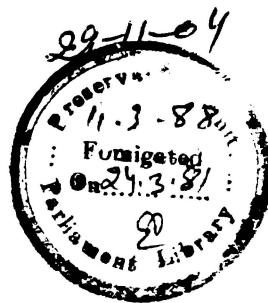


THE
COUNCIL OF STATE DEBATES

VOLUME I, 1931

(10th February to 2nd April, 1931)

FIRST SESSION
OF THE
THIRD COUNCIL OF STATE, 1931



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COUNCIL OF STATE.

Wednesday, 1st April, 1931.

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

MEMBER SWORN.

The Honourable Mr. Herbert William Emerson, C.I.E., C.B.E. (Home-Secretary).

QUESTION AND ANSWER.

HIGH COURT JUDGES.

124. THE HONOURABLE MR. ABU ABDULLAH SAIYID HUSSAIN IMAM : Will Government be pleased to lay on the table a statement showing the number of posts of High Court Judges fallen vacant since 1921 and filled up by Muhammadans, Hindus, Christians and Europeans in different provinces, both officiating and permanent ?

THE HONOURABLE MR. H. W. EMERSON : I will obtain the information and communicate it to the Honourable Member on receipt.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL : Sir, the following message has been received from the Secretary of the Legislative Assembly, namely :

"I am directed to state that the Legislative Assembly has, at its meeting held on the 30th March, 1931, agreed without any amendments to the Bill to amend the Indian Reserve Forces Act, 1888, for certain purposes, which was passed by the Council of State at its meeting held on the 24th February, 1931."

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in accordance with rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meetings held on the 30th and 31st March, 1931, namely :

A Bill to impose a temporary additional duty of customs on foreign salt.

A Bill to impose a temporary duty of customs on the importation of wheat.

THE HONOURABLE THE PRESIDENT : There are now three Bills before the Council, one was laid the day before yesterday, the other two have been laid this morning. I shall be glad for some guidance from the House to enable me to exercise the discretion vested in me by the Rule as to a direction when these Bills should be taken up for consideration.

THE HONOURABLE SIR JOSEPH BHOORE (Industries and Labour Member) : Sir, I would request you to suspend the Standing Orders and permit me to-day to make motions for taking into consideration and for passing the Bill further to amend the Indian Factories Act, 1911, for a certain purpose. The Bill is a very small and non-controversial measure and it has been in the hands of Members, I believe, since Monday. If, therefore, Sir, you are of opinion that it would cause no inconvenience to the House and to yourself, I would request you to permit me to make the motions I have referred to.

THE HONOURABLE MR. ABU ABDULLAH SAIYID HUSSAIN IMAM (Bihar and Orissa : Non-Muhammadan) : Sir, we on this side of the House have no objection to the Bill being proceeded with to-day.

THE HONOURABLE THE PRESIDENT : I do not think there can be any possible objection to the course proposed. The Bill is very small and non-controversial, and in any case if we take the Bill to-day we are only shortening the notice by one day. The motion for consideration will be taken up now provided, of course, the Honourable Member has given notice of his intention to move.

THE HONOURABLE SIR ARTHUR MCWATTERS (Finance Secretary) : Sir, with reference to the Bill to impose a temporary additional duty of customs on foreign salt, which was laid on the table to-day, I should like your orders and the views of the House as to when that Bill should be taken up. The Bill has been laid only to-day, but I think it is possible that most of the Honourable Members have been fairly fully seized with the subject matter of the Bill for a good many days past. I am entirely in your hands and in the hands of the House in this matter.

THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTTA (Assam : Non-Muhammadan) : Sir, I must protest against controversial Bills of this sort being brought forward at the fag end of the Session and rushed through the Council. This not only deprives Members of the opportunity for a full discussion, but it is also discourteous to the House. During the last seven or eight days you have been asked twice to suspend the rules of business. I know, Sir, the opinion that is held outside about this Council, and I am afraid that the Government is doing its level best to foster that opinion. I oppose the suggestion.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal : Non-Muhammadan) : Sir, the Bill which has been laid to-day affects Bengal consumers a great deal, and I think it would be doing an act of injustice to Bengal if the Bill is taken up to-day. I think if it is taken up to-morrow it will be helpful to us.

THE HONOURABLE THE PRESIDENT : In view of what has been said by Honourable Members, I think it is clear that I should not permit the rule to

be suspended to that extent that the motion for consideration should be made to-day. I take it, however, that it is the general wish of the House that the consideration of the Bill should not be postponed beyond to-morrow.

THE HONOURABLE MR. J. A. WOODHEAD (Commerce Secretary): Sir, with reference to the Bill to impose a temporary duty of customs on the importation of wheat, this Bill was laid to-day and was passed by the Legislative Assembly yesterday. It will, I think, be convenient to the Honourable Members of the House if the rules of business are suspended and the usual time is shortened. Whether the Bill should be taken up to-day or to-morrow, I am entirely in your hands and in the hands of the House.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan): Sir, as this is rather an important Bill, I request that it be taken up for consideration to-morrow.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official): Sir, I support the suggestion made by my Honourable friend Rai Bahadur Lala Ram Saran Das. The Bill is of very great importance to the agriculturists and we want time to prepare ourselves. I think we can take up the Bill to-morrow.

THE HONOURABLE THE PRESIDENT: Before I give decision on the particular point which is now before the House I should like to make one general remark. The Honourable Member from Assam, if I understood him rightly, charged the Government with showing no consideration to the feelings of the House. If by that he intended to indicate that the Government as represented in this House was trying to force the Council to take up Bills without due time for consideration and deliberation, I think he was wrong. I have not been pressed by any Honourable Member of the Government to shorten notice to any extent. They have always said that they are prepared to do anything which would meet the convenience of the House. At the same time my sympathies are with the House in this matter. Year after year in the Delhi Session we have very much the same sort of trouble and hustle at the end of March or the beginning of April. The Honourable the Finance Secretary a few days ago referred at some length to this matter and I think it was he who said that in his opinion the proper course was to alter the Provisional Collection of Taxes Act and to increase from 30 days to 40 days the period within which a Bill to which the provisions of that Act have been declared to apply must become law. I would like to take this opportunity of expressing the opinion that I do not think that that is the right solution. The result of extending from 30 days to 40 days the period to which the Provisional Collection of Taxes Act refers would be, I think, in the first place, an inducement to adopt dilatory methods and I think it is extremely probable that the 40 days would inevitably be fully occupied; that is to say, if the Finance Bill, for instance, is introduced on the last day of February or the first day of March, it will be the 8th or 9th of April before it is finally passed in this Chamber. This is inconvenient for those Honourable Members who are not living in their own homes and particularly to those Honourable Members who come from sea-port towns and from Southern India and who are not used to the dry hot climate of Delhi at this time of the year. For them there is a great deal of inconvenience. Moreover, it will frequently happen that within the 40 days, the period of the Easter holidays will fall and that will mean that the 40 days will necessarily be shortened by 3 or 4. I put forward a suggestion long before I occupied the Chair of this House, and that is, that the only real solution of the difficulty

[Mr. President.]

which Honourable Members experience year after year is that the Government should arrange to introduce the Budget one week earlier than they do at present. I am not suggesting that the date of the introduction of the Finance Bill should necessarily be altered. But the Budget should be introduced earlier. That would mean that with one extra week, the voting of Demands for Grants could be got out of the way by the end of the first week of March and from then onwards the Legislature would have time to consider the Finance Bill at its leisure. I put forward this suggestion for the consideration of the Government.

Turning to the Wheat Bill, it is the obvious desire of the House not to proceed with it to-day, and we shall therefore take up the motion for consideration of that Bill as passed by the Legislative Assembly, to-morrow. At the same time I think it would be convenient to the House if to-morrow we did what we did on Saturday, that is to say, if we met at 10 o'clock in the morning instead of at 11 o'clock. That will give the House ample time to deal with both Bills in the manner in which they should be dealt with.

INDIAN FACTORIES (AMENDMENT) BILL.

THE HONOURABLE SIR JOSEPH BHORE (Industries and Labour Member) : Sir, I beg to move that the Bill further to amend the Indian Factories Act, 1911, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

Sir, this is a very small measure, as I have already said, consisting of only one operative clause, and the reason for it has been fully stated in the Statement of Objects and Reasons.

Sir, I move. ~

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR JOSEPH BHORE : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

The Council then adjourned till Ten of the Clock on Thursday, the 2nd April, 1931.