

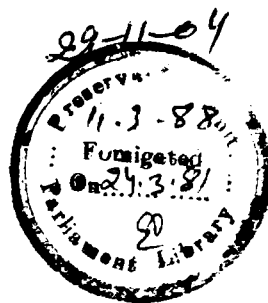
Tuesday, 10th February, 1931

THE
COUNCIL OF STATE DEBATES

VOLUME I, 1931

(10th February to 2nd April, 1931)

FIRST SESSION
OF THE
THIRD COUNCIL OF STATE, 1931



CALCUTTA: GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1931.

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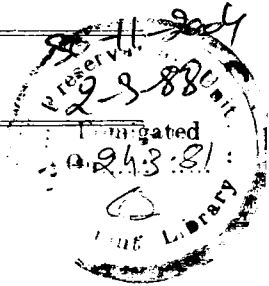
THE
COUNCIL OF STATE DEBATES

(OFFICIAL REPORT OF THE FIRST SESSION OF THE THIRD
COUNCIL OF STATE.)

VOLUME I—1931.

COUNCIL OF STATE.

Tuesday, 10th February, 1931.



The Council met in the Council Chamber of the Council House in New Delhi at Half Past Two of the Clock, being the first day of the First Session of the Third Council of State, pursuant to section 63D (2) of the Government of India Act. The Honourable the President (the Honourable Sir Henry Moncrieff Smith, Kt., C.I.E.) was in the Chair.

The Honourable the President, then standing, took the Oath and signed the Roll.

MEMBERS SWORN :

- His Excellency General Sir Philip Walhouse Chetwode, Bart., G.C.B., K.C.M.G., D.S.O., Commander-in-Chief.
- The Honourable Sir Brojendra Mitter, Kt. (Law Member).
- The Honourable Sir Joseph William Bore, K.C.I.E., C.B.E. (Industries and Labour Member).
- The Honourable Sir Maneckji Byramji Dadabhoy, K.C.I.E., Kt. (Central Provinces : Nominated Non-Official).
- The Honourable Raja Sir Moti Chand, Kt., C.I.E. (United Provinces Southern : Non-Muhammadian).
- The Honourable Rai Bahadur Lala Ram Saran Das, C.I.E. (Punjab : Non-Muhammadian).
- The Honourable Sardar Charanjit Singh (Punjab : Nominated Non-Official).
- The Honourable Nawab Khwaja Habibullah (Bengal : Nominated Non-Official).
- The Honourable Mr. Philip Henry Browne, C.B.E. (Bengal Chamber of Commerce).

- The Honourable Mr. Ernest Miller, J.P. (Bombay Chamber of Commerce).
- The Honourable Sir Sankaran Nair, Kt. (Madras : Nominated Non-Official).
- The Honourable Mr. Ganpati Agraharam Annadhurai Ayyar Natesan (Madras : Nominated Non-Official).
- The Honourable Mr. Hormusji Maneckji Mehta (Bombay : Non-Muhammadan).
- The Honourable Sardar Saheb Suleman Cassum Haji Mitha, C.I.E. (Bombay Presidency : Muhammadan).
- The Honourable Mr. Satyendra Chandra Ghose Moulik (West Bengal : Non-Muhammadan).
- The Honourable Mr. Syed Abdul Hafeez (East Bengal : Muhammadan).
- The Honourable Nawab Sahibzada Sir Sayad Mohamad Mehr Shah, Kt. (West Punjab : Muhammadan).
- The Honourable Major Nawab Sir Mahomed Akbar Khan, K.B.E., C.I.E. (North-West Frontier Province : Nominated Non-Official).
- The Honourable Raja Raghunandan Prasad Singh (Bihar and Orissa : Non-Muhammadan).
- The Honourable Mr. Galesh Srikrishna Khaparde (Berar Representative).
- The Honourable Major-General John Wallace Dick Megaw, C.I.E., M.B., K.H.P., I.M.S. (Director-General, Indian Medical Service).
- The Honourable Sir Frank Noyce, Kt., C.S.I., C.B.E. (Education, Health and Lands Secretary).
- The Honourable Mr. John Ackroyd Woodhead, C.I.E. (Commerce Secretary).
- The Honourable Sir Arthur Cecil McWatters, Kt., C.I.E. (Finance Secretary).
- The Honourable Mr. Herbert William Emerson, C.I.E., C.B.E. (Home Secretary).
- The Honourable Sir Charles Cunningham Watson, K.C.I.E., C.S.I. (Political Secretary).
- The Honourable Mr. Miles Irving, C.I.E., O.B.E. (Punjab : Nominated Official).
- The Honourable Mr. John Tarlton Whitty, C.I.E. (Bihar and Orissa : Nominated Official).
- The Honourable Mr. Jyotsnanath Ghosal, C.S.I., C.I.E. (Bombay : Nominated Official).
- The Honourable Mr. Kenneth Brand Harper (Burma Chamber of Commerce).
- The Honourable Mr. A. Hamid (Burma : General).
- The Honourable Rai Bahadur Promode Chandra Dutta, C.I.E. (Assam : Non-Muhammadan).
- The Honourable Raja Laxmanrao Bhonsle (Central Provinces : General).
- The Honourable Mr. Abu Abdullah Saiyid Hussain Imam (Bihar and Orissa : Muhammadan).

- The Honourable Rai Bahadur Radha Krishna Jalan (Bihar and Orissa : Non-Muhammadan).
- The Honourable Raja Sir Rempal Singh, K.C.I.E. (United Provinces Central : Non-Muhammadan).
- The Honourable Khan Bahadur Chaudri Muhammad Din (East Punjab : Muhammadan).
- The Honourable Babu Jagadish Chandra Banerjee (East Bengal : Non-Muhammadan).
- The Honourable Mr. Bijoy Kumar Basu (Bengal : Nominated Non-Official).
- The Honourable Mr. Mahmood Suhrawardy (West Bengal : Muhammadan).
- The Honourable Sardar Shri Jagannath Maharaj Pandit (Bombay : Non-Muhammadan).
- The Honourable Mr. Muthiah David Devadoss (Nominated Indian Christians).
- The Honourable Sir C. P. Ramaswami Ayyar, K.C.I.E. (Madras : Non-Muhammadan).
- The Honourable Diwan Bahadur G. Narayanaswami Chetti Garu, C.I.E. (Madras : Non-Muhammadan).
- The Honourable Khan Bahadur Hafiz Muhammad Halim (United Provinces West : Muhammadan).
- The Honourable Mr. Abu Abdullah Muhammad Zakaullah Khan (United Provinces : Nominated Official).
- The Honourable Rai Bahadur Lala Jagdish Prasad (United Provinces Northern : Non-Muhammadan).

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT : I have Messages for the Council from His Excellency the Governor General. The Messages are in the form of the following Orders :—

The first Order :

PANEL OF CHAIRMEN.

" In pursuance of the provisions of sub-section (2) of section 63A of the Government of India Act, I, Edward Frederick Lindley, Baron Irwin, hereby nominate the following Members of the Council of State to be on the Panel of Chairmen of the said Council of State :

In the first place, the Honourable Sir Maneckji Dadabhoy ; in the second place, the Honourable Mr. K. B. Harper ; in the third place, the Honourable Rai Bahadur Lala Ram Saran Das ; and lastly, the Honourable Sir C. P. Ramaswami Ayyar.

New Delhi ;

The 3rd February, 1931.

(Sd.) IRWIN,

Viceroy and Governor General."

The second Order :

RAILWAY BUDGET.

"For the purposes of sub-section (1) of section 67A of the Government of India Act and in pursuance of rule 43 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Edward Frederick Lindley, Baron Irwin, hereby appoint Tuesday, the 17th February, for the presentation to the Council of State, and Friday, the 20th February or Saturday, the 21st February, according to which is not a holiday, for the General Discussion in the Council of State, of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.

New Delhi ;
The 27th January, 1931.

}

(Sd.) IRWIN,
Viceroy and Governor General."

The third Order :

GENERAL BUDGET.

"For the purposes of sub-section (1) of section 67A of the Government of India Act and in pursuance of rule 43 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Edward Frederick Lindley, Baron Irwin, hereby appoint Saturday, the 28th February, at 5 p.m., for the presentation to the Council of State, and Saturday, the 7th March, for the General Discussion in the Council of State of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of subjects other than Railways.

New Delhi ;
The 27th January, 1931.

}

(Sd.) IRWIN,
Viceroy and Governor General."

The fourth Order :

"In pursuance of the provisions of sub-section (3) of section 67A of the Government of India Act, I hereby direct that the heads of expenditure specified in that sub-section shall be open to discussion by the Council of State when the Budget is under consideration.

(Sd.) IRWIN,
Viceroy and Governor General."

(The Messages were received by the Council standing.)

 COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT: Under Standing Order 76 of the Council of State Standing Orders, I am required at the commencement of each Session to constitute a Committee on Petitions consisting of a Chairman and four members. The following Honourable Members have at my request kindly consented to preside over and serve on the Committee. I accordingly have much pleasure in nominating as Chairman of the Committee the Honourable Sir Phiroze Sethna, and as members, the Honourable Sardar Bahadur Shivdev Singh Uberoi, the Honourable Mr. G. A. Natesan, the Honourable Sardar Charanjit Singh and the Honourable Major Nawab Sir Mahomed Akbar Khan.

APPOINTMENTS TO THE LIBRARY COMMITTEE OF THE INDIAN LEGISLATURE.

THE HONOURABLE THE PRESIDENT : I have also to announce to the Council that I have appointed the Honourable Sir Dinshaw Wacha and the Honourable Mr. G. A. Natesan to be members of the Library Committee of the Indian Legislature.

POSTPONEMENT OF QUESTIONS.

THE HONOURABLE THE PRESIDENT : The next business that would ordinarily come before the Council in the usual course is the asking and answering of questions. Honourable Members will have observed that there is a very long list for to-day which would occupy at least the hour which is usually allotted for questions. In view of the fact that to-day is a public holiday and that there is another function this afternoon that will be beginning within an hour, I suggest to the House that the questions for to-day should be put on the List of Business for to-morrow and answered then. That will be done.

DEATHS OF SIR IBRAHIM HAROON JAFFER AND RAO BAHADUR D. LAXMINARAYAN.

THE HONOURABLE THE PRESIDENT : Before we proceed to any further business to-day, it is my painful duty to refer to two of our late colleagues who have been removed by death since the last Session of the Council. Sir Ibrahim Haroon Jaffer could not at the time of his decease be strictly regarded as one of our colleagues since his death occurred only a day or two after the last general election at which he had failed to secure his return to the Council. But he was a Member of this Council for so long and up to such a recent date that I think there are many here who knew him and who sat with him in this Chamber who would desire me on their behalf to make some reference to him and to record an expression of our sorrow and our sympathy.

The death of Rao Bahadur D. Laxminarayan also occurred just a few days after the general election, and as a result of that election we were looking forward to the pleasure of having him here again. He was a gentleman of the old school, and though he had not been a Member of the Council for very long, yet in that short time he had made for himself a name for unflinching courtesy of conduct. His last act of generosity to the people of his province is well-known to every one here. I shall, on behalf of the Council, send to the bereaved members of the families of our two late colleagues a message of their sympathy and condolence.

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

[Secretary of the Council.]

were passed by the Legislative Assembly at its meetings held on the 19th and 21st January, and 2nd February, 1931, namely :

A Bill to supplement the Criminal Procedure (Punjab Amendment) Act, 1930.

A Bill further to amend the Indian Ports Act, 1908, for a certain purpose.

A Bill further to amend the Cantonments Act, 1924, for certain purposes.

A Bill further to amend the Indian Territorial Force Act, 1920, for a certain purpose.

A Bill further to amend the Auxiliary Force Act, 1920, for a certain purpose.

A Bill to make special provision for the administration of the port of Vizagapatam.

A Bill to give effect in British India to the Treaty for the Limitation and Reduction of Naval Armament.

A Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.

GOVERNOR GENERAL'S ASSENT TO BILLS.

SECRETARY OF THE COUNCIL: Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the following Bills which were passed by the two Chambers of the Indian Legislature during the Simla Session, 1930, namely :

The Indian Lac Cess Act, 1930.

The Negotiable Instruments (Amendment) Act, 1930.

The Indian Forest (Amendment) Act, 1930.

The Indian Telegraph (Amendment) Act, 1930.

The Bombay Civil Courts (Amendment) Act, 1930.

The Benares Hindu University (Amendment) Act, 1930.

The Hindu Gains of Learning Act, 1930.

The Ajmer-Merwara Court-fees (Amendment) Act, 1930.

The Mussalman Wakf Validating Act, 1930.

MOTION FOR THE ELECTION OF TWO MUSLIM MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

THE HONOURABLE SIR FRANK NOYCE (Education, Health and Lands Secretary) : Sir, I move :

“ That this Council do proceed to elect, in such manner as the Honourable the President may direct, two Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz.”

The motion was adopted.

THE HONOURABLE THE PRESIDENT: In connection with this motion I direct that nominations shall be receivable by the Secretary up till the hour of 11 o'clock to-morrow morning.

CONGRATULATIONS TO MEMBERS WHO HAVE RECEIVED HONOURS.

THE HONOURABLE THE PRESIDENT : Before I adjourn the Council, it gives me great pleasure to refer to those who, since our last meeting, have received honours at the hands of His Majesty the King-Emperor. In the first place, I have to refer to our old friend and colleague, the Honourable Major Nawab Sir Mahomed Akbar Khan, K.B.E., C.I.E. The mere recital of his name and title indicates very clearly that this is not the first time that he has found a place in an Honours List. The recent conferment on him of a Knight Commandership of the Most Excellent Order of the British Empire has been a source of great pleasure and extreme satisfaction to all his numerous friends. He was the first representative here of the North-West Frontier Province, and I was delighted—and I think all of us were delighted—to find that His Excellency the Governor General had so appreciated his services to this Council and to his province that he has again renominated him as a Member of this Chamber.

We have also two new Companions of the Most Eminent Order of the Indian Empire. The Honourable Mr. Woodhead is an official, and as such he has received an honour in regard to which perhaps we cannot have the complete satisfaction of feeling that it has been conferred upon him in respect mainly of his work in this Council. But we have all admired the ability with which he has discharged his functions here, and particularly perhaps the manner of his dealing in this House with a subject with which, I understand, outside this House he has no concern.

The Honourable Rai Bahadur Promode Chandra Dutta is personally known to most of us to-day for the first time though we all know the details of his career. He is one of that large body of members of the legal profession who have given up a good deal of their time to public duties, and it is common knowledge that as a Minister of the Government in Assam he discharged his functions with popularity and with distinction. In welcoming him to this Council we heartily congratulate him on the honour conferred upon him.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR BROJENDRA MITTER (Leader of the House) : Sir, the lists of business for Wednesday, the 11th, and Thursday, the 12th, are already in the hands of Honourable Members. There will be no other meetings of the Council this week. I shall make a further statement on Thursday, the 12th, regarding the probable course of business during next week.

The Council then adjourned till Eleven of the Clock on Wednesday, the 11th February, 1931.