

THE
COUNCIL OF STATE DEBATES

VOLUME I, 1930

(17th February to 3rd April, 1930.)

EIGHTH SESSION

OF THE

SECOND COUNCIL OF STATE, 1930



CALCUTTA: GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1930

CONTENTS.

	Pages.
Monday, 17th February, 1930—	
Members Sworn	1
Messages from His Excellency the Governor General ...	2
The Railway Budget for 1930-31	2-8
Special Marriage (Amendment) Bill—Introduced ...	9
Repealing and Amending Bill—Introduced ...	9
Prisons (Amendment) Bill—Introduced ...	10
Motion <i>re</i> Attempt to wreck the Viceregal Train ...	10-14
Death of Khan Bahadur Nawabzada Saiyid Ashrafuddin Ahmed	14
Governor General's Assent to Bills	15
Bills passed by the Legislative Assembly laid on the Table ...	15
Message from the Legislative Assembly	16
Committee on Petitions	16
Congratulations to Recipients of Honours	16-18
Wednesday, 19th February 1930—	
Questions and Answers	19-44
Resolution <i>re</i> Announcement by the Governor General on the Subject of Constitutional Progress in India—Adopted ...	44-59
Thursday, 20th February, 1930—	
Member Sworn	61
Messages from His Excellency the Governor General ...	61
General Discussion of the Railway Budget	61-76
Statement of Business	77
Monday, 24th February, 1930—	
Member Sworn	79
Bill passed by the Legislative Assembly laid on the Table ...	79
Motion for the Election of a Member to the Governing Body of the Indian Research Fund Association	79
Election of a Panel for the Central Advisory Council for Railways	80
Indian Patents and Designs (Amendment) Bill—Passed, as amended	80-82
Dangerous Drugs Bill—Passed	83-84
Special Marriage (Amendment) Bill—Passed ✓ ...	84
Repealing and Amending Bill—Passed	85
Prisons (Amendment) Bill—Passed	85
Thursday, 27th February, 1930—	
Member Sworn	87
Questions and Answers	87-88
Messages from His Excellency the Governor General ...	88
Election of a Member to the Governing Body of the Indian Research Fund Association	89
Elections to the Panel for the Central Advisory Council for Railways	89
Resolution <i>re</i> Prohibition of the Import of Vegetable Ghee— Negatived	89-109

Friday, 28th February, 1930—

Member Sworn	...	...	...	...	111
Questions and Answers	...	...	...	...	111-18
Bills passed by the Legislative Assembly laid on the Table	...	...	...	...	114
General Budget for 1930-31	...	...	...	...	114-22
Statement of Business	...	...	...	...	122

Tuesday, 4th March, 1930—

Resolution <i>re</i> Road Development—Adopted	...	...	...	123-31
Transfer of Property (Amendment) Bill—Passed	...	...	...	132
Indian Sale of Goods Bill—Passed	...	...	...	132-38
Indian Contract (Amendment) Bill—Passed	...	...	...	138-39

Thursday, 6th March, 1930—

Member Sworn	...	...	...	...	141
Questions and Answers	...	...	...	...	141-42
General Discussion of the General Budget	...	...	...	...	143-90
Statement of Business	...	...	...	...	190

Monday, 10th March, 1930—

Question and Answer	...	...	...	...	191
Bills passed by the Legislative Assembly laid on the Table	...	...	...	...	191
Messages from the Legislative Assembly	...	...	...	...	191-92
Resolution <i>re</i> Recommendation of the International Labour Conference concerning the Prevention of Industrial Accidents—Adopted	...	...	...	...	192-94
Indian Income-tax (Amendment) Bill—(Amendment of Sections 2, 23, etc.)—Passed, as amended	...	...	...	...	195-98
Indian Income-tax (Amendment) Bill—(Amendment of Sections 14, 25A, etc.)—Passed, as amended	...	...	...	...	198-200
Transfer of Property (Amendment) Supplementary Bill—Introduced	...	...	...	...	200
Destructive Insects and Pests (Amendment) Bill—Introduced	...	...	...	...	200-01
Motion for Elections to the Standing Committee on Roads—Adopted	...	...	...	...	201

Tuesday, 11th March, 1930—

Members Sworn	...	...	...	...	203
Resolution <i>re</i> Slump in Government Securities—Adopted, as amended	...	...	...	...	203-20

Wednesday, 12th March, 1930—

Questions and Answers	...	...	...	...	221-28
Elections to the Standing Committee on Roads	...	...	...	...	228
Cantonments (House-Accommodation Amendment) Bill—Passed	...	...	...	...	226-27
Insolvency Law (Amendment) Bill—Passed	...	...	...	...	227-28
Destructive Insects and Pests (Amendment) Bill—Passed	...	...	...	...	228-29
Transfer of Property (Amendment) Supplementary Bill—Passed	...	...	...	...	229-30
Elections to the Standing Committee on Roads	...	...	...	...	230
Statement of Business	...	...	...	...	231

	Pages.
Tuesday, 18th March, 1930—	
Members Sworn	233
Questions and Answers	233-44
Resolution <i>re</i> Serious after-effects of vaccination—Negatived	245-49
Child Marriage Restraint (Amendment) Bill—Introduced ✓	249-50
Inland Steam-vessels (Amendment) Bill—Passed ...	250-70
Appendix	271-450
Wednesday, 19th March, 1930—	
Questions and Answers	451-54
Statement laid on the Table	454-62
Indian Tariff (Amendment) Bill—Passed	463
Indian Income-tax (Third Amendment) Bill—Passed ...	463-64
Indian Railways (Amendment) Bill—Passed	464-67
Steel Industry (Protection) Bill—Passed	467-68
Motion <i>re</i> Elections to the Standing Committee on Pilgrimage to the Hedjaz—Adopted	468-69
Thursday, 20th March, 1930—	
Member Sworn	471
Nominations for Election to the Standing Committee on Pilgrimage to the Hedjaz	471
Resolution <i>re</i> Publication of an abridged vernacular edition of the Annual Summary of India's Progress—Withdrawn	471-75
Cattle Protection Bill—Introduced	475
Resolution <i>re</i> Date for the convening of the Round Table Conference—Adopted, as amended	476-95
Statement of Business	495
Tuesday, 25th March, 1930—	
Member Sworn	497
Questions and Answers	497-502
Bill passed by the Legislative Assembly laid on the Table ...	502-03
Elections to the Standing Committee on Pilgrimage to the Hedjaz	503-04
Thursday, 27th March, 1930—	
Members Sworn	505
Indian Finance Bill—Passed	505-64
Valedictory Speeches in connection with the impending retire- ment of the Honourable Khan Bahadur Sir Muhammad Habibullah	564-67
Tuesday, 1st April, 1930—	
Members Sworn	569
Questions and Answers	569-78
Messages from the Legislative Assembly	578
Bills passed by the Legislative Assembly laid on the Table	578-79
Thursday, 3rd April, 1930—	
Question and Answer	581
Cotton Textile Industry (Protection) Bill—Passed ...	581-602
Silver (Excise Duty) Bill—Passed	602-03
Indian Companies (Amendment) Bill—Passed	604-05

COUNCIL OF STATE.

Wednesday, 12th March, 1930.

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.

ARMY IN INDIA RESERVE OF OFFICERS.

64. THE HONOURABLE MR. NARAYAN PRASAD ASTHANA :
(a) Will Government be pleased to state whether *ex-officers* of the Indian Territorial Force who did not fulfil their engagement with that force and resigned before their term are eligible to join the Army in India Reserve of Officers as *ex-officers* or private gentlemen under rule 5(i) of the Regulations for the Army in India Reserve of Officers in any category ?

(b) If the reply be in the affirmative, will Government be pleased to state the number and qualifications of such *ex-officers* who have been allowed to join ?

(c) Has any educational standard been fixed for *ex-officers* or private gentlemen joining the Reserve of Officers ?

(d) Do the same rules apply to the *ex-officers* of the Indian Auxiliary Force who did not fulfil their engagement ? If not, why has this distinction been made ?

(e) How many *ex-officers* of the Indian Auxiliary Force who did not fulfil their engagement have been allowed to join the Army in India Reserve of Officers and what were their qualifications ?

(f) Have the officers of the Indian Territorial Force who did not fulfil their engagement been asked to rejoin that Force with the rank of a Jemadar only in order to qualify for the Army in India Reserve of Officers ? Has the same been done with similar *ex-officers* of the Indian Auxiliary Force ? If not, why not ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Yes, Sir. Although no mention is made of Indian Territorial Force officers in rule 5 (i) (a) itself, it will be clear to my Honourable friend from rule 7 (b) that the officers to whom he refers are eligible for commissions in the Army in India Reserve of Officers.

(b) Some officers have been granted commissions in the Army in India Reserve of Officers. To ascertain the exact number, and their individual qualifications would involve an expenditure of time and trouble which I think would be disproportionate to the result.

(c) No standard is fixed but a reasonable amount of education and military experience is required.

(d) No, Sir, officers of the Auxiliary Force do not engage to serve for a fixed period.

(e) Does not arise.

(f) Some *ex-officers* of the Indian Territorial Force have been advised by the military authorities to rejoin the Force in order to gain further military experience and so qualify themselves for the grant of commissions in the Reserve. I am not aware that the same has been done with *ex-officers* of the Auxiliary Force (India), but no such officers are taken into the Reserve unless they have had sufficient military experience.

PAY AND PROSPECTS OF MILITARY SUB-ASSISTANT SURGEONS.

65. THE HONOURABLE MR. NARAYAN PRASAD ASTHANA : (a) Has Government received any representation from military Sub-Assistant Surgeons regarding increase in their pay and prospects of promotion ? If so, what orders have been passed thereon ?

(b) What are the present rates of pay of military Sub-Assistant Surgeons, their numbers in each grade with their rank in the military force ?

(c) Is their pay equal in scale to that of the civil Sub-Assistant Surgeons ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) No, Sir.

(b) The Honourable Member is referred to paragraph 65 of Pay and Allowance Regulations. Part I, and pages 828 to 845 of the Indian Army List for January, 1930.

(c) The rates of pay of civil Sub-Assistant Surgeons vary in the different provinces and are slightly lower than those of military Sub-Assistant Surgeons.

NUMBER OF LOCOMOTIVES OF THE XC CLASS AND XG CLASS PURCHASED FOR THE NORTH WESTERN RAILWAY.

66. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : (a) Will Government kindly state how many locomotive engines of the XC class and how many of the XG class have been purchased for the North Western Railway and what has been the cost of each of these locomotives ?

(b) On what sections of the North Western Railway are these locomotives in use and what is their average daily run ?

(c) Are all of these locomotives not being fully used owing to want of proper track and bridges ?

(d) If the reply to (c) is in the affirmative what time will it take to render the track and bridges fit for the use of these heavy locomotives ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) Two XC locomotives costing Rs. 1,24,000 each and 3 XG locomotives costing Rs. 1,42,000 each.

(b) The XC locomotives run between Lahore and Rawalpindi with an average daily run of 180 miles. The XG locomotives, which are specially designed for heavy shunting, are used in the Lahore goods yard and have an average daily mileage of 100.

(c) No.

(d) Does not arise.

PURCHASE OF SLEEPERS FOR THE STATE RAILWAYS.

67. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :
(a) Will Government kindly state the total estimated requirements and cost in the year 1930-31 of each class of sleepers of various kinds for the State Railways ?

(b) What has been the cost of each kind of sleepers referred to in the statement placed on the table of the Council on the 28th February, 1930, in connection with my question No. 57 asked that day ?

THE HONOURABLE MR. J. A. WOODHEAD : I lay on the table a statement showing (a) the estimated requirements and cost of each class of sleepers for the year 1930-31 and (b) the cost of each kind of sleepers referred to in the answer given to question No. 57, dated 28th February.

Statement.
(a)

	Broad Gauge.	Price.	Metre Gauge.	Price.
		Rs. a. p.		Rs. a. p.
(a) Sal sleepers	7,50,280	8 4 0 to 7 8 0	5,28,750	3 2 0
(b) Deodar sleepers	5,17,500	6 8 0	1,33,000	2 9 0 to 2 11 0
(c) Teak and other wooden sleepers from South India .	1,04,707	8 0 0 to 10 0 0	2,21,941	4 4 0
(d) Fir and Chir	6,36,000	3 4 0 to 3 8 0	Nil	
(e) Jarrah	Nil		Nil	
(f) Cast iron pot plates and other metal	3,06,000		Tenders to be called for.	
(g) Steel	Nil		Nil	
(h) Reinforced concrete	Nil		Nil	
(b)				
(a) Sal . . . . .	..	8 4 0 to 7 8 0	..	3 2 0
(b) Deodar . . . . .	..	6 8 0	..	2 9 0 to 2 11 0
(c) Teak . . . . .	..	8 0 0 to 10 0 0	..	4 0 0
(d) Fir and Chir . . . . .	..	3 4 0 to 3 8 0	..	Nil
(f) Cast iron . . . . .	..	8 8 0 to 9 8 0	..	Nil
(g) Steel . . . . .	..	10 0 0	..	Nil

Note.—Information regarding metal sleepers relates to the State-managed railways only.

PURCHASE OF SLEEPERS FOR THE INDIAN RAILWAYS.

68. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state in what year the Indian Railways have purchased the largest number of Indian wooden sleepers of various kinds, and what is the largest number of such sleepers delivered during any year ? What has been the total number and cost of each kind of such sleepers ?

THE HONOURABLE MR. J. A. WOODHEAD : Government are doubtful whether, even after the most laborious investigation, this information would be procurable, and regret that they are not prepared to undertake such an investigation.

CONVERSION OF THE EXPRESS RUNNING BETWEEN LAHORE AND HOWRAH *via* BHATINDA, DELHI AND AGRA INTO A SLOW TRAIN ON THE NORTH WESTERN RAILWAY.

69. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state whether from 1st March, 1930, the fast Express train running between Lahore and Howrah *via* Bhatinda, Delhi and Agra has been converted into a slow train on the North Western Railway, and, if so, whether this has been done as a result of a new policy ? Does Government intend to restore the previous fast speed of this train and, if so, when ?

THE HONOURABLE MR. J. A. WOODHEAD : The train in question has, from 1st March, 1930, been converted into a slow train between Lahore and Delhi. It is not possible for Government to take any part in the preparation of time-tables, but I will have a copy of the Honourable Member's question and of this answer sent to the Agent of the North Western Railway so that he may consider the point raised.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Are the fast trains being converted into slow trains as a matter of new railway policy ? That was my question, and not the time-tables.

THE HONOURABLE MR. J. A. WOODHEAD : I am afraid I must ask for notice of that question.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Notice has already been given, Sir. It is already embodied in my question.

TOTAL VALUE OF STORES PURCHASED FOR THE STATE RAILWAYS IN THE YEARS 1928-29 AND 1929-30 FOR WORKS ABANDONED.

70. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : (a) Will Government kindly state what is the total value of stores purchased for the State Railways in the years 1928-29 and 1929-30 for works which have been abandoned ?

(b) When and how does Government intend to utilise these stores ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) and (b). Government are not aware that any works actually in progress have been abandoned. The position is that owing to a shortage of funds for capital expenditure certain

works in progress, such as the Lyallpur-Chamanwala and Batala-Beas branches are being, not abandoned, but held in abeyance. Any stores ordered (for example, sleepers or rails for the two branches mentioned) will be utilised on other works which are not being held in abeyance.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : What about the works not in progress ? My question covers both.

THE HONOURABLE THE PRESIDENT : The Honourable Member is not quite accurate in saying that his question covers both. His question relates to works that have been abandoned.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, my question covers both works in progress and works not in progress, which have been abandoned, and so I want detailed information.

THE HONOURABLE MR. J. A. WOODHEAD : Sir, I presume that for works which have not been started no stores have been purchased.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will the Honourable Member enquire and be definite ?

MAIL SERVICE BETWEEN PATHANKOT AND DALHOUSIE.

71. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :
(a) Will Government kindly state whether two mail services have been re-introduced between Pathankot and Dalhousie during this year for the summer season, if so, from what date ?

(b) What was the cost of carriage of such mails last year and what will be the cost under the new contract ? With what firms has the contract been placed ?

THE HONOURABLE MR. J. A. SHILLIDY : (a) A second down despatch for the summer season between Pathankot and Dalhousie will be introduced from the 15th April this year.

(b) The proportionate cost for the conveyance of mails last year was Rs. 2,027-10-8 a month. Under the new contract, given as a result of competitive tenders, to Messrs. Narain Das and Company, Automobile Engineers, Lahore, the cost will be Rs. 1,500 a month.

TELEPHONE SYSTEM FOR DHARMSALA.

72. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state whether Dharmsala will have a telephone system and, if so, when it will be connected with the Lahore trunk line ?

THE HONOURABLE MR. J. A. SHILLIDY : There has been no demand from the general public direct for a telephone system at Dharmsala ; but a suggestion was received from the Deputy Commissioner that a Telephone Exchange System should be established in that station, but as a sufficient

number of subscribers to the proposed exchange could not be secured, the matter was dropped ; no such proposal is, therefore, now under consideration. The question of providing trunk facilities from Dharmasala to Lahore could only be considered after a telephone system had been established at Dharmasala.

CLEARANCE OF LETTER BOXES IN ALL BIG CITIES BY CYCLE PEONS.

73. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :
(a) Are letter boxes in all big cities cleared by cycle peons ?

(b) If not, when does Government intend to provide cycle peons for the clearance of letter boxes in all big cities ?

THE HONOURABLE MR. J. A. SHILLIDY : (a) No. All letter boxes in big cities are not cleared by cycle peons. The issue of bicycles is limited to cases where clearances are really expedited thereby.

(b) Government do not propose to consider the wholesale provision of bicycles for peons to permit of collections from letter boxes in large cities. The cost of their provision would be prohibitive and Government are satisfied that it is not really necessary.

ELECTIONS TO THE STANDING COMMITTEE ON ROADS.

THE HONOURABLE THE PRESIDENT : In connection with the election of three Members of the Council to serve on the Standing Committee on Roads, four nominations have been received, namely,

the Honourable Mr. Mahmood Suhrawardy,

the Honourable Mr. Surput Sing,

the Honourable Rai Bahadur Lala Ram Saran Das, and

the Honourable Saiyed Mohamed Padshah Sahib Bahadur.

There will, therefore, be an election at the close of other business this morning. The election will take the form of a straight ballot.

CANTONMENTS (HOUSE-ACCOMMODATION AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I beg to move that the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.

I might explain, Sir, that this Bill is of an entirely non-contentious nature and the purposes, as set forth in the Statement of Objects and Reasons, are to remove certain defects which have disclosed themselves in the working of the Act during the past five years and to render it a more useful and acceptable measure to the military authorities as well as the house owners. The principal reform proposed is to provide for a reference to the Court of the District Judge, with an appeal to the High Court, on questions of the amount of rent to be paid or repairs to be done. Under the existing Act, disputes on these subjects can only be settled by a committee of arbitration—a cumbrous procedure which

has led to great delay in many cases. Other minor improvements are stated in the Notes on Clauses accompanying the Bill. Clause 6, referred to in the Notes, is no longer a part of the Bill, having been omitted by the Legislative Assembly. Although Government still consider the amendments proposed in that clause would have been useful, the occasions on which they would be required might not often occur and we do not therefore think it necessary to restore the clause at present. I might mention that in Peshawar, where I think possibly Members of this House are aware we have had great difficulties as regards house accommodation, the problem of housing officers was very acute indeed and some of the defects of the existing Act were prominently brought to light. We have managed, therefore, partly by special expenditure on new buildings and partly by arrangement with the house owners, considerably to improve the situation without recourse either to appropriation under the existing Act or to Government's ultimate powers of resumption. There are, however, many other cantonments as we think, in which the provision of a simpler and more easily workable House Accommodation Act will benefit all concerned.

Sir, I move.

The motion was adopted.

Clauses 2 to 9 were added to the Bill.

Clauses 10 to 16 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

INSOLVENCY LAW (AMENDMENT) BILL.

THE HONOURABLE SIR LANCELOT GRAHAM (Secretary, Legislative Department) : Sir, I move that the Bill to amend the law relating to insolvency, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.

This Bill, Sir, deals with three points of insolvency law and it aims at repairing or improving the procedure in three respects, and firstly under the Presidency Towns Insolvency Act to provide for the appointment of a Deputy Official Assignee who shall have all the powers of an Official Assignee. The purpose of this appointment, I think, must be obvious, Sir, and it is that the insolvency work of the High Courts continues to increase and the necessity of affording relief to Official Assignees has consequently arisen. The next point, Sir, is the amendment of section 18 of the Presidency Towns Insolvency Act by adding a new section 18-A and the reason for this is that it has been held that the provisions of section 18 do not extend to staying insolvency proceedings which may have been launched under the Provincial Insolvency Act in a subordinate court, that is to say, in a court subordinate to the High Court. It is

[Sir Lancelot Graham.]

obviously desirable that it should not be possible for insolvency proceedings to be launched in a court which is eminently convenient to the debtor and eminently inconvenient to the creditor and that we find is what has been happening. As the Notes on Clauses say :

“The object in giving this power to the High Court is to put an end to what is described as a common practice, whereby debtors, who have carried on business in Calcutta, retire to some part of the province sufficiently remote and get an accommodating creditor to present a petition in insolvency against them in a District Court. This is done with the object of discouraging Calcutta creditors from prosecuting their claims or securing a searching investigation of the debtor's conduct and affairs.”

The sort of investigation which is likely to take place when the proceedings are conducted in the High Court. That, Sir, is the object of the second amendment of this Bill. The third amendment, which is an amendment in the Provincial Insolvency Law, is to clarify a point which has been the subject of conflicting decisions in section 53 as to the date back, that is to say, what is called the date of relation back in the matter of avoidance of voluntary transfers. That again, Sir, I think, is sufficiently plainly put in the Notes on Clauses. There has been a difference of opinion in judicial decision as to whether the starting point for the calculation of the two years allowed by section 53 is the date of the presentation or the date of the order of adjudication. I think there is no doubt as to which it should be from the point of view of preventing dishonesty, that is to say, you must have a fixed date and that date should be the date of the presentation of the petition. But as there has been this conflict of decisions it is necessary to make the amendment with a view to clarifying the law. For that purpose, Sir, we propose to put in the words “on a petition presented” after the words “shall if the transferor is adjudged insolvent”. The whole section as amended will then read as follows :

“Any transfer of property not being a transfer made before and in consideration of the marriage or made in favour of the purchaser or encumbrancer in good faith and for valuable consideration shall if the transferor is adjudged insolvent on a petition presented within two years after the date of transfer be voidable as against the receiver and may be annulled by the Court.”

These three points, Sir, exhaust the purpose of the Bill and I now move.

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

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

The motion was adopted.

DESTRUCTIVE INSECTS AND PESTS (AMENDMENT) BILL.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH (Education, Health and Lands Member) : Sir, I move that the Bill to amend the Destructive Insects and Pests Act, 1914, for a certain purpose, be taken into consideration.

Sir, I tried to explain at the introduction stage of this Bill that our aim at the present moment was to fill in a gap which existed in our defence against the dangerous insect immigrants. The present Act confers power upon us to ban the introduction into British India of such insects and pests either by sea or by land. A new factor in the means of communications has since arisen by the introduction of regular air services to India, and we feel, Sir, that unless a similar ban is applied in the case of these unwholesome immigrants, the fruit and vegetable crops of India will suffer greatly. These apprehensions are not merely imaginary. On the other hand, our experience in other countries into which these pests have found a home makes it obligatory upon us to be forewarned. Honourable Members might have noticed that these pests have already done considerable damage in South Africa, Australia, New Zealand and Hawaii. The particular pest we have now in mind is what is known as the Mediterranean fruit fly and the distance which has to be covered by air between the regions bordering on the Mediterranean and India is so short that the invasion of these flies is imminent. We therefore propose, Sir, to amend the law in such a manner as to give us power not merely to deal with these dangerous immigrants by sea and by land but also by air.

Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH :
Sir, I move that the Bill be passed.

The motion was adopted.

TRANSFER OF PROPERTY (AMENDMENT) SUPPLEMENTARY BILL.

THE HONOURABLE SIR LANCELOT GRAHAM (Secretary, Legislative Department) : Sir, I move that the Bill to amend the Transfer of Property (Amendment) Supplementary Act, 1929, for a certain purpose, be taken into consideration.

Sir, in placing this Bill before the Council for introduction on Monday last, I ventured to remark that the amendments made were of a very trifling nature and intended only to secure that an appeal, which has accidentally been dislodged by an amendment, should lie. I confess, Sir, I have no hope of rendering this Bill in any way interesting to the Members of this Council because I cannot expect them to have made an exhaustive study of the provisions of Order XLIII in the First Schedule to the Code of Civil Procedure, and I will therefore, Sir, ask their indulgence and their patience because I think it necessary to explain just what this Bill has done. Clause (c) of rule 1 of Order XLIII of the First Schedule to the Code of Civil Procedure gives a right of appeal from an order passed under rule 3 of Order XXXIV—and that is a matter dealing with mortgages, Sir, and that is how this arises out of our amendment of the law relating to Transfer of Property. A similar right is given from an order passed under rule 8 in a redemption suit. Therefore, you have that right of appeal from an order under rule 3 or under rule 8 of that Order.

[Sir Lancelot Graham.]

That appeal is provided by the provisions of Order XLIII. Those provisions for the extension of time have been transferred by the Act to which I have referred—the Transfer of Property (Amendment) Supplementary Act, 1929, passed in Simla last year—from rules 3 and 8 to rules 2 and 7, respectively, of Order XXXIV. The result was that the appeal disappeared, for the provisions of rule 3 and rule 8, from which an appeal lies, were transferred to rule 2 and rule 7 from which an appeal does not lie. That right of appeal is restored by this Bill, and at the same time another appeal from a cognate order is provided. Sir, I do not think I can encroach upon the patience of the House any longer in this matter and I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE SIR LANCELOT GRAHAM: Sir, I move that the Bill be passed.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: It appears that the ballot papers for the election in connection with the Road Committee are not yet quite ready in the office. I therefore propose to adjourn the Council for 15 minutes, after which we shall re-assemble for the purpose of holding the election.

The Council then adjourned for 15 minutes.

The Council re-assembled after an interval of 15 minutes, the Honourable the President in the Chair.

ELECTIONS TO THE STANDING COMMITTEE ON ROADS.

THE HONOURABLE THE PRESIDENT: The Council will now proceed to the election. The ballot papers will be handed to Honourable Members in their seats. As there are four names on the paper and three are to be elected, the most convenient way for Honourable Members to vote will be by striking out the one name of the Honourable Member for whom they do not wish to vote. The papers will not be signed. They will be handed to the staff of the Council and placed in the ballot box.

(The ballot was then taken.)

THE HONOURABLE THE PRESIDENT: I had to reject three voting papers as invalid. The result of the voting on the valid papers is as follows:

The Honourable Rai Bahadur Lala Ram Saran Das . . . 29 votes.

The Honourable Saiyed Mohamed Padshah Sahib
Bahadur 28 votes.

The Honourable Mr. Mahmood Suhrawardy . . . 21 votes.

The Honourable Mr. Surput Sing 12 votes.

I therefore declare the first three Honourable Members, whose names I have mentioned, duly elected.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH
(Leader of the House): Sir, as there is no business to be transacted, the Council will not sit to-morrow the 13th instant.

With your permission, I should now like to make a statement regarding the probable course of business for the next week.

On Wednesday, the 19th March, 1930, the Council will meet for Government business, when motions will be made for taking into consideration and passing the Indian Income-tax (Third Amendment) Bill and the Indian Railways (Amendment) Bill, as passed by the Legislative Assembly, copies of which were laid on the table of the Council on the 28th February, 1930, and also the Indian Tariff (Amendment) Bill and the Steel Industry (Protection) Bill, as passed by the Legislative Assembly, copies of which were laid on the table on the 10th March, 1930. Thereafter a motion will be made for the election of two Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz. Tuesday, the 18th, and Thursday, the 20th March, 1930, will be devoted to non-official business.

The Council then adjourned till Eleven of the Clock on Tuesday, the 18th March, 1930.