

Monday, 8th April, 1929

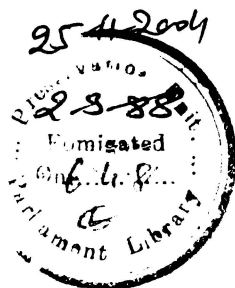
THE
COUNCIL OF STATE DEBATES

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SIXTH SESSION

OF THE
SECOND COUNCIL OF STATE, 1929



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COUNCIL OF STATE.

Monday, 8th April, 1929.

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

QUESTIONS AND ANSWERS.

CONFIRMATION OF TEMPORARY CLERKS IN THE ARMY DEPARTMENT.

209. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY :

(a) Is it a fact that in the Army Department men are kept on in temporary appointments for years before they can be confirmed? If so, why?

(b) Is the period of temporary service counted towards pension?

THE HONOURABLE MR. J. A. WOODHEAD : In the unavoidable absence of His Excellency the Commander-in-Chief, may I, Sir, with your permission, answer the question?

(a) A certain portion of the Army Department clerical establishment was retained on a temporary basis shortly after the war. The whole of this portion has, however, now been made permanent, and the clerks concerned have been given the full benefit of their temporary service in fixing their permanent pay.

(b) Yes, under article 370, Civil Service Regulations, if the temporary appointment is subsequently made permanent.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : Is Government aware that there are many temporary assistants in the clerical division of the Army Department who are not given the benefit of the temporary service rendered by them in the Department?

THE HONOURABLE MR. J. A. WOODHEAD : Sir, I would ask for notice of that question.

ASSISTANTS IN CHARGE OF IMPORTANT SECTIONS OF THE ARMY DEPARTMENT.

210. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY :

(a) Is it a fact that junior assistants have been placed in charge of important sections of the Army Department?

(b) Who is in charge of Section "E"?

(c) Why are men from selection grades not selected for assistants in charge of sections?

THE HONOURABLE MR. J. A. WOODHEAD (on behalf of His Excellency the Commander-in-Chief): (a) No, Sir.

(b) There is no longer an E Section; but No. 5 Section, which corresponds to the old Section E, is in the charge of the Establishment Officer. It consists of two sub-sections, both of which are in the charge of a Superintendent.

(c) Does not arise.

POWERS OF LOCAL GOVERNMENTS AND REGISTRARS OF JOINT STOCK COMPANIES IN THE MATTER OF REGISTRATION OF COMPANIES.

211. THE HONOURABLE MR. ANUGRAHA NARAYAN SINHA : (a) Have the Government of India bestowed any and, if so, what powers (besides those which the Local Governments possess under the Indian Companies Act) of interference with the duties and functions of Registrars of Companies under the Indian Companies Act, particularly in the following matters :

- (i) To call upon a Registrar to refuse registration of a Company without assigning any reasons where a Company or an Association is authorised to be registered after the persons forming it were associated for a lawful purpose as required by the Indian Companies Act (VII of 1913) ;
- (ii) To call upon a Company or Association registered by way of a guaranteed limited liability Company to apply for a trading certificate under section 103 of the Act ;
- (iii) To refuse or withhold such certificate after the requirements under the said section have been duly complied with ;
- (iv) To register a Company with definitions and articles which do not conform to the provisions of the Indian Companies Act ?

(b) If the reply be in the affirmative, will Government lay such orders or instructions to Local Governments on the table of the House ?

(c) Are Registrars of Companies given any other and, if so, what powers in the matters following :

- (a) Refusal to register a Company or an Association which has been incorporated for a lawful purpose and without giving reasons for refusal ;
- (b) To call upon a Company or Companies limited by guarantee to make and file a statement in lieu of Prospectus and a Declaration under section 103 of the Act ;
- (c) To refuse or withhold a Trading Certificate after the requisitions are complied with ;
- (d) To register a Company or Companies whose definitions and articles are in violation of the Indian Companies Act ?

THE HONOURABLE MR. J. A. WOODHEAD : The Government of India have issued no instructions to Local Governments or Registrars of Joint Stock Companies on any of the matters mentioned by the Honourable Member.

ELECTION OF THE PANEL FOR THE STANDING COMMITTEE ON ROADS.

THE HONOURABLE MR. A. C. MCWATERS (Industries and Labour Secretary) : Sir, I beg to move :

" That this Council do proceed to elect in the manner described in the Rules published in the Home Department Notification No. F. 49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D.-794-C., dated the 30th January, 1924, a panel consisting of 6 members from which 3 members of the Standing Committee to advise on matters relating to Roads will be nominated."

Sir, this motion does not require any great explanation from me. As the Finance Bill has recently been passed in both Houses, money has now been provided by an addition to the petrol excise for carrying out the recommendations of the Indian Road Development Committee which have been in principle accepted by Government. One of the most important recommendations of that Committee was for the appointment of a Standing Committee of the Indian Legislature for Roads. The Committee recommended that—

"A Standing Committee of the Indian Legislature for Roads should be appointed, similar in constitution and functions to other departmental Standing Committees, which would advise the Governor General in Council on all matters relating to roads,"

and it is in literal fulfilment of this recommendation of the Roads Committee that I am making the present motion. It is true that the portion of the Committee which is to represent the Legislative Assembly has not yet been appointed. But Government see no reason why the representation from the Council of State, to whom after all is due the initiation of this new roads policy, should not be carried out. Therefore, Sir, I move my motion and I have no doubt whatever that this House will give it its support.

THE HONOURABLE SRIJIT RAMA PRASAD MOOKERJEE (West Bengal: Non-Muhammadan): Sir, I do not oppose the motion moved by the Honourable Member, but may I make one inquiry as to whether it is the intention of Government to take the advice of the Committee that will be formed, because it was said by the Honourable Member who moved the motion that the Committee will be of the same character as the other Committees which we have in other Departments? From what we know of the advice that is taken of the different Departmental Committees by Government, I am not very sanguine at the present moment that the Committee will serve any useful purpose if Government consult this Committee in the same way. If Government is really willing to take the opinion of the Members of this House or of the other House, then certainly the Committee is needed, but not otherwise.

THE HONOURABLE MR. A. C. MCWATTERS: I should like to say just a few words in reply to that inquiry. It is the intention of Government that this Committee should be consulted. In fact, the Roads Committee themselves made a definite recommendation. No. 12 of the Summary of their recommendations runs:

"Grants should be made to each province, up to the amount so apportioned to it in each year, for expenditure on projects approved by the Governor General in Council with the advice of the Standing Committee of the Indian Legislature for Roads."

As I have said, Government have accepted in principle the recommendations of the Roads Committee and therefore it must be assumed that they have also accepted that particular recommendation. I may add that our intention is to call a conference in Simla during the summer of the representatives of the provinces, the Ministers who would be in charge of this subject, and we propose to invite the members of the Central Committee such as have been appointed or will be appointed, to take part in the conference, and their advice will be taken in accordance with the recommendations of the Roads Committee. I might also add, as remarks have been made about some of the other Standing Committees, that I think the Honourable Member's criticisms do not apply to the Committee in my Department which is regularly consulted in matters of importance.

THE HONOURABLE SRIJIT RAMA PRASAD MOOKERJEE: Not the Education Committee.

THE HONOURABLE THE PRESIDENT : The question is :

"That the following motion be adopted, namely :

'That this Council do proceed to elect in the manner described in the Rules published in the Home Department Notification No. F. 49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D. 794-C., dated the 30th January, 1924, a panel consisting of 6 members from which 3 members of the Standing Committee to advise on matters relating to Roads will be nominated.'

The motion was adopted.

THE HONOURABLE THE PRESIDENT : I have to ask whether Government intend or propose that effect should be given to that motion in the current Session.

THE HONOURABLE MR. A. C. McWATTERS : Yes, Sir, we regard it as of importance.

THE HONOURABLE THE PRESIDENT : One of the principles followed at the nomination stage of an election of this nature is that no Honourable Members of the Council should be nominated without their consent. That I fear limits very considerably for the Council their choice in the matter, because so many Honourable Members at this late stage of the Session are absent that it would be almost impossible to obtain their consent to their nomination in time to enable the election to take place. I have therefore grave doubts whether I should call upon the Council now to proceed with the election. I shall be glad if the Honourable Mr. McWatters would explain to the Council his views on the matter from that aspect.

THE HONOURABLE MR. A. C. McWATTERS : The question is an extremely difficult one owing to the late stage at which it has been possible to make this motion. It was impossible to make it until after the Finance Bill was passed, because until the Finance Bill was passed there was no acceptance in principle by both Houses of the extra taxation on petrol. Therefore the delay in making the motion is due, if I may say so, to no fault of ours. I quite recognize the difficulty in obtaining the consent of Honourable Members to serve, and the only suggestion I can make is that either this Committee of 6 should be constituted from Members who are here present or that you, Sir, may be willing to allow nominations without requiring the consent of the Members concerned. I know that many Honourable Members who are not here are interested in the subject and probably they would be agreeable to their nomination.

THE HONOURABLE SARDAR BAHADUR SHIVDEV SINGH UBEROI (Punjab : Sikh) : May I know the term of office of this Committee ?

THE HONOURABLE MR. A. C. McWATTERS : All these Committees function for one year. So that it will be quite possible to have a new Committee of a different constitution in the following year. This is after all a preliminary stage in this road development question and we are groping in the dark to some extent. I think if a preliminary Committee were appointed, even if somewhat limited in choice of personnel, it would be better than not having any Committee at all.

THE HONOURABLE THE PRESIDENT : In view of the fact that the term of office of the Committee is one year only and also of the urgency spoken of by the Honourable Mr. McWatters, I think I shall have to ask the Council

[The Honourable the President.]

to proceed to the election this Session if possible. At the same time it will be impossible for me to insist that every nominee should have given his consent beforehand. Several of the Members of the Council are already on the high seas on their way to England and others are at some considerable distance from Delhi. I fix 11 o'clock on Wednesday morning, the day after to-morrow, for the receipt of nominations by the Secretary.

ELECTION OF A MEMBER TO THE GOVERNING BODY OF THE CENTRAL COUNCIL OF AGRICULTURAL RESEARCH.

THE HONOURABLE THE PRESIDENT: Honourable Members will now proceed to elect a Member to the Governing Body of the Central Council of Agricultural Research. One Member only is to be elected. Up till a few minutes ago there were three candidates, the Honourable Colonel Nawab Sir Umar Hayat Khan, the Honourable Mr. V. Ramadas Pantulu and the Honourable Mr. Mahmood Suhrawardy, but the last named, the Honourable Mr. Mahmood Suhrawardy, has just now withdrawn his nomination. There will therefore be a straight ballot between the Honourable Colonel Nawab Sir Umar Hayat Khan and the Honourable Mr. V. Ramadas Pantulu. Ballot papers will be handed to Honourable Members in their seats. All they have to do is to place a cross in the second column against the Honourable Member for whom they vote. They will not sign the ballot papers.

(Ballot papers were then distributed to Members and when duly filled in and returned were counted by the Secretary of the Council.)

THE HONOURABLE THE PRESIDENT: The number of votes for the Honourable Colonel Nawab Sir Umar Hayat Khan is four.

The number of votes for the Honourable Mr. V. Ramadas Pantulu is 21.

I therefore declare the Honourable Mr. V. Ramadas Pantulu duly elected.

THE HONOURABLE THE PRESIDENT: It only remains for me to adjourn the Council. When I called a meeting for to-day, I did so in full confidence that by this morning there would be some legislation disposed of in another place to be laid on the table here. My forecast, however, has been falsified and I can only do, as I have done before, adjourn the House to an indefinite date. It will be notified to Honourable Members as soon as we are in a position to fix the date of meeting. The Council will now adjourn.

The Council then adjourned to a date to be notified* later.

*Subsequently the date of the next meeting was fixed for Tuesday, the 9th April, 1929.