposal of the Board of Agriculture made in their meeting last year for the establishment

* See page 1128.

(1127)

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of an Imperial Cattle Board to formulate and carry out a general cattle-breeding policy has been considered by the Government and if so, with what result; and if not, do Government propose to establish an Imperial Cattle Board? If so, when?

The HONOURABLE MR. B. N. SARMA: The proposal is under consideration.

STANDING COMMITTEES.

163. The HONOURABLE LALA SUKHBIR SINHA: Will Government be pleased to state the number of meetings of the Standing Committees that have been held in every Department of the Government of India since their appointment in September last?

The HONOURABLE MR. J. CRERAR: The number of meetings held by the Standing Committees attached to the following Departments of the Government of India are as follows:—

Home	2
Commerce and Industry	1
Education and Health	1

The Committee attached to the Revenue and Agriculture Department has not yet met as no case of importance is yet ready to be laid before it.

REVENUE AND AGRICULTURE DEPARTMENT STANDING COMMITTEES.

164. The HONOURABLE LALA SUKHBIR SINHA: (a) Why no meeting of the Standing Committee has been held up to this time in the Revenue and Agriculture Department?

(b) Is it a fact that there was no work for the Committee in that Department?

The HONOURABLE MR. B. N. SARMA: There are two Standing Committees attached to the Department of Revenue and Agriculture. One deals with Emigration: the other is intended to deal with other subjects which are the concern of the Department. The Emigration Committee has met no less than 13 times since its establishment. The other Committee has not yet met as no case of importance is yet ready to be laid before it.

BURMA MEAT TRADE.

165. The HONOURABLE LALA SUKHBIR SINHA: (a) Is the Government aware that the United Provinces Legislative Council and the Central Provinces Legislative Council have passed Resolutions to stop the Burma meat trade?

(b) Whether the Local Governments and the Government of India have approved of those Resolutions and from what date effect will be given to those Resolutions?

The HONOURABLE MR. B. N. SARMA: (a) Yes.

(b) It is not known what action, if any, was taken by the Government of the United Provinces on the Resolution passed by the United Provinces Legislative Council. The Government of India did not take any action in the matter. As regards the Resolution passed by the Central Provinces Legislative Council, the Government of India suggested to the Local Government that action might be taken under the Central Provinces Slaughter

of Animals Act, if they considered it desirable or necessary to do so. The Central Provinces Government have taken the requisite action under that Act—*vide* the Rules published on pages 565 to 568 of the Central Provinces Gazette, Part I, dated the 3rd June 1922. These Rules probably took effect from the date of their publication, *viz.*, the 31st May 1922, but the Government of India have no definite information on the subject.

HORSE-BREEDING OPERATIONS IN MUZAFFARNAGAR.

166. The HONOURABLE LALA SUKHBIR SINHA: Is it a fact that the number of breeding mares has gone down very much and what steps Government is going to take for the revival of horse-breeding operation in the Muzaffarnagar district?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: There has been a decline in the number of breeding mares in the Muzaffarnagar district, owing chiefly to the special demands created by the war and to the inclination of breeders to sell their mares rather than to use them for breeding purposes. Other causes which may have contributed to this decrease were the conditions of scarcity which prevailed in the district during the year 1918-19 and an outbreak of influenza which occurred also in that year.

With a view to arresting the decline, a stallion stand was established at Muzaffarnagar in 1919-20 to replace the one at Sisowna which was abolished. At present there are 3 stallion stands in the Muzaffarnagar district and in addition, in order to stimulate the horse-breeding industry, an annual distribution of premiums, prizes and medals is made at the Muzaffarnagar Horse show to the best breeders of stock and the owners of the best branded mares. The new arrangements have found favour with the breeders and the number of mares is increasing.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I move that the amendments made by the Legislative Assembly in the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, be taken into consideration.

The HONOURABLE THE PRESIDENT: The question is:

“That the amendments made by the Legislative Assembly in the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, be taken into consideration.”

The motion was adopted.

The HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadian): Sir, I beg to move that the detailed condition of this Bill be postponed till the next official day. My reasons for making this proposal are that there is one amendment on the agenda paper which practically rejects the amendment made in the other House. This is not the time, Sir, to enter into the detailed consideration of that amendment, but I am making this motion for adjournment, because if time is given to the Government Benches, I mean to the Honourable the Home Member and the Home Secretary to have a round table conference with some of the lawyers and the leaders of the two parties in the other House, I believe

[Mr. Lalubhai Samaldas.]

that an amicable settlement can be arrived at. The wording of the amendment is the principal thing that matters. I believe the Government in their amendment have practically accepted the principle, but as regards the wording of that amendment, there is a feeling among some Members of the other House against it, and I have been asked by the leaders of both Parties to say that they will be very glad to consider the whole question at a round table conference with the Honourable the Home Member and come to some understanding which might be acceptable both to the Government as well as the two Houses. It is to prevent a conflict between the two Houses that I suggest a postponement of the detailed consideration of this measure. It may be that the amendment of the Government will be carried here, because we on our side have very little to say against it. But even if it is carried here, it must go to the other House, and there the majority of the Members may take up the attitude that they did not want any interference from this House.

The HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Why?

The HONOURABLE MR. LALUBHAI SAMALDAS: My Honourable friend, Sir Arthur Froom, asks why? Because unfortunately something was said in the other House at the time when this amendment was carried that it would be brought before a more reasonable Chamber and the amendment made here. That put up the backs of most of the Members there, but now I believe they are in a more reasonable state of mind, and I think it will be possible, if the Honourable the Home Member does not press for the detailed consideration of this Bill at this stage, and agrees to have this matter postponed and to the round-table conference between the Government Members and the lawyer Members of the other House, it will be possible to arrive at an amicable settlement. I, therefore, move, Sir, that the detailed consideration of this Bill be adjourned.

The HONOURABLE THE PRESIDENT: I would ask the Government Member in charge to say if he agrees in this suggestion.

The HONOURABLE SIR MALCOLM HAILEY (Home Member): Sir, perhaps you will allow me to answer for Government in this matter as the motion concerns my Department and my name has been mentioned in this connection by the Honourable Mover of the motion. The points at issue are not, of course, raised for the first time. They have been much discussed already in another place, and indeed we have had informal discussions since the date on which the original amendment was moved in the other Chamber and carried. I recognize the advisability of full discussion on an important question like this—a discussion which may perhaps smooth over some of the difficulties felt by many Members in the other House. I do not admit that we have brought this amendment here for the precise reasons that my Honourable friend suggested; we have brought it here, because we thought it was in itself essential, and could be defended on its merits either here or in any other place. But, if there is an earnest desire for further discussion on this question, in spite of the inconvenience of fixing another date—and there is great inconvenience in doing so, for at this time of the year when the Budget is on hand our time is heavily engaged—in spite of that inconvenience, if Members opposite desire that there should be an adjournment, I am not prepared to oppose it. As regards a formal round table conference, the Honourable Member will, I am sure, agree that it is

better that those of us who wish to discuss this question choose our own methods for doing so.

The HONOURABLE THE PRESIDENT: The motion before the House, therefore, is that the detailed consideration of these amendments be adjourned to a date—I don't think it can be the next official day, it must be a date to be fixed by Government. That motion is now open for debate to the House.

The HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: General): Sir, the Honourable the Home Member has said that, if there is an earnest desire on the part of the Non-official Members to further discuss this matter, he is not prepared to object to the proposal for adjournment. I assure him, on behalf of the Non-official Members of this Council, that there is a very strong desire on their part to come to some happy and amicable solution of a very very difficult and important question. Section 162 as it stands has been a sore section for many years with not only practising lawyers but also with the Judges and Magistrates who are called upon to administer the existing criminal law. We also feel—many of us deeply feel—that there is a great deal to be said on either side—on the view propounded by Government and also on the opposite view. We also believe that the problem is not free from difficulty and involves very many intricacies. We think it therefore advisable that, if it is possible we should come to some happy conclusion and if necessary we should meet and confabulate with our colleagues in the other House and see if we can solve this matter amicably. The adoption of this course will save considerable time and it will also probably dispense with the necessity of a Joint Session, because we are not sure that, even if the Government amendment is accepted here, it will be received and accepted by the Legislative Assembly. I also think that it may be necessary for Members to suggest some other alternative. If I find that a solution cannot be arrived at, I would go further and, if it is permissible under our rules, I will ask as a solution of the controversy the deletion of the whole clause which would automatically restore the original law. It is for this reason I ask, Sir, that this House will accept the motion for adjourning the debate at this stage. I know that the Honourable the Home Member and other Government Members are very busy at present with the budget which they have in hand, but in a matter of this important character, I trust that Official Members will meet the wishes of the Non-official Members and agree to the proposed adjournment.

The HONOURABLE THE PRESIDENT: The question is:

“That the detailed consideration of these amendments be postponed to a date to be fixed by Government.”

The motion was adopted.

BILLS ASSENTED TO BY THE GOVERNOR GENERAL.

The SECRETARY OF THE COUNCIL: Sir, information has been received that the Governor General has been pleased to grant his assent to the following Bills, namely:

The Malabar (Completion of Trials) Supplementing Act, 1923.

The Cotton Transport Act, 1923.

[The Secretary of the Council.]

The Indian Mines Act, 1923.

The Indian Boilers Act, 1923.

The Indian Factories (Amendment) Act, 1923.

The Indian Naval Armament Act, 1923.

The Indian Paper Currency Act, 1923.

The Repealing and Amending Act, 1923.

The Cantonments (House-Accommodation) Act, 1923.

The Workmen's Compensation Act, 1923.

The Council then adjourned till Eleven of the Clock on Wednesday, the 7th March, 1923.