

Friday, 2nd March, 1928

THE  
**COUNCIL OF STATE DEBATES**  
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VOLUME I, 1928

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FOURTH SESSION  
OF THE  
SECOND COUNCIL OF STATE, 1928



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# COUNCIL OF STATE.

Friday, 2nd March, 1928.

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

## MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

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

“ Sir, I beg to inform you that the Legislative Assembly have at their meeting of the 1st March 1928 agreed without any amendments to the following Bills which were passed by the Council of State on the 16th and 21st February, 1928 :

- (1) A Bill to amend the Burma Salt Act, 1917, for a certain purpose ;
- (2) A Bill further to amend the Indian Securities Act, 1920, for a certain purpose.”

## ELECTION TO THE PANEL FOR THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

**THE HONOURABLE SIR GEOFFREY CORBETT** (Commerce Secretary) :  
Sir, I move :

“ That this Council do proceed to elect in such manner as may be approved by the Honourable the President a panel consisting of 8 members from which 6 shall be selected to serve on the Central Advisory Council for Railways, as provided for in clause 6 of the Resolution adopted by the Legislative Assembly on the 20th September, 1924, on the subject of the separation of railway finance ”.

The motion was adopted.

**THE HONOURABLE THE PRESIDENT :** With reference to the motion just adopted by the House, I fix Wednesday, the 7th March, up to the hour of 11 A.M. as the time by which nominations to this panel should be handed in to the Secretary.

## CHITTAGONG PORT (AMENDMENT) BILL.

**THE HONOURABLE SIR GEOFFREY CORBETT** (Commerce Secretary) :  
Sir, I move that the Bill further to amend the Chittagong Port Act, 1914, for certain purposes as reported by the Select Committee, be taken into consideration.

This Bill has been carefully examined by a Select Committee of this House which, if I may say so, was peculiarly competent to deal with the subject. Not only were the local interests of Bengal well represented on it, but there were four members of Port Trusts in different parts of India, who had had long practical experience of the administration of Port Acts ; and I think we are very much indebted to them for having helped us to remove certain defects that might

[Sir Geoffrey Corbett.]

otherwise have existed in the Bill. After the patient and informed criticism to which this Bill has been subjected in Select Committee, I do not think it is necessary for me to dwell at any length on the matter here. There are only two points which require special mention and explanation.

The first is the procedure for the election of the Commissioners and of the Vice-Chairman. Considerable amendments have been made by the Select Committee in the original draft, and the objects of these amendments may be briefly summarised as follows: Firstly, provision is made for a general election every two years, and, secondly, for the election of a new Vice-Chairman after every general election. Thirdly, the Bill secures the continuity of the Board by providing that existing members shall continue to hold office until their successors have been duly elected. The Bill as now amended makes due provision for these objects, which were, I think, the original intention of the Bill and will, no doubt, commend themselves to the House.

The second question is the amendment of section 71 of the original Act, which is dealt with in clause 18 of the present Bill. This is rather an unusual section. In fact there is only one other precedent, I think, in the whole of Indian port legislation, and that is in the Rangoon Port Act. It retains to the Local Government certain rights over property which has been transferred to the Commissioners otherwise than in exchange for its market value, and is now vested in the Commissioners. Sub-section (1) of this section provides that no buildings or other permanent structures shall be erected on such land without the sanction of the Local Government. In agreement with the Local Government, this sub-section has now been omitted altogether. It would indeed obviously be impossible for the Governor General in Council to undertake responsibility for the control of the port, if this sub-section remained. It would be quite impossible, if no structure could be put up on port trust property without the sanction of the Local Government, which had no longer any responsibility for the control and administration of the port. The second sub-section gives the Local Government the right to resume such property in certain circumstances without compensation, except for certain specified expenditure incurred by the Commissioners. This right has been retained, after consultation with the Local Government, in the present Bill, but the exercise of it is made subject to the previous sanction of the Governor General in Council. There has, however, been some difference of opinion regarding one head of expenditure in respect of which compensation can be claimed. This is head (b) of sub-clause (1) of clause 18 of the Bill. The original Act provides for compensation for the cost of revetment and other works for the protection of the property to be resumed. But the Local Government asked us to amend this in this Bill by substituting the general word "improvements" for the specific words "revetment and other works for the protection of the property". This suggestion of the Local Government has been rejected by the Select Committee. It was considered that it was not possible here to assess the precise implication of the change. Local inquiry will be required and, if necessary, this can be made subsequently, and any legislative provision that may be necessary can be made by a subsequent amendment. At the same time, it was held that such an amendment would in any case be a change of substance which was outside the scope of the Bill. The Local Government have reported to us that the Port Commissioners consider it inopportune to make any amendment of the Act in matters falling outside the scope of the Bill. The Select Committee, therefore, have amended the original draft of clause 18 of the Bill, which amends section 71 of the Act, so as to limit the amendment to the scope of the Bill, that is, the transfer of control from the Local Government to the Governor General in

Council ; and they have, therefore, restored the words "revetment and other works for the protection of the property" instead of the word "improvements". The remaining amendments are of no great importance ; they are consequential, and so on. I do not think I need refer to them.

Sir, I move.

**THE HONOURABLE THE PRESIDENT :** The question is :

"That the Bill further to amend the Chittagong Port Act, 1914, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2, 3, 4, 5, 6 and 7 were added to the Bill.

Clauses 8, 9, 10, 11, 12 and 13 were added to the Bill.

Clauses 14, 15, 16, 17 and 18 were added to the Bill.

Clauses 19, 20, 21, 22, 23 and 24 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**THE HONOURABLE SIR GEOFFREY CORBETT :** Sir, I move that the Bill, as amended by the Select Committee, be passed.

**THE HONOURABLE THE PRESIDENT :** The question is :

"That the Bill further to amend the Chittagong Port Act, 1914, for certain purposes, as amended by the Select Committee, be passed."

The motion was adopted.

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#### STATEMENT OF BUSINESS.

**THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH :** (Leader of the House) : Sir, our next meeting will be held on the 7th March, on which day the Select Committee's Report on the Indian Limitation (Amendment) Bill will be presented, and motions will be made for the consideration and passing of the Indian Income-tax (Amendment) Bill, which was laid on the table on the 21st February. Thereafter our next meeting will be held on the 9th March for the discussion of the General Budget. As no business has been balloted for the 8th, there will be no meeting on that day.

The Council then adjourned till Eleven of the Clock on Wednesday, the 7th March, 1928.

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