

Friday, 23rd September, 1932

THE
COUNCIL OF STATE DEBATES

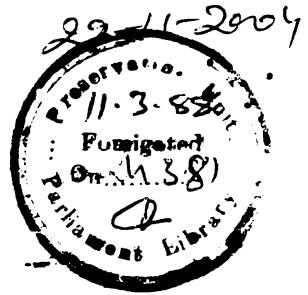
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COUNCIL OF STATE.

Friday, 23rd September, 1932.

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

QUESTIONS AND ANSWERS.

APPOINTMENT OF MR. HASSAN, I.C.S., AS POSTMASTER-GENERAL.

83. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :
(a) Will Government be pleased to state whether one Mr. Hassan, a member of the Indian Civil Service has been recruited for appointment as Postmaster-General ?

(b) Is it a fact that the Lee Commission recommended that the Postal Department should be self-contained from top to bottom and that no fresh Indian Civil Service officers be recruited for that department ?

(c) If so, what was the reason for the departure from the policy laid down by the Lee Commission ?

THE HONOURABLE MR. TIN TÛT : (a) The reply is in the negative.

(b) No such recommendation was made by the Lee Commission.

(c) Does not arise.

APPOINTMENT OF DIRECTOR GENERAL, POSTS AND TELEGRAPHS DEPARTMENT.

84. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :
1. Is it a fact that for a long time the appointment of Director General of Posts and Telegraphs was filled by the most efficient senior officer of the department, whether Indian Civil Service or non-Indian Civil Service ?

2. (a) Is it a fact that an officer entirely unconnected with the department has been appointed Director General of Posts and Telegraphs ? (b) If so, why ?

3. Will Government be pleased to state what technical experience this new Director General of Posts and Telegraphs has got of the Postal Department ?

4. (a) Will Government be pleased to state to what branch of Government service he originally belonged ? (b) When did he come out to India and how did he become an expert in matters relating to Posts and Telegraphs ?

THE HONOURABLE MR. TIN TÛT : 1 and 2. The appointment has been and is filled by the officer considered most suitable for it. The present incumbent was not employed in the department immediately prior to his appointment ; his predecessors have been officers of the department.

3 and 4. (b) The post is an administrative one and Government cannot accept the assumption in the Honourable Member's question that technical experience of the department is an essential qualification for it. As a matter

of fact, the present Director General, who came out to India in 1898 had, at the time of his appointment, been closely concerned with matters relating to Posts and Telegraphs for the previous eight years and was probably more familiar with the questions confronting the Director General than any other officer available.

4. (a) To the Accounts Branch of the Public Works Department.

APPOINTMENT OF FINANCIAL ADVISER, POSTS AND TELEGRAPHS DEPARTMENT.

85. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

1. Will Government be pleased to state when the appointment of Financial Adviser for the Posts and Telegraphs Department was created ?

2. (a) Is it a fact that the present Financial Adviser for the Posts and Telegraphs Department acted as Secretary to the Sub-Committee of the Posts and Telegraphs Retrenchment Committee in addition to his own duties ? (b) Was he chosen because he had not sufficient work as Financial Adviser ?

3. Will Government be pleased to state why the appointment of the Financial Adviser for the Posts and Telegraphs on Rs. 3,000 per month was necessary when there was already an Accountant General for Posts and Telegraphs on the same pay ?

4. Is it not a fact that the Posts and Telegraphs Retrenchment Committee have recommended effecting economies in the department in all possible ways ?

THE HONOURABLE MR. TIN TUT : 1. The post has been in existence since April, 1923.

2. (a) No. The late Officiating Financial Adviser however did so, as the duration and magnitude of the Committee's task was greatly underestimated. As a result he was very seriously over-burdened with work notwithstanding that some assistance was given by another officer. (b) Certainly not.

3. The post, the pay of which is Rs. 2,500—3,000, was created in accordance with the advice of the Inchcape Committee, in order that the Director General of Posts and Telegraphs and the Department of Industries and Labour might have readily at hand suitable financial assistance and advice. The functions of the Accountant General, Posts and Telegraphs, are those of an audit and accounting authority and are quite distinct from those of the Financial Adviser.

4. No. The Retrenchment Sub-Committee explored many but not all possible ways of effecting economy.

APPOINTMENT OF PERSONAL ASSISTANT TO THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS DEPARTMENT.

86. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

1. Is it a fact that the present Director General of Posts and Telegraphs has created a post of Personal Assistant on Rs. 800 per month for himself and that the officer selected has no practical experience of the work in the Postal Department ? If so, why is this officer being maintained in this department ? Did he ever work in the Postal Department ?

2. Will Government be pleased to state whether the former Director General of Posts and Telegraphs had any Personal Assistant? If not, what was the necessity for creating such a post?

3. Will Government be pleased to state what economy has been effected by abolishing the Range Office of Posts and Telegraphs (Deputy Postmaster-General's Office) at Dacca?

THE HONOURABLE MR. TIN TUT : 1. No. The post, which carries the grade pay of the official appointed to it *plus* a special pay of Rs. 250, was created by the Government of India in lieu of a pre-existing more costly post of Assistant Director General which in turn had replaced a still more expensive post of Deputy Director General. The officer appointed to it was employed for about thirteen years in the Government of India Secretariat and in the Department of Posts and Telegraphs on work connected with this department in which he is an expert.

2. Not under this designation ; as I have just explained, the Personal Assistant's post took the place of a more costly post.

3. The abolition of the Range Office at Dacca was part of a scheme of retrenchment in which the abolition of a similar office at Shillong was included : the net effect after allowing for increased expenses elsewhere is a saving of Rs. 3,800 per mensem.

RESERVATION OF ELEVEN ADMINISTRATIVE APPOINTMENTS IN THE POSTS AND TELEGRAPHS DEPARTMENT FOR OFFICERS OF THE TELEGRAPH BRANCH OF THE SERVICE.

87. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :
(a) Is it a fact that after the amalgamation of Posts and Telegraphs, eleven administrative appointments in the Telegraphs side of the department were guaranteed for the superior officers of the Telegraph Branch of the service?

(b) Is it a fact that besides those eleven appointments three appointments of Postmasters-General have also been reserved for the superior officers of the Telegraph Department?

(c) Are there no capable officers in the superior services of the Postal Department who could fill the posts of at least two Postmasters-General?

(d) If so, why has this preferential treatment been accorded to the Telegraph Branch when it has already got eleven administrative appointments on the same pay in that branch?

(e) Will Government be pleased to state the reasons for which Telegraph officers should get appointments of Postmasters-General?

(f) Are Telegraph officers given any training in postal work before they are appointed Postmasters-General? If not, why not?

THE HONOURABLE MR. TIN TUT : (a) Eleven posts on administrative rates of pay were guaranteed to the superior officers of the old Indian Posts and Telegraphs Department recruited before the 1st April, 1914. Accordingly, nine posts on the Telegraph side and two posts of Postmasters-General were originally reserved for them. At present the officers of the Superior

Telegraph Engineering Branch are allotted eight administrative posts on the Telegraph side and three posts of Postmasters-General.

(b) No ; the position is as stated above.

(c) Yes. More than two such posts are already so filled.

(d) Does not arise, in view of what I have just stated.

(e) Postmasters-General are in charge of both postal and telegraph work. It is appropriate that officers of both branches of the department should be eligible for selection for these posts.

(f) Not a formal training, but telegraph engineering officers are in close contact throughout their service with the Postal Branch of the department with whose business they thus attain some familiarity, and they are appointed as Officiating Postmasters-General before their confirmation in the cadre. In practice these arrangements are satisfactory and Telegraph officers have proved competent Postmasters-General.

RECOMMENDATION OF THE RETRENCHMENT SUB-COMMITTEE, POSTS AND TELEGRAPHS DEPARTMENT, THAT THE GUARANTEE OF ELEVEN ADMINISTRATIVE APPOINTMENTS SHOULD NOT BE HELD TO APPLY TO THE PRESENT OFFICERS OF THE TELEGRAPH BRANCH EXCEPT ONE.

88. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Is it a fact that the Directors of Telegraphs working under the Postmasters-General draw the same pay as the Postmasters-General do ?

(b) Is it a fact that the Retrenchment Sub-Committee, Posts and Telegraphs, recommended that the guarantee of eleven administrative appointments for the Telegraph Branch should not be held to apply to the present officers of the Telegraph Branch except one ?

(c) If so, will Government be pleased to state the reasons why the appointments of Director of Telegraphs should not be abolished ?

(d) Will Government be pleased to state why as many as three appointments of Postmasters-General should be given to the Telegraph Branch ?

THE HONOURABLE MR. TIN TÛT : (a) No, they receive lower pay.

(b) No. The Honourable Member is referred to paragraph 25 of the interim Report of the Posts and Telegraphs Sub-Committee of the Retrenchment Advisory Committee.

(c) The posts of Directors of Telegraph Engineering are necessary and cannot be abolished. I invite the Honourable Member's attention to paragraphs 114 and 115 of the Retrenchment Sub-Committee's Report.

(d) I refer the Honourable Member to the reply which I have just given to part (e) of question No. 87.

APPOINTMENT OF AN OFFICIATING CONTROLLER OF STORES AS POSTMASTER-GENERAL, UNITED PROVINCES.

89. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(a) Is it a fact that an Officiating Controller of Stores who was not a permanent Director of Telegraphs was appointed Postmaster-General, United Provinces ?

ANSWERED BY THE SECRETARY

(b) If so, will Government be pleased to state the special qualifications that entitled him to get this post ?

THE HONOURABLE MR. TIN TUT : (a) I am unable to trace any such appointment.

(b) Does not arise.

CONTRIBUTION BY INDIA TOWARDS THE COST OF THE WAR.

90. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM :

1. Will Government inform the House of the exact amount of money contributed by India towards the cost of the Great War ; (a) as cash to His Majesty's Government, (b) as expenses of our army outside India ?

2. Was this cash contribution paid in one lump sum ; if so, when ? If it was not paid in one lump sum, then on what basis of rate of interest was it paid in annual instalments ?

3. Was there an agreement whereby the liability for a certain portion of War Loan was transferred to the Government of India from His Majesty's Government ?

4. Will Government inform the House of the relief that has accrued or is likely to accrue to India in the interest charges of the War contribution, on account of the recent conversion of War Loan to $3\frac{1}{2}$ per cent. ?

5. Has there been any communication on the subject of reduction of interest of War contribution, between the Government of India and the British Government ? Will Government lay on the table, or place in the Library, the copies of the despatches on this subject ?

6. Has any agreement been reached between the Government of India and His Majesty's Government on the question of repayment of the interest for the period of the Hoover moratorium ? If so, what ?

THE HONOURABLE MR. J. B. TAYLOR : 1. (a) A total sum of £100 million was offered by the Government of India as India's cash contribution towards the cost of the war. This is exclusive of sundry amounts contributed by Indian Princes and others which amounted to £2.1 million up to the end of 1918-19.

(b) The contributions to the war, paid from the revenues of the Government of India, other than the special contributions referred to above, amounted to £46,803,000, which is made up of (i) £33,203,000 being the ordinary maintenance charges of the troops, etc., of the permanent establishment sent from India to the various Indian Expeditionary Forces and (ii) £13,600,000 being a part of the additional assistance offered in pursuance of the Resolution of the Indian Legislative Council in September, 1918. In addition to this amount of £46,803,000, Indian revenues were charged with the difference between the normal cost of British troops withdrawn from the Indian establishment at the outbreak of the war and the actual cost of the Territorial Forces which replaced them. This amount does not appear separately in the accounts.

2 and 3. The cash contribution of £100 million referred to in part 1 was adjusted as follows :

	£ (million).
(i) By transferring proceeds of Indian Loans to His Majesty's Government during the years 1917-18 to 1919-20	77.28
(ii) By purchasing stocks out of annual sinking fund payments between the years 1917-18 to 1922-23	3.02
	<hr/> 80.30
Balance to work up to £100 million	<hr/> 19.70

It was arranged that this balance of £19.7 million should be redeemed by a uniform annual payment of £1,428,000 (interest and sinking fund combined) for the period 1923-24 to 1946-47. The annual payment was calculated on the basis of interest at 5 per cent. per annum.

The sum of £46,803,000 was adjusted as follows :

£33,203,000 was accounted for by reducing Government of India's claim for expenditure recoverable from His Majesty's Government in each year from 1914-15.

£13,600,000 was similarly accounted for in 1918-19.

4 to 6. The question is under examination.

BALANCES IN THE HOME TREASURY AND AVERAGE RATE OF INTEREST AT WHICH THEY WERE INVESTED.

91. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Will Government state the amount of balances in the Home Treasury at the end of each month of this year, together with the average rate of interest at which they were invested ?

THE HONOURABLE MR. J. B. TAYLOR : The balances at the end of each month were as follows :

	£ (million).
April	13.8
May	11.5
June	9.5
July	6.7
August	8.1

(approximate).

Information as to the average rate of interest at which they were invested is not available.

HIGHEST EXPANSION AND GREATEST CONTRACTION OF CURRENCY IN 1932.

92. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : (1) Will Government lay on the table a statement giving the following information about the Currency Department in 1932 :

(a) the date and amount of highest expansion of currency ;

- (b) the date and amount of greatest contraction of currency ;
 (c) the Calcutta Index figure on or about the dates (a) and (b) ; together with the figure for each month of 1932 ?

(2) Will Government explain the reasons for contraction and re-expansion of currency in 1932 ?

(3) Will Government state what were the amounts of Treasury Bills with the public and the Paper Currency Reserve on 31st March and 10th May, 1932.

THE HONOURABLE MR. J. B. TAYLOR : (1) (a) and (b) and (2). There was an expansion of currency of about 5 crores in January and of 4 crores in February, 1932 on account of seasonal advances required by the Imperial Bank of India against Internal Bills of Exchange and Government of India securities for the financing of crops and other trade requirements of a seasonal nature. These advances were repaid by the Bank in April, as they were no longer required, in which month there was accordingly a contraction of a corresponding amount. There has been no other expansion or contraction of currency in the year 1932.

(1) (c) Index numbers of wholesale prices in Calcutta are given in the *Indian Trade Journal*, copies of which are available in the Library.

(3) The total amount of Treasury Bills outstanding with the public on the 31st March and 10th May, 1932 was 47½ crores and 54½ crores, respectively. The amount of Treasury Bills held in the Paper Currency Reserve is not published by Government.

CAPITAL COST OF THE INDO-EUROPEAN TELEGRAPH DEPARTMENT CHARGED TO THE POSTS AND TELEGRAPHS DEPARTMENT.

93. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM :

(a) Will Government state the capital cost of the Indo-European Telegraph Department charged to the Posts and Telegraphs Department ?

(b) What was the net price realised from the sale ; and how was it accounted ; was this amount utilised to reduce the capital ?

(c) Is it a fact that loss on working of the Posts and Telegraphs Department is added to the capital at charge ?

THE HONOURABLE MR. TIN TUT : (a) No portion of the capital cost of the Indo-European Telegraph Department has been charged to the Posts and Telegraphs Department, the two departments being quite separate and distinct. If, however, the Honourable Member wishes to know the capital cost of the Indo-European Telegraph Department up to the date of its dissolution, as recorded in the Government accounts, the answer is about Rs. 121 lakhs.

(b) The net amount realised from the sale was about Rs. 42 lakhs. This amount was adjusted as a credit to general revenues as all expenditure on capital assets of the Indo-European Telegraph Department was charged to a revenue head.

(c) No. An interest surcharge is however payable by the Posts and Telegraphs Department on such losses.

PERSONNEL, ETC., OF THE TRIBAL CONTROL AND DEFENCE COMMITTEE.

94. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM :
Will Government give the following information about the Tribal Control and Defence Committee :

- (a) the personnel ;
- (b) the cost ;
- (c) the date of Report ;
- (d) the action taken by Government ;
- (e) the publication date ?

THE HONOURABLE MR. A. H. LLOYD :

(a) Sir Evelyn Howell, *Chairman*.

Air-Marshal Sir Geoffrey Salmond.

Major-General S. F. Muspratt.

A. C. Badenoch, Esq.

} *Members.*

(b) Rs. 25,819.

(c) 26th March, 1931.

(d) Some of the recommendations of the Committee have been adopted, others not. Some are still under consideration.

(e) The Report has not been published.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM :
Do Government intend to publish it ?

THE HONOURABLE MR. A. H. LLOYD : It would not be in the public interest to publish the Report.

PERSONNEL, ETC., OF THE SPECIAL COMMITTEE ON THE ECONOMIC AND FINANCIAL RELATIONS BETWEEN BRITISH INDIA AND THE INDIAN STATES.

95. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM :
Will Government give the following information about the Special Committee on the Economic and Financial Relations between British India and the Indian States :

- (a) the personnel ;
- (b) the cost ;
- (c) the date of Report and the action taken by Government ;
- (d) the publication date ?

THE HONOURABLE MR. A. H. LLOYD :

(a) Mr. W. W. Nind (then Collector of Customs, Rangoon), *Chairman*.

Mr. V. Narahari Rao, M.A., Under Secretary to the Government of India, Foreign and Political Department.

Professor S. P. Bhargava, M.A., F.S.S., member representing the Special Organisation of the Chamber of Princes.

} *Members.*

Mr. Nind left the Committee at the end of October, 1930, and

Mr. V. Narahari Rao took over as *Chairman*.

(b) Rs. 66,908 approximately.

(c) The main Report is dated the 24th October, 1930 and the Supplementary Report is dated the 31st March, 1932. No action has yet been taken by Government on these Reports beyond circulation of copies to all the delegates to the Indian Round Table Conference, but the information contained in them will be of use in connection with the consideration of the question of the financial implications of Federation during the further stages of Constitutional discussions.

(d) The main Report was published on the 21st February, 1931 and the Supplementary Report on the 23rd April, 1932.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Has it been supplied to the Members of the Legislature ?

THE HONOURABLE MR. A. H. LLOYD : I am not able to answer that question, Sir.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Will the Government consider the advisability of supplying it to the Members of the Legislature ?

THE HONOURABLE MR. A. H. LLOYD : I will see that this point is looked into.

RECOMMENDATION OF THE RAILWAY RETRENCHMENT COMMITTEE OF THE APPOINTMENT OF AN EXPERT COMMITTEE ON RAILWAYS.

96. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Will Government state what action they have taken or propose to take about the appointment of an Expert Committee on Railways recommended by the Railway Retrenchment Committee ?

THE HONOURABLE MR. J. C. B. DRAKE : The matter is still under correspondence with the Secretary of State.

REPORT OF THE BENGAL AND NORTH-WESTERN RAILWAY COMMITTEE.

97. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Will Government state what action they have taken on the Report of the Bengal and North-Western Railway Committee of the Legislative Assembly ?

THE HONOURABLE MR. J. C. B. DRAKE : The Honourable Member is referred to the Resolution on the subject adopted by the Legislative Assembly on the 3rd October, 1931, and also to the Railway Department Notification No. 6370-F., dated the 16th May, 1932, published at pages 645 to 651 of Part I of the Gazette of India, dated the 21st May, 1932.

TOTAL VALUE AND QUANTITY OF POTATOES IMPORTED INTO INDIA.

98. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : Will Government be pleased to state particulars of the import of potatoes during the last five years under the following heads :

(a) total quantity and value of imports ;

(b) in what ports they have been imported and from what countries and how much from each country ?

THE HONOURABLE MR. J. C. B. DRAKE : As the imports of potatoes into India are not recorded separately in the Sea-borne Trade Accounts, being included under the heading "Fruits and Vegetables—fresh vegetables of all kinds," Government regret that they are not in a position to furnish the information required.

ALLEGED FREIGHT WAR BY THE BRITISH INDIA STEAM NAVIGATION COMPANY AGAINST INDIAN COMPANIES IN THE COASTAL TRAFFIC.

99. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is it a fact that a freight war has been resumed of late between the British India Steam Navigation Company and the indigenous Indian Navigation Companies in Indian coastal traffic ? If so, what steps do Government intend to take ?

THE HONOURABLE MR. J. C. B. DRAKE : The Government of India have received representations from certain Indian bodies alleging that a freight war has been started by the British India Steam Navigation Company on the West Coast of India, and the matter is at present receiving their attention.

PURCHASE OF THE BENGAL AND NORTH-WESTERN RAILWAY ON THE EXPIRY OF ITS LEASE.

100. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state what decision they have finally arrived at regarding purchase of the Bengal and North-Western Railway on the expiry of its lease ?

THE HONOURABLE MR. J. C. B. DRAKE : I would refer the Honourable Member to the reply just given to the Honourable Mr. Abu Abdullah Syed Hussain Imam's question on the same subject.

PREPARATION OF A FIVE-YEAR PLAN FOR THE DEVELOPMENT OF INDIAN AGRICULTURE AND INDUSTRIES.

101. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state whether they intend to frame a Five-year Plan similar to the Russian Plan in order to develop Indian agriculture and industries ? If so, what steps are being taken in this direction ? If not, why not ?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : The development of industries and agriculture being transferred provincial subjects, it is not for the Government of India to frame any such plan. I may, however, mention that in the field of agriculture the Imperial Council of Agricultural Research has sanctioned several important schemes extending over a period of years for improvement and research in agriculture, and is considering other such schemes at present.

FORMATION OF A PETROL POOL TO KEEP UP THE PRICE OF PETROL.

102. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is it a fact that all the petrol concerns in India have formed a pool to keep up the high price of petrol above the parity of the prices ruling in western coun-

tries? If so, does Government intend to take any steps to break the monopoly or to control and regulate the price of petrol? If not, why not?

THE HONOURABLE MR. J. C. B. DRAKE : The Government of India have no information of any pool having been formed by the petrol concerns in India with a view to maintain the price level but have recently undertaken to have the matter investigated.

NUMBER AND SALARIES OF OFFICERS ON STATE-MANAGED RAILWAYS AFTER THE INTRODUCTION OF THE DIVISIONAL SYSTEM.

103. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly lay on the table of this House a detailed statement of the officers employed in each department of each State-worked Railway and their salaries under the divisional system as compared with the old established system? What savings, if any, have resulted by adoption of the divisional system on each of such Railways?

THE HONOURABLE MR. J. C. B. DRAKE : With regard to the first part of his question, I shall obtain and communicate the information required to the Honourable Member if he will make it clear whether he wants a statement comparing the number of officers and their scales of pay prior to the introduction of the divisional system with their number and scales of pay at the present time or with their number and scales of pay as they stood immediately after the introduction of the divisional system. I would, however, point out that if the comparison is made with the position as it is now, it would not be comparing like with like. As there have been changes due to other causes, the comparison should be between the numbers and scales of pay immediately after and before the divisional system was introduced.

With regard to the second part, I would refer the Honourable Member to the Railway Board's letter No. 7505-F., dated the 8th October, 1931, to his address. As explained in the enclosure to that letter, it is extremely difficult to separate the various factors which have led to changes in the number of officers and to isolate the effect of this particular change, namely, the introduction of the divisional system.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I might mention, Sir, that I require this statement of period immediately after the introduction of the divisional system.

THE HONOURABLE MR. J. C. B. DRAKE : I will note that point, Sir.

MOVE OF THE GOVERNMENT OF INDIA OFFICES FROM DELHI TO SIMLA.

104. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state its final decision in detail regarding the move of its various offices from Delhi to Simla?

THE HONOURABLE MR. J. B. TAYLOR : I would refer the Honourable Member to the remarks on page 23 of the "Summary of the results of retrenchment operations in Civil expenditure (including Posts and Telegraphs but excluding Railways) and in Military Estimates," circulated with the current year's budget papers. These show that owing mainly to the shortage of water supply in New Delhi it has not been found possible to arrive at any final decision in the matter of the move of the Government of India offices

from Delhi to Simla. The question of improving the water supply is under the consideration of Government.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : As about Rs. 18 crores have been spent upon the construction of New Delhi by Government, was it not possible to provide water for the additional number of about 2,000 men, which I understand is the net number involved in the move? Was not this small additional consumption of water anticipated in estimate?

THE HONOURABLE MR. G. A. NATESAN : Is the supply of water supply so low that Government cannot at least ask some of the departments to stop the exodus to Simla?

THE HONOURABLE MR. J. B. TAYLOR : Sir, enquiries were addressed to the departments asking whether any of their staff could be left in Delhi; and I understand that as many as possible are being left in Delhi. I believe that the total number of people affected by the move would not be 2,000 but something more like 20,000.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, 2,000 was the net figure as compared to winter population.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : I belong to the Committee—

THE HONOURABLE THE PRESIDENT : The Honourable Member should ask questions and not give information.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : We want to know what specification Government have taken on the recommendation of the Public Works and Accounts Committee in this respect?

THE HONOURABLE MR. J. B. TAYLOR : I think that I have already answered that question.

INTRODUCTION OF REVISED SCALES OF PAY FOR FUTURE ENTRANTS TO THE SERVICES.

105. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Will Government lay on the table a statement showing the revised and old rates of pay of future entrants of those services whose rates of pay have been either increased or reduced since 29th September, 1931?

THE HONOURABLE MR. J. B. TAYLOR : No revised scales of pay have been introduced for future entrants to the services generally though in certain cases new appointments of outsiders on a temporary footing are being made at reduced rates which will be subject to reconsideration when the revised scales are finally approved.

PERSONNEL, ETC., OF THE COMMITTEE OF EXPERTS ON DEFENCE.

106. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Will Government give the following information about the Committee of Experts appointed by His Excellency the Commander-in-Chief on Defence:

(a) the date of appointment;

(b) the personnel (names);

- (c) the date of Report ;
- (d) the terms of reference ;
- (e) whether revision of pay and allowances of officers and men were also referred to this Committee ;
- (f) has the Report been submitted to the Governor General in Council ;
- (g) has the Government of India come to any decision on the Report ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) April, 1931.

(b) The Committee consisted of myself and Principal Staff Officers.

(c) 13th June, 1931.

(d) The Committee were directed to carry out their investigations in accordance with Resolution No. 3 of the Defence Sub-Committee of the First Round Table Conference.

(e) No, Sir.

(f) Yes.

(g) No, Sir. The Report is under the consideration of His Majesty's Government.

EXPENDITURE IN CONNECTION WITH THE MEERUT CONSPIRACY CASE.

107. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Will Government give the following information about the Meerut trial :

- (a) total cost ;
- (b) cost on prosecution ;
- (c) cost paid for defence ;
- (d) the amount paid by the Government of India and United Provinces Government ;
- (e) under what head this expenditure is shown in 1932-33 and the amount budgetted and spent ?

THE HONOURABLE MR. M. G. HALLETT : (a) and (d). The arrangement made with the United Provinces Government is that the expenditure on this case as all matters which are dealt with by the ordinary machinery of the United Provinces Government is met by that Government and all other expenditure by the Government of India. I have no information as to what expenditure has been incurred by the local Government. The total expenditure incurred by the Government of India is Rs. 16,54,094 up to the end of August, 1932.

(b) and (c). Rs. 12,68,400 and Rs. 31,126, respectively.

(e) The expenditure borne by the Government of India is met from the budget grant of the Intelligence Bureau of the Home Department. Owing to the uncertainty of the duration of the case, no provision was made in the budget for 1932-33. The amount spent in the current year till the end of August amounts to Rs. 1,75,682.

CONTEMPLATED ABOLITION OF THE BIHAR AND ORISSA CIRCLE OF THE POSTS AND TELEGRAPHS DEPARTMENT.

108. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM :
(a) Does Government contemplate the abolition of the Bihar and Orissa Circle of the Posts and Telegraphs Department ?

(b) Has the attention of Government been drawn to the strong protest of Biharis against this measure ?

(c) Will Government lay on the table a statement of persons and meetings by whom and at which this measure has been deprecated ?

THE HONOURABLE MR. TIN TÛT : The feasibility of the measure in question has been under examination but it has been decided to drop the proposal. In the circumstances the Honourable Member will probably not desire further information.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules I lay on the table copies of the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, which was passed by the Legislative Assembly at its meeting held on the 21st September, 1932.

NOMINATIONS FOR ELECTION TO THE STANDING COMMITTEE OF THE DEPARTMENT OF COMMERCE.

THE HONOURABLE THE PRESIDENT : Only two nominations have been received for election to the Standing Committee of the Department of Commerce. They are the Honourable Mr. Ghosh Maulik and the Honourable Sir Phiroze Sethna. I have to declare those two Honourable Members duly elected to the Standing Committee.

MOTION FOR THE ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE OF THE DEPARTMENT OF INDUSTRIES AND LABOUR.

The HONOURABLE MR. TIN TÛT (Government of India : Nominated Official) : Sir, I beg to move :

“ That this Council do proceed to elect, in such manner as the Honourable the President may direct, two non-official Members to serve on the Standing Committee to advise on subjects, other than ‘ Roads ’ and ‘ Broadcasting,’ dealt with in the Department of Industries and Labour.”

The motion was adopted.

MOTION FOR THE ELECTION OF A MEMBER TO FILL A VACANCY IN THE STANDING COMMITTEE ON ROADS.

THE HONOURABLE MR. TIN TÛT (Government of India : Nominated Official) : Sir, I beg to move :

"That this Council do proceed to elect, for the remaining portion of the financial year 1932-33, a Member for the Standing Committee on Roads, to fill the vacancy caused by the resignation of his seat in the Council of State by the Honourable Mr. B. K. Basu, C.I.E."

The motion was adopted.

THE HONOURABLE THE PRESIDENT : In connection with those two motions just adopted by the Council, nominations will be received up to 11 o'clock on Monday, the 26th September, 1932.

INDIAN EMIGRATION (AMENDMENT) BILL.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN (Education, Health and Lands Member) : Sir, I beg to move :

"That the Bill further to amend the Indian Emigration Act, 1922, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

Sir, this Bill seeks to give effect to amendments of a purely formal nature to achieve the objects of the Act, which by certain judicial interpretations are liable to be defeated unless these amendments are made. Honourable Members will notice that section 24 (2) (b) of the Emigration Act provides that the Governor General in Council may make rules providing for the licensing, supervision and control of all persons employed in British India in connection with the inducement of persons to emigrate and with the conveyance and accommodation of persons so induced. This sub-section has been interpreted as meaning that the Governor General in Council may make rules for the licensing, supervision and control of all persons employed in British India for those purposes but that it does not give the Governor General in Council power to make rules for the licensing, supervision and control of persons who might enter British India for the purpose of recruiting labour who may themselves be employers of labour and may not have been employed by anybody to come into India or employed in India to recruit for labour. The amendment which this Bill proposes with regard to this sub-section has as its object to invest the Governor General in Council with power to make rules for the licensing, supervision and control of all persons who are engaged in the recruitment of labour irrespective of the fact whether those persons are merely agents employed for the purpose or are themselves employers of labour.

The next amendment relates to section 25 of the Act. Honourable Members will observe that section 25 relates to offences committed under the provisions of the Act. Section 25 (2) (b) provides that any person who induces or attempts to induce any person to emigrate or attempt to emigrate or leave any place for the purposes of emigrating commits an offence. Here judicial interpretation has held that in order that any activity of any person should be held to be an offence under this sub-section there must have been some inducement or enticement held out to the person who was induced to emigrate, that mere assisting a person to emigrate would not in itself be an offence, and the purpose of

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the amendment relating to this section is that assisting or attempting to assist a person to emigrate, apart from any inducement or enticement held out to him, should be an offence.

The next amendment seeks to add a sub-section to this section 25. Section 25 as it stands at present makes certain activities criminal but only with regard to persons who are actually guilty of those activities. The new sub-section (3) which is sought to be added to this section by this amending Bill seeks to make any person who holds a licence for recruiting labour liable for any offence committed in connection with emigration proceedings provided he was privy to the offence, that is to say, in connection with any proceedings with which any licensed recruiter is concerned if any offence is committed he shall be held to be liable notwithstanding that he himself has not committed that offence unless he shows that he was not responsible for the offence and could not have prevented its commission.

The last amendment is merely consequential so that section 30 which deals with departure from British India by land for the purpose of emigrating should be brought into conformity with section 25 as section 25 would stand after amendment.

Sir, these amendments are, as I have said, of a purely formal character and I hope that the House will find no difficulty in agreeing to these amendments. Sir, I move.

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The motion was adopted.

CANTONMENTS (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I move:

"That the Bill further to amend the Cantonments Act, 1924, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

I need not detain the House for more than a moment regarding this small Bill. The reasons for it are explained in the Statement of Objects and Reasons. In the course of my search for economy I abolished the staff of a subsidiary command and this amendment is merely designed to excuse the General Officer Commanding-in-Chief, Western Command, from assuming the duties of the President of the Cantonment Board at Quetta—a position which he would have to occupy under the law as it stands, owing to certain administrative changes in that Command. 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.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The motion was adopted.

ANCIENT MONUMENTS PRESERVATION (AMENDMENT) BILL.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN (Education, Health and Lands Member): Sir, I beg to move:

"That the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

Sir, briefly the object of this amending piece of legislation is to enable Government to make rules, first, for the purpose of protecting and regulating excavation for archaeological purposes in areas where it is believed archaeological treasures might be buried; and, secondly, for the purpose of issuing licences to private individuals or associations which can show that they possess the necessary amount of funds and equipment to carry on excavation for the purpose of recovering these archaeological treasures. The need for this amending legislation has been felt for the reason that in the past unauthorised excavations have deprived the country of very large and valuable archaeological treasures; and, secondly, that in the past regulated excavation has been carried on only by the Government Department itself. It is now felt that even with the full grant of the Government of India for this purpose at the disposal of the Archaeological Department it would not be possible for the department by its own activities alone to discover and place before the world the archaeological treasures of India even in the course of several centuries, that in the meantime there is danger of some of these treasures being lost altogether to India and to the world unless funds are available and forthcoming for carrying on archaeological excavations for the purpose of finding and discovering those treasures. The object, therefore, is, in the first instance, to regulate excavation so that as the result of private activities or greed these treasures should not be lost to India; and, secondly, to enable Government to authorise associations and individuals, whether Indian or foreign, to carry on excavations at their own expense and thus to assist in revealing to the world the archaeological treasures which lie buried in this country.

Sir, an amendment is down on the Order paper for the day in the name of the Honourable Rai Bahadur Lala Jagdish Prasad to the effect that provision should be made that no rules framed in pursuance of this amending piece of legislation should permit of the removal outside India of antiquities of national interest and value or relics of historic or religious importance. Sir, may I assure the Honourable Member that the draft rules which are already under the consideration of the department do provide to that effect and that assurances have already been given in the Select Committee and in the other House that antiquities of such a character will not be allowed to be removed outside India. I need not, Sir, at this stage go into greater detail with regard to the objects of this Bill. With these few remarks, I commend the Bill to the consideration of Honourable Members of this House. Sir, I move.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern : Non-Muhammadan) : Sir, this Bill aims at preserving the ancient monuments in India and is therefore a measure of national importance. But, designed as it is, the Bill lends itself to an interpretation which is not entirely free from misgivings, although it has been scrutinised and passed by the Lower House. The Statement of Objects and Reasons appended to the Bill shows that with the help of the provisions of the Bill it is intended by the Government to obtain the assistance of expert agencies outside India as well as learned bodies in India for the expansion of archæological exploration in the country. And clause 3 of the Bill provides that Government can transfer the ownership of antiquities and can also divide them between itself and a licensee—who, it is understood, can be a foreigner. Thus it follows that under the provisions of the Bill, as it stands, there is a danger of the antiquities of India going outside the country. This, Sir, should not be allowed in the interests of the preservation of the ancient culture of India and the danger pointed out above should be guarded against. For, I understand that antiquities found in India in the past did at times find their way outside the country. I understand that the Government gave some assurance to the Select Committee of the Legislative Assembly on this point and there was a reference to it in the Legislative Assembly also when this Bill came to be discussed on the floor of that House. But looking through the proceedings of the Lower House so far as they related to the discussion of this measure I find that no clear assurance in this behalf was given by the Government to that Body, but much was left to the rules which are hereafter to be framed by the Government. The same kind of statement has been made by the Honourable the Education Member on the floor of this House today, that is to say, that the rules to be framed hereafter by the Government would lay down some sort of provision in this behalf. But, Sir, I consider that an important matter like this should not be left entirely to the rules to be framed by the Government but should form the subject of a statutory provision in the law. I am therefore of opinion that a provision should be made in the Bill itself that no antiquities of importance would be permitted to go outside India, and I hope that my Honourable friend the Member for Education will accede to this request of mine.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, the amendment moved by my Honourable friend Rai Bahadur Lala Jagdish Prasad—

THE HONOURABLE THE PRESIDENT : Order, order. We have not yet reached the stage when the Honourable Rai Bahadur Lala Jagdish Prasad can move his amendment. The House has not yet agreed to take the Bill into consideration.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : I am speaking on the general subject-matter of this Bill, Sir.

THE HONOURABLE THE PRESIDENT : The Honourable Member began his remarks by referring to an amendment moved by his Honourable friend. No amendment has yet been moved.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : I should like to speak in a general way, Sir.

THE HONOURABLE THE PRESIDENT : Certainly.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Sir, although we are very grateful to the Government of Lord Curzon, at whose instance the ancient Monuments Preservation Act was passed to the great satisfaction of the people of India of all classes and creeds, it has been found that some finds in the shape of coins and images have been removed from India to the British Museum even after the passing of the said Act. It is but natural that finds of national interest should remain in India and not be removed outside the country. The House will certainly agree with me that not out of any parochial patriotic spirit I am supporting the speech of my friend but it should be borne in mind that finds such as ancient coins, stone or metal images, pots, vases or urns are the glorious assets of our country because they provide us with sufficient materials for our historical researches. Not many years ago an image of Lord Budha was found in a small village in Vikrampur in the Dacca district. As there was no museum in the city of Dacca, where I come from, the image "Abalokiteswara," as it was called, was not only removed from my city but also from the Calcutta Museum to the Great British Museum. Many other instances can be cited when archæological finds of historical value and national interests have been removed from India. *En passant* I should, in this connection, like to be assured by the Treasury Bench that the finds in Harappa and Mohenjodaro must remain in India and not be removed elsewhere and Government should send the replicas of the same to the British Museum. And also I would like to ask Government to make arrangements to return to India the finds that are in the British Museum.

THE HONOURABLE THE PRESIDENT : The question is :

"That the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

THE HONOURABLE THE PRESIDENT : Clause 3.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Sir, I beg to move :

"That to sub-section (1) of the proposed new section 20B, the following proviso be added, namely :

'Provided that no such rules shall allow any antiquities of national interest and value or relics of historic or religious importance being taken outside India.'"

Sir, as I just said in my previous speech, it is very important that the ancient monuments and antiquities are preserved in this country and are not allowed to go outside India. The Bill, as it stands, does lend itself to an interpretation that under its provisions this would be possible, that is to say, that antiquities would be removable outside India. My amendment seeks to make a statutory provision that ancient monuments and antiquities shall not be allowed to be removed outside India, which I commend to the acceptance of the House.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) ; Sir, I rise to support the amendment which has been moved by my Honourable colleague Rai Bahadur Jagdish Prasad. In view

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of what the Honourable Member for Education has said, that under the rules he is going to adopt this suggestion, still suspicion remains in our minds as these rules are liable to be changed at the will of the Government. This matter rests entirely on the discretion of the Government, and as this is a very important matter, because the Government accepts this proposal in spirit it ought to embody it in the statute. There is no harm whatsoever in its being embodied and the refusal of Government to put it on the statute rather adds to this suspicion. Therefore, Sir, I urge this House to accept the amendment.

*THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : The Honourable Member in charge of the Bill said that this doubt was raised in the Select Committee and that an assurance was given, that the doubt was again repeated in the Legislative Assembly and an assurance that nothing would be sent out of India was given. The doubt has again been raised today in this Council and I should like to know if there is any legal or other difficulty preventing Government from agreeing to this simple amendment?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : Sir, I have no difficulty in dealing with the amendment as it stands, but I am rather perplexed by the remarks which the Honourable Rai Bahadur Lala Jagdish Prasad made in support of his amendment speaking both on the motion for consideration and in moving this amendment. Whereas the amendment confines itself to antiquities of national interest and value or relics of historic or religious importance, the remarks that the Honourable Member has made referred to antiquities generally and I hope there will be no misunderstanding whatsoever that it is not the intention of Government to give any assurance that no antiquities of any kind will be removed outside the country. The matter stands thus. As I have already explained it has become abundantly clear that unless Government seek outside financial aid, whether from India or from outside India, for the excavation of these antiquities, there is imminent danger of their being lost altogether. It stands to reason that if a society or an individual is willing to spend large sums of money in explorations and excavations of this kind, that society or individual would expect some kind of return from the expenditure of that money. No doubt primarily the motive would be love of science and love of archæology and that kind of thing, but surely these people who will put up these funds would expect that they should be allowed to retain a portion of the finds which are discovered as a result of the expenditure of their funds. That is the reason why the Bill provides for the division of finds between Government and societies or individuals—

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will you allow foreign societies to explore and excavate ?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : Yes. I have stated that explicitly when making the motion for consideration that the object is that provided a society which makes an application for a licence possesses the necessary amount of scientific and other equipment and the necessary amount of funds, there will be no bar to a foreign society being granted a licence. Although I have given an assurance in the other House that all other things being equal, that is to say, *bona fides*

*Speech not corrected by the Honourable Member.

of the various applicants, the possession of necessary funds by the various applicants, scientific and other technical equipment, these things being equal, naturally preference would be given to Indian applicants. There is no intention that licences should be confined to Indian applicants alone. May I, Sir, assure the House that if under the provisions of this Bill it were possible to attract private agencies to carry out these explorations and excavations, the Government of India and the various societies would not be able to build enough museums to house all the antiquities that might be discovered and there need really be prejudice against antiquities found in India finding their way to other countries, because that is one of the means by which the ancient culture of India can be interpreted to foreign countries. I can quite understand the anxiety of Honourable Members that finds of a national value and national importance and human relics of historic or religious importance, being of a sacred character, should not be allowed to leave India; and with regard to that, I have already given an assurance. But if Honourable Members mean that if a stone implement of a period, say, 4,000 or 5,000 B. C. is discovered from a certain place and India already possesses scores of similar stone implements no society or individual should be allowed to keep possession of it or to transport it beyond India, Government have no intention of stopping that kind of thing. One of the provisions of the Act is designed against unauthorised export of these antiquities from India. In future Government intend to stop all important excavations except as regulated by Government and as authorised by Government; but subject to that, Government also do intend that people who are willing to come forward to assist in these explorations and excavations with their money should get a share of the finds. To that the House should have no objection. As I have already said, I have given an assurance in the other House and have repeated the assurance here that finds of national importance or human relics of historical or religious importance shall not be allowed to go outside India. A question has been put to me why Government demur to having this restrictive provision in the Act itself. As Honourable Members are aware, a statutory provision becomes a rigid provision in the sense that if in actual working subsequently it is found that a modification is in the interests of everybody, Honourable Members of both Houses have to be invited to consider that modification and a very lengthy procedure has to be adopted in order to carry into effect the modifications that might become apparent and might become necessary—

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: But where is the harm in doing so?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: May I submit, Sir, that a statute should not contain provisions merely because they do no harm unless it is necessary that they should be in the statute.

12 NOON. Statutory provisions are not framed in order to meet sentimental objections, but in order to provide a framework into which details might be filled by rules and other provisions which might lend themselves easily to amendment and modification as necessity may arise. As Honourable Members will observe the statute itself provides that rules shall be made after publication and surely a rule is as much subject to the criticism of the Legis-

[Chaudhri Zafrulla Khan.]

lature and is as much open to modification by the efforts of the Legislature as a provision of the statute. And I cannot see, Sir, why the suspicion should still linger in the minds of Honourable Members that Government intends something other than it has declared that it does intend. As I have already submitted, the draft rules are already under consideration and the assurance which I have given in the other House and have repeated in this House has been taken into consideration and has been given effect to in the rules. This question of the division of antiquities will be so much a matter of dealing with each individual find as it arises that it is only a broad kind of rule that would deal with the matter adequately rather than a provision in the statute. And may I further assure Honourable Members, Sir, that, having regard to the fact that the Director General of Archæology, the Secretary of the Department, and the Member in charge of the Department are all Indians, they may be trusted to take every care that nothing that is of national importance or is of religious or historical importance from the point of view of sanctity, for instance, human relics, will be permitted under these rules to go outside India, and I submit, Sir, that Honourable Members should be content with that assurance. Sir, I oppose the amendment.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative): Sir, I wish to support the amendment and I support the amendment on three clear grounds. The first is that, when a thing is found, it may be an ancient important thing, suppose it is found on my land, whose property does it become? Of course Government is the owner of the whole of India, every inch of the country, but that does not mean that the thing found belongs to Government and may be disposed of by it. The next question is, even if a thing is found, a very valuable thing in my land, and I know it but being a poor man am unable to utilise it, has Government got the right to get another person to take it away and so deprive me of it and give it to someone who has got more money? That, I say, is not at all a right way of looking at it. This question has arisen and will go before the Privy Council in course of time. It arose in Bombay. There is a small temple and in the compound of the temple an ancient monument was found supposed to be important. The Government took it away, saying it was their property, and removed it to the Museum. The man in whose land it was found said this was his temple, built by his father or grandfather, and they could not take the find away. There is a fight and the question is pending before the courts now. It will take some time before it reaches the Privy Council but it will reach it, and the Privy Council will have to decide whether the property belongs to the private individual in whose land the thing was found or to the Government. I quite concede the argument that there are all these highly educated officers in charge of the department who will take care that the nation's treasures are properly safeguarded, but there is such a thing as ownership rights in this world after all and the officers, though acting from a very high point of view, may not look at it from a poor man's point of view. For this reason I would like that a provision should be included in the Act itself and the matter should not be left to the rules. It is quite true that the rules are published and discussed and the public have access to the rules and can criticise them. But how many people read all the papers and

how many people study the rules that are being published? It comes to this, that when you leave it to the rules the thing is disposed of by the head of the department as he pleases and he makes a report in the course of time, which, after going through various stages, is reported on favourably and goes through. If it is put into the Act, then we will have some ground on which to stand and say: "Under this section this could have been done and why has this not been done?" The rules generally escape attention. I am sure there is not a man living now who can give you all the rules under the Government of India. I have been practising for a long time in the courts but I do not profess to know all the rules.

There is a further ground on which I should like to support this and that is that these things that are found here do not mean necessarily that they belong to India. India has been ruled for so long, first by the Romans, then by the Greeks, then by the Muhammadans, then by the British, and partly by the Dutch, French and Portuguese also, that it is absurd to claim that what is found in the ground here is necessarily Hindu and that it is only the Hindu's business to look after it. It is everybody's business to look after it. These finds are of historical interest and many dates which scholars cannot fix are disclosed by these discoveries. Many Roman things have now been found and now we know that the Romans came to India, which otherwise we should not have known. Many Greek things have been found and we know the Greeks ruled in India. So these things may be of value. Take the rather striking illustration which was given this morning—that supposing the things you find are of no particular value to you and you cannot utilise them, why not let others take them? My reply is, I may not be able to use them today but it is my property, I should like to keep it and have a look at it and say I am the owner of this. There is some kind of pleasure in that kind of thing. But that anything that a poor man cannot utilise he should be deprived of is a principle which no lawyer will admit—at any rate I will never consent to that kind of principle. For all these reasons I submit that this should form a part of the Act itself and nobody should be allowed to interfere with it unless he comes to us here and secures our consent to altering it. For these reasons, Sir, I support the amendment.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Sir, the explanation given by the Honourable Member for Education is indeed convincing but there is one point which troubles me. The Honourable Member has said that if applications are made by foreign bodies or associations Government will certainly consider them. I agree with him to that extent but we know that if foreign bodies do ask for such concessions they would try to get as much of the finds for themselves as possible. Government on their part will, I am sure, impose conditions according to which they will try to preserve what they call "antiquities of national value or relics of historical or religious importance." May I ask the Honourable Member whether, if a foreign society in its discoveries comes across something which is a solitary specimen without any duplicate or triplicate, may I ask if Government will absolutely insist upon keeping such single articles in India and not part with them until a duplicate or triplicate is found either in the discoveries made by foreign bodies or ourselves? If that assurance is given by Government, I think it is to the interest of India that we may allow

[Sir Phiroze Sethna.]

duplicates, triplicates, etc., to be sent to other countries for the very good reason advanced by the Honourable Member that thereby the culture of India will spread far and near.

THE HONOURABLE THE PRESIDENT: The original question was:

"That clause 3 stand part of the Bill."

Since which an amendment has been moved:

"That to sub-section (I) of proposed new section 20B, the following proviso be added, namely:

'Provided that no such rules shall allow any antiquities of national interest and value or relics of historic or religious importance being taken outside India.'

The question I have to put is, that that amendment be made.

The Council divided:

AYES—15.

Banerjee, The Honourable Mr. Jagadish Chandra.	Jalan, The Honourable Rai Bahadur Radha Krishna.
Chetti, The Honourable Diwan Bahadur G. Narayanaswami.	Kalikar, The Honourable Mr. Vinayak Vithal.
Dutt, The Honourable Rai Bahadur Promode Chandra.	Kharparde, The Honourable Mr. G. S.
Ghosh Maulik, The Honourable Mr. Satyendra Chandra.	Naidu, The Honourable Mr. Y. Ranganayakalu.
Gounder, The Honourable Mr. V. C. Vellingiri.	Pandit, The Honourable Sardar Shri Jagannath Maharaj.
Hussain Imam, The Honourable Mr. Abu Abdullah Syed.	Raghunandan Prasad Singh, The Honourable Raja.
Jagdish Prasad, the Honourable Rai Bahadur Lala.	Ram Saran Das, The Honourable Rai Bahadur Lala.
	Sinha, the Honourable Kumar Nripendra Narayan.

NOES—32.

Akbar Khan, The Honourable Major Nawab Sir Mahomed.	Megaw, The Honourable Major-General J. W. D.
Bentham, The Honourable Mr. E. C.	Mehta, The Honourable Mr. H. M.
Buta Singh, The Honourable Sardar.	Miller, The Honourable Mr. E.
Commander-in-Chief, His Excellency the	Mitter, The Honourable Sir Brojendra.
Cotterell, the Honourable Mr. C. B.	Muhammad Din, The Honourable Khan Bahadur Chaudri.
Dadabhoy, The Honourable Sir Maneckji.	Natesan, The Honourable Mr. G. A.
Devadoss, The Honourable Sir David.	Noon, The Honourable Nawab Malik Mohammad Hayat Khan.
Drake, The Honourable Mr. J. C. B.	Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Dudhoria, The Honourable Raja Bijoy Singh.	Sethna, The Honourable Sir Phiroze.
Dutt, The Honourable Mr. G. S.	Sinha, The Honourable Rai Bahadur Madan Mohan.
Ghosal, The Honourable Mr. Jyotananath	Suhrawardy, The Honourable Mr. Mahmood.
Glass, The Honourable Mr. J. B.	Taylor, The Honourable Mr. J. B.
Habibullah, The Honourable Nawab Khwaja.	Tin Tut, The Honourable Mr.
Hafeez, The Honourable Khan Bahadur Syed Abdul.	Zafulla Khan, The Honourable Chaudhri.
Hallett, The Honourable Mr. M. G.	
Hubback, The Honourable Mr. J. A.	
Johnson, The Honourable Mr. J. N. G.	
Lloyd, The Honourable Mr. A. H.	

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question then is :

“That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: Sir, I beg to move :

“That the Bill, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

TRADE DISPUTES (AMENDMENT) BILL.

THE HONOURABLE MR. TIN TUT (Government of India : Nominated Official) : Sir, I beg to move :

“That the Bill to amend the Trade Disputes Act, 1929, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.”

Sir, the measure before the House is a very simple one and I trust that the House will find it non-controversial.

Section 13 (1) of the present Act provides that :

“...there shall not be included in any report or publication made or authorised by a Court or Board or the authority appointing a Court or Board any information obtained by the Court or Board in the course of its enquiry or investigation * * * which is not available otherwise than through evidence given before the Court or Board except with the consent in writing of the Secretary of the Trade Union, etc....”

The same sub-section also enacts that no individual member of the Court or Board or any person concerned in the proceedings before it shall disclose any such information without such consent. This, Sir, imposes a very heavy burden on members of Courts of Inquiry or Boards of Conciliation, because before they put in any statement of facts or any information in their reports they have got to make sure that this information is otherwise available than in the course of evidence tendered before them.

If they still wish to incorporate this information in their report, they have got to get the permission in writing of the person concerned. It seems to Government needless that this ban on publications should apply to every information which is tendered before a Court or Board. In clause 2 of the Bill it is proposed that this prohibition should be restricted only to particular information about which the Trade Union, person, firm or company, has preferred a request to the Court or Board that such information should be treated as confidential. Also, Sir, in sub-section (2) of section 13 of the Trade Disputes Act it is provided that any member of a Court or Board who discloses any information in contravention of sub-section (1) shall on complaint be liable to punishment with a fine. There may be cases where a member without any *mala fides* or any wilful intent inadvertently causes the publication of some unimportant piece of information and it seems to Government

[Mr. Tin Tüt.]

that it would be better if the sub-section is amended to make the offence punishable only if the information is given out wilfully.

Finally, Sir, under the Trade Disputes Act, as it stands at present, if a member of a Court of Inquiry or Board of Conciliation is accused of any offence under section 13, any magistrate, even a third class magistrate under training, is competent to try the alleged offence. This, Sir, seems inappropriate, because members of a Court or Board are often of the standing of High Court Judges, and the Bill proposes that jurisdiction should be restricted to First Class Magistrates or Presidency Magistrates. Further, a court of law, a criminal court, can take cognizance without restriction of any complaint made before it of an offence under sub-section (2). There may be cases where vexatious or frivolous complaints are made against members of Courts of Inquiry or Boards of Conciliation, and it seems proper that there should be some restriction and that prosecutions should be subject to the prior sanction of the authority that appoints a Board or a Court. The Bill seeks to impose this restriction and I may mention that in this respect the Bill merely gives effect to a recommendation of the Royal Commission on Labour. 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 MR. TIN TÜT : Sir, I beg to move :

"That the Bill, as passed by the Legislative Assembly, be passed."

The motion was adopted.

PORT HAJ COMMITTEES BILL.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN (Education, Health and Lands Member) : Sir, I beg to move :

"That the Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz, as passed by the Legislative Assembly, be taken into consideration."

Sir, this Bill is one of three measures that have been proposed by Government with the object of assisting Muslim pilgrims to the Hedjaz. Government regret that it has not been found possible to proceed simultaneously with the other two Bills which are still to receive the consideration of the other House. The object of these three Bills is to alleviate the miseries and discomforts to which Muslim pilgrims to the Hedjaz are subjected both in this country during their overland journeys and their stay in the ports before embarkation, and also during the voyage to and back from the Hedjaz. It is not necessary for me to dilate upon the discomforts and inconveniences to which these pilgrims are subjected owing mainly to the fact that mostly these pilgrims are poor and ignorant and very large bodies of them have to travel within a specified time from all parts of India to two or three ports in India and there to

embark for the Hedjaz. Being moved by the tale of these inconveniences and discomforts, Government consented to appoint a Committee in 1929 called the Haj Inquiry Committee to go into the whole matter and to make recommendations to the Government, and these three measures are the results of the recommendations which the Haj Inquiry Committee made to Government. The measure which is now before the House seeks to establish Port Haj Committees in the principal ports of pilgrim traffic in India for the purposes which are specified in clause 18 of the Bill. Honourable Members will observe that the duties of these proposed Port Haj Committees will be entirely to provide assistance and comforts for intending pilgrims. There is no provision in this Bill which seeks to lay any restriction or constraint upon any intending pilgrim, nor will the activities of these Port Haj Committees be in any way concerned with the performance of any religious duty or ceremony. These Committees will derive their funds from sources which are described in clause 20 of the Bill. The remaining clauses of the Bill relate to the constitution of the Committees and the appointment of Chairmen, Vice-Chairmen and other officers, their duties, their salaries and other incidental matters. I believe, Sir, there is nothing in this Bill to which any objection could be taken on principle and I trust that it will be possible for the House to take it into consideration and pass it this morning. Sir, I move.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, in rising to speak on this motion, I wish to state that I quite agree with the Honourable Member for Education that this does not place any bar in the way of Muslims, and all the attack that has been made in the press that by means of this Bill Government want to hamper pilgrimage to the Hedjaz is all moonshine. The only objection that we have to this measure is the stereotyped one of our wanting increased elected element and decreased official element. In this respect I have got the support of the Haj Pilgrimage Committee which was formed by the Legislature in 1929. That Committee in its recommendations Nos. 50 and 51 stated that nomination should be to the extent of 20 per cent. only. Here the Government have increased that number. In the original Bill the number of nominated members was 9 and that will be reduced to 7 by the present Bill, but while this is no doubt an improvement our point is that it is not a sufficient improvement. We wanted that the number of elected members should be increased and the nomination should be decreased. It is in keeping with the modern tendency that the nominations and inclusion of officials should not be continued. In the local self-governing bodies, in the provinces and in the centre, we are all trying to reduce the official element and it was expected that Government at least in this body, with which the Government has absolutely no concern (it is more or less a charitable body and benevolent institution), would look after the interests of the pilgrims, since there were no interests of Government at stake which would require that Government officials should be members. There is no doubt that the inclusion of certain officials is essential to carry on the work of the pilgrims and to that we have no objection, but Government has taken power to nominate two non-officials. In the rules it is laid down that of the nominated members a certain number would be officials, which means that the remainder would be non-officials. This is rather a bait to be given to members for the

[Mr. Abu Abdullah Syed Hussain Imam.]

services rendered in other places. That is a bad habit which should not continue under the present constitution or in the reformed constitution. The other point of my objection will come up when we deal with clause 5. Sir, I oppose the motion.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, in accordance with a Resolution passed by the Legislative Assembly, Government appointed a Haj Inquiry Committee. All the members except the Chairman were non-official Muslims. The Committee conducted a thorough inquiry into the grievances and hardships of the pilgrims proceeding to the Hedjaz and submitted a detailed report making certain recommendations that covered the Muslim demands. Upon these recommendations opinions of various Local Governments and non-official organizations were invited and discussed at several meetings of the Standing Haj Committee of the Central Legislature, of whom the members were non-official Muslims. This Bill is the result of all these elaborate arrangements. It is a wholesome measure to render assistance to pilgrims. It gives wide scope to the Haj Committees. The Government of India is to be congratulated on bringing forward a beneficial scheme for the comfort of Muslim pilgrims. Sir, I support the Bill.

THE HONOURABLE THE PRESIDENT : The question is :

“ That the Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

THE HONOURABLE THE PRESIDENT : Clause 5.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Sir, I rise to move the amendment that clause 5 be omitted. My reason for bringing forward this amendment is a constitutional one. I am not moving it because I happen to be a Muslim or because I am interested in the question of the Hedjaz, but on purely constitutional grounds. By this Act a power is sought to be given to the Governor General in Council which is the same as that of the Legislature. Just now the Honourable Member for Education gave us in the course of another debate a nice maxim, “ that Statutes are not framed in order to meet sentimental objections.” Well, certain provisions are made by the Act for the composition of the Port Committees and no other authority but the Legislature should have the power to amend them. It is ordinarily the practice to give power to make rules to the Governor General in Council or to other authorities, but the power equivalent to that which the Legislature exercises is not conferred, in any democratic country, on the Executive. Here all the measures that have been passed by the Legislature in clause 4 can be set at naught by the Governor General in Council without coming to the Legislature. To this I take the strongest objection. It is unconstitutional and at variance with the practice in other democratic countries. For this reason, Sir, I move that clause 5 be omitted.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: Sir, I am sure my Honourable friend will excuse me if I fail to appreciate the constitutional aspect of his objection to clause 5 of the Bill. He said that clause 5 would make it possible for the Governor General in Council to alter the constitution of the Committees in such a manner that they would not remain in conformity with the provisions retained in the Bill. That would no doubt be the case in theory. But I cannot see what constitutional point is raised in the objection. Sir, I desire to assure Honourable Members that this provision in the Bill has not been designed with the purpose which the Honourable Member who has just spoken suspects lies behind it. The whole necessity of having this clause in the Bill is that these Committees are being established for the first time on a statutory basis, that we have had no experience of a statutory Committee of this kind before, that they have to deal with extremely difficult questions that might arise and during the first few years of their working it might be disclosed that some modifications in the constitution of these Committees might contribute towards their better working and might facilitate the achievement of the objects which they are designed to serve. It is not the intention of Government, as it were, to take away under this clause what they have given under clause 4. The only object is that when modifications become necessary it may be possible to carry them into effect without the elaborate machinery of the two Houses of the Legislature passing amendments to the Act having to be requisitioned on each occasion. As Honourable Members will observe, it is not merely a case of the Governor General in Council on his own motion, considering that certain modifications are desirable in his view and passing an order and giving effect to it and thus modifying the provisions of section 4 in any manner that he might choose. The initiative in the first instance lies with the local Government within whose jurisdiction the particular Port Haj Committee might be functioning, as the local Government would be in a very much better position to judge of the activities of the Committee and then to put up suggestions in regard to the constitution of the Committee. The Governor General in Council would take into consideration the draft suggestions of the local Government after previous publication, and this previous publication would give an opportunity to individuals and associations interested in the question as well as to the Standing Haj Committee to put forward their suggestions or the opposition to any modification. It is after this procedure has been gone through that the Governor General in Council will finally decide whether any modification was or was not desirable and then decide what modification should be carried into effect. It is just because it is felt with regard to these Committees who have had no previous experience of matters which will be committed to their care that it might be necessary to carry into effect minor modifications without in any way interfering with the main features of the constitution of these Committees, that it is desired to take this power without having to come back to the Legislatures for amending the Act. I submit that there is no sinister motive behind this clause and I oppose the motion for deletion of this clause.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Sir, undoubtedly the conditions under which Muslim pilgrims travel to the Hedjaz are not satisfactory and it is obvious that this Bill has been framed in the interests of the Hajis that is, in order to secure the comfort and general welfare of the Muslim pilgrims during

[Nawab Malik Mohammad Hayat Khan Noon.]

their holy journey to the sacred land and back to India. There appears to be no other object in bringing forward this measure and there appears to be no justification for any suspicion that if at any time in the future Government alter the composition of these Committees, it will be for any other reason than for the benefit of the pilgrims or for the better working of the Committees. Therefore, Sir, I oppose this amendment.

THE HONOURABLE THE PRESIDENT : The question is :

“ That clause 5 stand part of the Bill.”

The motion was adopted.

Clause 5 was added to the Bill.

THE HONOURABLE THE PRESIDENT : Clause 6.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM :
I do not intend to move my amendment, Sir.

THE HONOURABLE THE PRESIDENT : The question is :

“ That clause 6 stand part of the Bill.”

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 to 24 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : Sir, I beg to move :

“ That the Bill, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR BROJENDRA MITTER (Leader of the House) :
Sir, it is proposed to proceed on Tuesday next with the Code of Criminal Procedure (Amendment) Bill which was laid on the table this morning. Further information as to the future course of business will, it is hoped, be available for communication to Honourable Members on Monday.

The Council then adjourned till Eleven of the Clock on Monday, the 26th September, 1932.