

Tuesday, 6th September, 1927

THE
COUNCIL OF STATE DEBATES

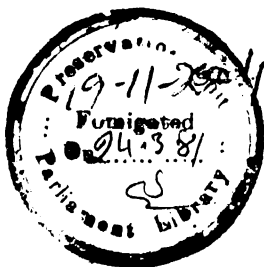
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THIRD SESSION

OF THE

SECOND COUNCIL OF STATE, 1927



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COUNCIL OF STATE.

Tuesday, 6th September, 1927.

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

QUESTIONS AND ANSWERS.

LIST OF BANKS, FIRMS, ETC., FROM WHOM THE IMPERIAL BANK OF INDIA MAY PURCHASE STERLING.

98. THE HONOURABLE SIR PHIROZE SETHNA : Will Government be pleased to place on the table a copy of the approved list of banks, firms, etc., from whom the Imperial Bank of India may purchase sterling ?

THE HONOURABLE MR. A. F. L. BRAYNE : The list referred to is intended for departmental use only, and the Government are not therefore prepared to place it on the table of the House.

PURCHASE OF PAINTS FOR STATE RAILWAYS THROUGH THE INDIAN STORES DEPARTMENT.

99. THE HONOURABLE SIR PHIROZE SETHNA : Will Government state :

- (a) if they can compel Government Railways to make their purchase of paints through the Indian Stores Department ; and
- (b) if goods purchased by the Railways direct can be inspected by the Controller of Inspection ?

THE HONOURABLE SIR GEOFFREY CORBETT : (a) If by Government Railways, the Honourable Member means State-managed, the answer is in the affirmative.

(b) Yes.

THE HONOURABLE SIR PHIROZE SETHNA : If the answer to part (a) is in the affirmative, will Government kindly see that all purchases of paints are made through the Indian Stores Department ?

THE HONOURABLE SIR GEOFFREY CORBETT : The policy of Government in regard to purchase of materials through the Indian Stores Department by the Railways was fully explained by Sir Charles Innes in his speech on the last Railway budget debate in the Assembly on the 24th February 1927. I would refer the Honourable Member to that.

APPLICATION OF THE INDIAN EMIGRATION ACT, 1922, TO PERSONS RECRUITED FOR SERVICE IN THE PORT OF ADEN.

100. THE HONOURABLE SIR MANMOHANDAS RAMJI : (a) Will Government be pleased to state whether they are considering the question of

(1017)

applying the Indian Emigration Act, VII of 1922, to persons recruited for service in the port of Aden ?

(b) If the reply to the above question be in the affirmative, why do Government consider this to be necessary ?

(c) Are they considering the above question under instructions from His Majesty's Government ?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH :

(a) No. (b) and (c) Do not arise.

MILITARY BUILDINGS AT SATARA.

101. THE HONOURABLE SIR MANMOHANDAS RAMJI : Is it a fact that the military buildings at Satara are lying vacant ? Have Government considered the holding of a Training School at Satara ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The answer to the first part of the question is in the affirmative. These buildings are likely to be required for military purposes in the near future.

EXPENDITURE ON THE REMOVAL OF THE SMALL ARMS SCHOOL FROM SATARA TO PACHMARHI.

102. THE HONOURABLE SIR MANMOHANDAS RAMJI : Will the Government be pleased to state :

(a) what was the cost to Government in removing the Small Arms School from Satara in the Deccan and accommodating it at Pachmarhi, Central Provinces, in the years 1925-26 and 1926-27 ; and

(b) is there any prospect of the military buildings lying vacant at Satara being utilised, in the near future, for any military purposes ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) The amount so far spent in providing accommodation at Pachmarhi as a result of the amalgamation of the two schools is about 2½ lakhs. I have not got figures of the actual cost of the move from Satara to Pachmarhi, but the measure as a whole was one of economy and results in a direct saving of about one lakh a year.

(b) Yes.

OVERCROWDING OF THIRD CLASS COMPARTMENTS ON RAILWAYS, ETC.

103. THE HONOURABLE SIR MANMOHANDAS RAMJI : (a) Has the attention of the Government been drawn to a passage appearing in the Indian Railway Magazine, Vol. III, No. 7, July 1927, at page 133, in Notes and Comments, under the heading "Death in Railway carriage" ?

(b) If so, what action has been taken to relieve the overcrowding in the third class compartments ?

(c) Do Government propose to equip the third class compartments with electric fans ?

THE HONOURABLE SIR GEOFFREY CORBETT : (a) Government have seen the article mentioned.

(b) It is impossible within the scope of an answer to detail all that Railways have been doing to relieve overcrowding in third class compartments. Particulars will be found in the Report by the Railway Board on Indian Railways, 1925-26, Volume I, under "Improvements and amenities for the travelling public." It may, however, be mentioned that since the year 1922-23 the total third class seating capacity available on Railways has been increased from 911,300 to 1,047,600.

(c) Not at present at any rate. Government consider that when money is available for improving the amenities for third class passengers, there are other directions in which it can be more profitably employed.

NUMBER OF APPOINTMENTS MADE BY THE PUBLIC SERVICE COMMISSION SINCE ITS CONSTITUTION.

104. THE HONOURABLE SAIYID ALAY NABI: Will the Government be pleased to state how many appointments have been made by the Public Service Commission since its constitution and to give the number of Hindus, Muhammadans, Sikhs, Anglo-Indians, Indian Christians and Europeans appointed in each branch of service?

THE HONOURABLE MR. H. G. HAIG: I think my Honourable friend is under some misapprehension as to the position. In the first place, the functions of the Public Service Commission only extend to making recommendations for appointments, and the actual appointments are made by Government. In the second place, the responsibility for preventing the preponderance of particular communities rests with the appointing authority and not with the Public Service Commission, who give preference to candidates of minority communities only when they have instructions to do so. I have however obtained from the Commission statements which give an analysis of the results of the various examinations held by them and of the nominations made by them, and I shall be glad to send the Honourable Member a copy of these statements if he so desires.

SELECTION OF CANDIDATES FOR THE INDIAN MEDICAL SERVICE.

105. THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: Will the Government be pleased to state:

- (a) the number of candidates who applied for the selection test recently held at Simla for recruitment to the Indian Medical Service;
- (b) the number selected; and
- (c) how many of the selected candidates possess British medical qualifications and how many hold degrees of Indian Universities?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) 54 candidates were considered by the Board.

(b) 20 were selected.

(c) No candidate possessing only Indian qualifications was selected. Of the candidates selected, 8 possess purely British medical qualifications and 12 possess Indian medical qualifications in addition to professional qualifications obtained elsewhere.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: May I know the reasons, Sir, why not a single candidate holding the degree of an Indian University was chosen?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I can only presume that the Selection Board selected the candidates whom they considered the best.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: May I know, Sir, whether it is a fact that candidates with a comparatively poor academic record in India, after a stay for a few months in England and getting a medical diploma to their credit there, have been selected in preference to brilliant Indian medical graduates holding even temporary commissions?

THE HONOURABLE THE PRESIDENT: The Honourable Member's question is somewhat full of argument.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: May I know, Sir, whether it is a fact that candidates who held inferior qualifications of foreign countries have been chosen in preference to brilliant Indian candidates?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I should like previous notice of that question.

SELECTION OF CANDIDATES POSSESSING BRITISH MEDICAL QUALIFICATIONS FOR THE INDIAN MEDICAL SERVICE.

106. **THE HONOURABLE RAO SAHIB DR. U. RAMA RAU:** (a) Is it a fact that the Secretary of State had issued instructions to the Selection Board to select only those candidates who have British medical qualifications?

(b) Were the Government of India previously consulted by the Secretary of State in the matter of restriction in the choice of candidates?

(c) If the answer to the above is in the affirmative, will the Government kindly state why the original announcement calling for candidates for selection test did not specifically make mention of this ban on Indian Medical degree-holders?

(d) Will the Government kindly place all the correspondence, if any, that passed between Simla and Whitehall, on this subject, on the table of this House?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) and (b). No.

(c) and (d). Do not arise.

THE HONOURABLE THE PRESIDENT: I have to invite the attention of Honourable Members to the fact that the list of business which has issued for to-morrow's meeting shows the motion of the Honourable Mr. Ramadas Pantulu for consideration of the Bill to repeal and amend certain provisions of the Indian Criminal Law Amendment Act, 1908, as coming after the Resolutions which have been balloted for for to-morrow's meeting. That is not in accordance with the Standing Order, and Honourable Members will kindly note that the first business to be taken to-morrow after questions will be the Honourable Mr. Ramadas Pantulu's motion.

AGREEMENT BETWEEN THE UNITED KINGDOM AND THE
LATVIAN REPUBLIC.

THE HONOURABLE SIR GEOFFREY CORBETT (Commerce Secretary) :
Sir, I lay on the table the *Agreement between the United Kingdom and the
Latvian Republic relating to Tonnage Measurement Certificates, which affects
India.

INDIAN DIVORCE (SECOND AMENDMENT) BILL.

THE HONOURABLE MR. H. G. HAIG (Home Secretary) : Sir, I move that
the Bill further to amend the Indian Divorce Act for a certain purpose be taken
into consideration.

When introducing the Bill a few days ago I explained the very simple scope
of it. At present under the Indian Christian Marriage Act a valid marriage can
be contracted between a Christian and a non-Christian. But the Indian Divorce
Act, which was passed three years before the Marriage Act, only contemplated
that proceedings for divorce could be taken by a Christian. This anomaly was
pointed out in the course of a debate in the Legislative Assembly in March 1926
by Sir Hari Singh Gour, and he then explained that it was more than a formal
anomaly, and that actually in Burma it gave rise to difficulties and a certain sense
of grievance. The Honourable the Home Member stated in the course of that
debate that he would consult opinion. Local Governments were accordingly
consulted and the great majority of opinion was in favour of making the pro-
posed amendment. Particularly support came from Burma where the diffi-
culty was felt more than in other places. There was some opposition from
those who disapproved of divorce on principle and therefore did not wish to see
any facilities for it increased. But, Sir, when once the principle of divorce is
admitted, it seems only reasonable that the two parties to the marriage should
be treated on exactly equal terms and that the non-Christian party should not
be barred from a relief which is extended to a Christian.

Sir, I move that the Bill be taken into consideration.

The motion was agreed to.

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. H. G. HAIG : Sir, I move that the Bill be
passed.

The motion was adopted.

ASSAM LABOUR AND EMIGRATION (AMENDMENT) BILL.

THE HONOURABLE MR. A. C. McWATERS : (Industries and Labour
Secretary) : Sir, I beg to move that the Bill further to amend the Assam Labour
and Emigration Act, 1901, for certain purposes, be taken into consideration.*

I explained at the introduction stage that this Bill is of a purely formal
character. Its object is simply to regularise the collection of cesses for the

*Not printed.

[Mr. A. C. McWatters.]

purposes of the Assam Labour Board. That Board came into existence in the year 1915, in consequence of an amending Act. It consists of a Government Chairman and of representatives of the various sections of the tea industry whose functions are to supervise the recruitment of labour for Assam. The only form in which labour is now recruited is by garden sardars, who are supervised by the Assam Labour Board. Difficulty has arisen solely from the fact that the clause which purports to allow the collection of these cesses, refers to the word 'labourer' and 'labourer' is not used in its ordinary English sense, but is specially defined in the Act as a person bound by a labour contract. As probably every Member of this house knows, these labour contracts were abolished years ago, so that, strictly speaking, there may be some doubt whether these cesses are now being legally collected. The object of this Bill is simply to remove that technical difficulty.

Sir, I move.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. C. McWATTERS: Sir, I move that the Bill be passed.

The motion was adopted.

INDIAN BAR COUNCILS (AMENDMENT) BILL.

THE HONOURABLE MR. S. R. DAS (Law Member): Sir, I move that the Bill to amend the Indian Bar Councils Act, 1926, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.

Honourable Members will remember that when the Bar Councils Act was passed last year, there was a certain amount of controversy on the question of precedence between different branches of the legal profession, and the then Home Member, Sir Alexander Muddiman, gave an undertaking that opinion on that question should be invited and, if necessary, an amending Bill would be brought forward later on. The question was then circulated, and although there is a certain amount of lack of unanimity between the gentlemen who have submitted their views, on the whole the majority of the High Courts prefer that, subject to the preservation of rights existing at the time when the Bar Councils Act comes into force, seniority of preaudience should be regulated in accordance with the recommendations of the Indian Bar Committee's Report, and this Bill embodies that suggestion.

Sir, I move.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. S. R. DAS : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras : Non-Muhammadian) : Sir, while I give my whole-hearted support to this motion, I shall only express my hope that the Government of India and the Local Governments will take prompt action to bring the Act into operation, because certain formalities have to be observed by the Government of India and some of the Local Governments, and I hope they will comply with them promptly. I may also express the general approval of members of the bar in India of this measure, though it is a partial one. The present amendment with regard to the fixing of seniority has also received general support from members of the bar.

THE HONOURABLE THE PRESIDENT : The question is :

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

The motion was adopted.

INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH : (Education, Health and Lands Member) : Sir, I move that the Bill further to amend the Indian Merchant Shipping Act, 1923, as passed by the Legislative Assembly, be taken into consideration.

In doing so, I think it is necessary that I should explain briefly the circumstances which have led up to this legislation. Some of the Honourable Members now in this House will remember that on the 12th of March, 1925, I made a motion for taking into consideration a Bill to amend the Indian Merchant Shipping Act, 1923, as passed by the Legislative Assembly, and for passing it into law. That Bill has since become law as Act XI of 1925. That measure was designed to obviate as far as possible the inconveniences and hardships which the pilgrims who proceeded to perform their Haj experienced on their return journey at Jeddah, largely by reason of the fact that after coming to Jeddah, a fairly good proportion of the pilgrims was stranded in that city owing to their inability to purchase return tickets, and the inevitable consequence was that either public funds or private charity had to go to their rescue for the purpose of repatriating them back to India. This problem had assumed such dimensions and was growing in such proportions from year to year that it became necessary for the Government of India to devise measures to obviate these inconveniences and hardships. It then seemed that the only solution of the problem lay in compelling every pilgrim, before he embarked, either to provide himself with a return ticket or to deposit beforehand a sum equivalent to the cost of his return voyage to India. When that Bill was under consideration in another place, both at the stage of the Select Committee and even earlier, Moslem opinion expressed itself rather emphatically to the effect that solution which was aimed at in the Bill could not be regarded as complete, in that there was a considerable amount of delay on the part of the shipping companies to sail their ships on the dates advertised beforehand, and that in consequence a large number of pilgrims were detained either at Bombay or Karachi or at Jeddah for a much longer time than their slender

[Sir Muhammad Habibullah.]

resources would permit, and that by the time they got on board either at Bombay or at Jeddah they had already exhausted a good proportion of their slender resources. A suggestion was therefore made that while an obligation was being cast on the shoulders of the pilgrims to purchase either return tickets or to deposit the necessary money to cover the return voyage, there should be a corresponding obligation cast on the shoulders of the shipping companies to see to it that the ships advertised to start on a particular day did so as a matter of fact and that they were not detained at the ports for any length of time. Government, Sir, after a full and exhaustive investigation into the reasonableness and reality of the grievances which were brought to notice were prepared to introduce a clause in the amending Bill of 1925 to that effect. But, Sir, it was held by the Honourable the President of the Legislative Assembly that such a provision was outside the scope of the Bill then under consideration. Therefore, that measure had to confine itself merely to the provision of an obligation which was imposed on the pilgrim and an undertaking had therefore to be given on the floor of that House by myself that Government would soon introduce legislation to carry that promise into effect. This, Sir, was on the 5th of March in another place. As I stated already, the motion came before this House on the 12th of March, and even here, my Honourable friend, Mr. Saiyid Raza Ali, who adorned this House at that time and who is now holding the exalted position of a member of the Public Service Commission, raised the same point and laid considerable stress on the urgency for making necessary provision in the Bill itself; but on my explaining to this House the real position and on giving them the same assurance as I did to the other House, that Bill was passed into law. That, Sir, is briefly the genesis of this measure and I think it is unnecessary for me to explain the matter any further.

The motion was adopted.

THE HONOURABLE THE PRESIDENT : The question is :

“ That clause 2 do stand part of the Bill.”

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Sir, I beg to move the amendment which stands in my name, namely :

“ That the following words be added at the end of the first proviso to sub-clause (1) of clause 209C, namely :

‘ or provided that the merchant or owner or agent shall satisfy the port officer or other competent Government authority at the port of embarkation that any detention after the advertised date of sailing is due to a reasonable cause.’ ”

Clause 209C penalises the master, owner or agent if the ship does not sail on the advertised date. Government, however, have foreseen certain contingencies and have, therefore, introduced the first proviso according to which, if the departure of the ship is delayed owing to any cause not arising from the act or default of the master, owner or agent, the shipping company will be exempted from the penalty which is laid down in the Bill. My amendment foresees some other contingencies. The contingencies Government have foreseen are such as inclemency of the weather on account of which

it might not be thought advisable to send out a boat on the date fixed or it might be due to some defect in machinery. The contingency I foresee is of another kind in which also I contend that the shipping company should be exempted from the intended penalty.

A ship is berthed for carrying pilgrims from India to Jeddah only after the shipping company gets to know the probable number of pilgrims it is likely to carry. This is ascertained from persons who are called brokers and through whom pilgrims buy their passages. Now, it may be that a shipping company is informed by such broker or brokers that there might be about 1,400 people going by a particular ship advertised to sail on a particular date. It may be that for reasons over which the pilgrims themselves have no control they are unable to reach the port of embarkation by that date; and suppose out of 1,400 people about 1,100 or 1,200 people arrive and the remainder have not arrived, say for example, owing to a railway accident or other reason; then it is in the interest of the pilgrims themselves, I hold, that the steamer should not go on the date advertised but sail a day or two later after the remaining pilgrims have arrived. Now, the inconvenience would be greatly felt towards the end of what is known as the Haj season. Supposing there is the last pilgrim ship going; it ought to arrive by a certain date in order to enable the pilgrims to perform the Haj in that year. If therefore the ship sails on the date advertised and leaves behind 100 or 200 pilgrims, it means that they will not only be stranded at the port of embarkation, but what is more from their point of view, they will not be able to perform the Haj until perhaps a period of at least another twelve months. That, I contend, would be a very great hardship on the pilgrims. It will therefore be advisable to delay the sailing of the ship. Now, I do not say that the decision should rest absolutely with the shipping company. That is to say, if they delay, they are not the persons to decide if the cause of such delay is reasonable or otherwise. I lay down in my amendment that the cause must be endorsed as reasonable by the port officer or any competent authority that Government may name and we may surely depend on the port officer or such competent authority to regard it as a reasonable cause if he thought it was in the interest of the pilgrims to delay the departure of the ship. For these reasons, I propose my amendment which I hope Government will see their way to accept.

THE HONOURABLE THE PRESIDENT: Amendment moved:

“That in clause 2, the following words be added at the end of the first proviso to sub-clause (1) of clause 209C, namely:

‘or provided that the merchant or owner or agent shall satisfy the port officer or other competent Government authority at the port of embarkation that any detention after the advertised date of sailing is due to a reasonable cause’”.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Mr. President, I wish to enter a very emphatic protest against the amendment moved by my Honourable friend Sir Phiroze Sethna on two grounds; one is a legal ground and the other a humanitarian ground. What my friend seeks to import into this Bill is that the liability of the company to pay compensation for a breach of its advertised promise to carry the pilgrims on a particular date is to be not merely confined to the proviso embodied in the Bill itself, namely, the failure of the ship to sail on a particular date due to causes which are beyond the control of shipping company, but also

[Mr. V. Ramadas Pantulu.]

to exempt the company whenever they can show what he terms a "reasonable cause" for the failure. Normally speaking, a provision in any Act which entitles one party to a contract to break it on reasonable grounds is opposed to the very elements of jurisprudence. If that was so, Sir, many contractors for supplies of goods during the war would have abstained from performing their contracts because such a performance would have been to their ruin. Nothing can be more reasonable for a man not to perform his contract, if he is going to be ruined by its performance. Therefore, it is a fundamentally novel principle which my friend wants to introduce, namely, that if one party to a contract is unable to perform his contract for a reasonable cause, he should be exempted from liability for its non-performance. I know that in the case of common carriers like the railways and the shipping companies there may be a provision in the contract itself, under which passengers are booked, enabling the company to cancel the passage under certain conditions in the interests of the public. Because these railway companies and shipping companies are serving a very useful public purpose and are acting in the interests of public, the Legislature has thought fit to invest them with certain extraordinary powers to cancel their contracts. But the very object of this Bill is to protect the interests of a large number of pilgrims who embark on these ships and deprive the shipping company of the liberty to alter the date of sailing and to compel the boat to sail on the particular advertised date. Failure to sail on the advertised date will be a breach of contract. Sir, what do we find in this Bill by way of compensation to the pilgrims? The compensation which has been fixed for these pilgrims is the magnificent sum of one rupee per diem. Pilgrims who are stranded at Bombay or Karachi will hardly be able to buy one meal with this sum. My friend, who is a champion of the capitalist shipping companies has on the top of it thought fit to hem round this provision with a further proviso which will practically nullify the whole of this Bill. I am really surprised that an advocate of popular rights like the Honourable Sir Phiroze Sethna should have thought fit to bring such an extraordinary amendment to this Bill which will nullify the benefit of its other provisions. On the legal ground, therefore, a company ought not to be allowed to deal as it likes with the pilgrims with whom it has contracted to sail on a specified date and, therefore, this amendment should be considered to be opposed to sound legal principles.

My second objection is from the humanitarian point of view. I know something of these pilgrims, as I have seen them at Bombay and other places. The people who are affected mostly are our Muhammadan brethren who go on these pilgrimages. For them to be stranded at these places and to be told by the shipping companies that there is a reasonable excuse for not starting the boat, is small consolation indeed. My friend has very ingeniously put forward an illustration. He says, one or two hundred people would be left behind if the 1,200 who are ready to embark are carried on a particular date. There will be enough resources either at the disposal of the Government or other shipping companies to provide some means of passage for these people who are left behind. So, for the sake of these 100 or 200 pilgrims the majority of the pilgrims numbering about 1,200 should not be inconvenienced. It is

really for the benefit of the steamship companies that the advertised dates are sought to be postponed. I am surprised at the moderation with which this Bill is framed. If I had anything to do with it, I would have put a compensation of Rs. 5 a day. Moreover, shipping companies are given enormous powers to put obstacles in the way of paying compensation to these poor pilgrims. The Bill should have made the pilgrim officer appointed by the Government to be the sole judge of the right to compensation and his decision on the spot final. Instead of that, the company can enter a protest and get the whole thing referred to a Presidency Magistrate or a first class Magistrate sitting in the port from which the boat embarks. The pilgrims would be kept out of their compensation till the matter was decided. The shipping companies will have the pleasure of seeing that these men are deprived of their compensation. I think these provisions are not well conceived. They should go much further than they have gone. The Government have put into this Bill provisions which are already to be found in substance in the Bombay Act of 1887, in regard to fining companies for failure to start on advertised dates. My friend who has been in Bombay has never tried to get the Bombay Act amended if he found that the provisions worked hardship to the shipping companies. The mere fact that he has not done so far shows that the shipping companies have not suffered. I do enter a very strong protest against the amendment moved by my friend Sir Phiroze Sethna. It is a capitalist amendment and I hope this House will throw it out.

*THE HONOURABLE SAIYID ALAY NABI (United Provinces West : Muhammadan) : Sir, I must admit at once that it was a shock to me to find this amendment on the paper in the name of Sir Phiroze Sethna. As a matter of fact, his amendment cuts at the very root of the amending Bill. The reasons that have necessitated the framing of this Bill were important enough, but the most important point was the fixation of the dates of the departure of ships. That is the most important point, and the public at large is entitled to know the exact date on which a certain ship is to sail, to make its own arrangements. If a ship, which carries passengers and advertises a day for its departure does not keep to the scheduled time, of course, it gives a great cause of complaint to the public. After all, all the common carriers, like the railways and ships, have to run according to the time that they have advertised.

THE HONOURABLE SIR JOHN BELL (Bengal Chamber of Commerce) : No.

THE HONOURABLE SAIYID ALAY NABI : They do run according to the advertised time; I have yet to learn that they do not run according to the advertised time. And a shipping company which advertises the date of sailing of its ships to people who come from far off places has to be punctual and regular in the departure of its ships. The only reason that has been assigned by Sir Phiroze Sethna is this. Supposing the last ship sails and there are 200 to 400 passengers, who on account of certain causes are unable to go, then there is a great hardship to those passengers that have got to be left behind. After all, as has been already stated by my friend Mr. Ramadas Pantulu, there are about 1,000 or 1,200 passengers waiting for the ship to start and you

* Speech not corrected by the Honourable Member.

[Saiyid Alay Nabi.]

cannot possibly expect them to wait for the simple reason that another 200 passengers have yet to come in. That is not fair to the travelling public. My friend Sir Phiroze Sethna wants to put in a "reasonable cause" as a lawful excuse for them not to start the ship. The reasonable cause is as indefinite, as vague and as ambiguous as it could possibly be. It is necessary in legislation to put in, in specific and reasonable words, the intention of the Legislature. Now, this lawful excuse has been as a matter of fact explained and very clearly explained in the proviso to section 209C to which my Honourable friend Sir Phiroze Sethna seeks to add another proviso. The explanation is very clear and specific—it is given in the words "owing to any cause not arising from the act or default of the master, owner or agent." Now, the reason why the ship cannot sail at the scheduled time must be a reason beyond the control of the owner, master or agent of the ship. It must not be due to any act of commission or omission on his part. The meaning of it is that if he cannot help, and if he is unable to help the delay, then in that case only is he entitled to postpone the departure of the ship and not otherwise. The reason must be beyond his control. The definition of "reasonable cause" given here, I think, is meant for the benefit of the public and that is very fair to the public; otherwise "reasonable cause" is not an easily definable term; it cannot possibly be defined, and opinions may vary on it; there can be as many opinions on it as there are people who seek to define it, and it would be very difficult to work; it might even work great hardship on the travelling public. I would, therefore, oppose the motion which has been moved by my friend, the Honourable Sir Phiroze Sethna.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Sir, in rising to speak very briefly on this amendment it might be thought by the Honourable Members of this Council that I have a direct interest in the carriage of pilgrims. I would like to assure Honourable Members that that is not so. I listened with attention to what my friend, Mr. Ramadas Pantulu said on the matter of "contract." Of course he knows very much more about contracts, being a lawyer, than I do. But what I want to point out is that the question of contracts to my mind does not arise. You do not get a contract for a ship sailing on a fixed date, If you look at the papers you will see advertised "sailing on or about" and that is obviously necessary in connection with ships. The Honourable Mr. Pantulu went on to say that he was astonished at the moderation with which this Bill had been framed in connection with the penalties on shipping companies. What I want to point out to this Council is that there is no obligation on any shipping company to supply a pilgrim ship at all; and if you make the rules and regulations in connection with the carriage of pilgrims so strict as to leave no room for a reasonable profit in the enterprise, you will not get any pilgrim ships at all. (*An Honourable Member*. "Plenty"). Why should you? The shipping companies which carry pilgrims do not do so as a charitable institution. Then again, if you drive shipping companies too hard in this matter of carrying pilgrims, what course do you think a reasonable agent would take? He would demand passage money down from all pilgrims booked to sail by a certain ship on or about a certain date. Then having given a reasonable time for these pilgrims to arrive, and the ship sailed without some of them, they

would forfeit their passage money ; and if they wish to sail by another ship those left behind would have to pay again.

On this question of it being a great hardship to pilgrims to be asked to stay another day or two, what is the experience of shipping companies in connection with pilgrims ? The majority of the pilgrims arrive and camp down in the port of sailing many days before the ship is advertised to sail. I contend that the hardship to pilgrims who may be asked to stay one or two days more in the port from which they are about to sail is nothing like the hardship which would be experienced by say 200 or 300 pilgrims who for some reason or other are delayed in reaching the port by a day or two and find when they arrive there that the ship has left.

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma : General) : Sir, I had no intention of taking part in this debate, but I find from the speech of my friend, the Honourable Sir Arthur Froom, that he thinks the shipping companies can, after the passing of this Bill into law, say that they are going to sail on or about a certain date. He has not perhaps noticed that under section 209 B(1) it is obligatory on the master, owner or agent of any ship to give to the pilgrim officer the date on which the ship is to sail from that port ; so that he is bound to give a particular date and he would not be complying with the requisition contained in that section if he merely says the ship is to sail on or about a certain date. Further under sub-clause (2) of the same section, it is obligatory on the master, owner or agent of a ship to give that information within three days of the date of demand by the pilgrim officer. No doubt I strongly deprecate shipping companies always saying that their ships will sail on or about a certain date, because generally though they sail on the same date as advertised, I find that there is a great deal of latitude in the matter. The hour of sailing is ordinarily notified in the case of passenger ships ; and I am glad it has been laid down that in the case of these ships at least the day on which they sail is bound to be notified ; and if the companies do not notify that, my Honourable friend, Sir Arthur Froom, will see that under clause 209 B they will be punished with fine which may extend to Rs. 2,000 ; so that a definite obligation is laid upon shipping companies and it is a contractual obligation from which they cannot escape as they can if they are allowed to say that a ship will sail on or about a certain date.

One word, Sir, as regards the amendment. The amendment says if, in the opinion of the officer, there is reasonable cause, then the master, owner or agent will not be liable to pay compensation. I can understand it if it had been put there that it is due to a reasonable cause which is beyond the control of the master, owner or agent of the ship.

THE HONOURABLE MR. V. RAMADAS PANTULU : It is already there in the proviso.

THE HONOURABLE MR. P. C. DESIKA CHARI : It is already there, but this takes away that safeguard. I, therefore, strongly oppose the amendment moved by my Honourable friend, Sir Phiroze Sethna.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH : Sir, I find that there is a general consensus of opinion in the House in favour of the rejection of this amendment, and, so far as I am concerned, I should express my regret that I am not able to accept it on

[Sir Muhammad Habibullah.]

behalf of Government. I think I may just refer as briefly as I can to a few criticisms that have been made by my Honourable friend, Sir Arthur Froom. I could very well have appreciated his position as a representative of large shipping companies if this provision had been incorporated in this Bill for the first time in the history of legislation in India. My Honourable friend must be fully aware that this provision existed already in the Bombay Act of the year 1887. The only difference between the provisions made in the Bombay Act and those made in the Bill under consideration is that while in the Bombay Act the master, owner or agent of a ship who did not sail it according to the time which he had advertised was liable to a fine of Rs. 1,000 for the first day and Rs. 500 on every subsequent day of its detention and the whole of this fine went into the Government exchequer, this Bill has adopted a more equitable method of utilizing the money so collected in the shape of detention allowance to those unfortunate pilgrims who, for reasons not due to themselves, have been detained at a port of embarkation beyond the time which they had originally calculated when they came to the port. Therefore, Sir, I do not think that the question now arises whether it is right on the part of the Government of India to incorporate a provision like this in this Bill. They are not doing it for the first time; the law is there already, it has been in operation for decades past. No complaint has been urged so far against any harm which has arisen by the working of that law. No representations have been made to the Government of India so far that that law is vicious and therefore it should be eliminated from the Statute-book. Furthermore, Sir, when this Bill went up before the Select Committee, they unanimously passed it. May I point out to the House that on that Select Committee we had a representative of the shipping company in the person of Sir Walter Willson. I do not think, Sir, that we are now attempting to do anything directly against the interests of the shipping companies and with any deliberate intention. Well, the Honourable the Mover gave as an illustration that if a particular ship was intended to carry, say 1,500 pilgrims, but there were only 1,100 on board the steamer who had purchased their tickets, is it reasonable to ask that the master, owner or agent of the ship must at once sail the ship without waiting for the remaining 400 to come? May I appeal to the Honourable Member to put himself in that unhappy position? Is it the general rule of convenience that the majority should suffer for the negligence of the minority? I should certainly answer that question in an emphatic negative. This provision is intended not merely to get the shipping companies to start their ships on the scheduled dates, but it is as much intended to force the pilgrim to go in time and take his chance of catching the particular steamer available for him. If Honourable Members had only seen the remaining provisions of this Bill, they would have observed that clause 2 seeks to add a new section 209B (I) to the Indian Merchant Shipping Act. This section enjoins the master, owner or agent to supply the pilgrim officer, sufficiently in advance of the sailing of the ships, with a regular programme or schedule of the sailings of the ships which are expected to sail from that particular port and carry pilgrims. Now, after he has furnished the pilgrim officer with that schedule, then some time before the actual date of the sailing of a particular ship he is expected to advertise the exact date on which each ship included in the schedule will sail, and that is provided for in clause 3 of

the same section. Therefore we see that there is in the first instance a general schedule prepared by the master, owner or agent of the ship and furnished to the pilgrim officer. Now, out of the ships which are enumerated in the schedule, the master, owner or agent of the ship picks up one after another and fixes the exact date on which they will sail. This notification is intended for the information of the public. The law has not laid down any given period which ought to intervene between the issue of the notification and the actual date of sailing. That, for very good reasons, we have reserved to Government. The Government, under the rule-making power, will specify the period which should necessarily elapse between the issue of the notification advertising the sailing of ships and the actual date of sailing, because we may have to take into consideration various circumstances which may be operative in particular ports. What may be easily applicable in the case of Bombay may not be applicable in the case of Karachi, and what may be applicable in the case of Karachi may not be applicable in the case of Calcutta. Therefore, we have reserved power under this Bill under the rule-making powers to specify what period should intervene between the issue of the notification by the master, owner or agent of the ship and the actual sailing of the ship, so that there may be as much interval as possible for the information to reach the ears of the pilgrims who gather at those ports from all parts of India and make it possible for them to catch the particular ship which they intend to do. Now it is perfectly possible that the last ship which may leave from either of these three ports may labour under certain disadvantages. Well, I can conceive there may be some such thing, but I would only ask the House whether, for the sake of a contingency which may arise or may not arise, or even for the sake of only one ship out of many which sail from each port, and which may experience certain difficulties in one port but may not experience them in other ports at all, it is right that we should give this unlimited power either to the port officer or to some other authority to tell the master or owner on the latter's requisition: "Yes, I authorise you to take another 8 days, because under Sir Phiroze Sethna's amendment the ship can take 1,500 pilgrims, but it is loaded with only 1,100." And I think I may in this connection say that so far as Bombay and Karachi are concerned, there has never been experienced any difficulty in carrying these ships full, or rather my experience this year has been that I was asked to exercise the extraordinary power which I possess under the law to allow the shipping company to carry ships overloaded with passengers to the extent of 20 per cent.

I confess some difficulty may arise in Calcutta, which, unfortunately has not been viewed with favour by the pilgrim community.

12 NOON.

But I may tell the House that it has not been settled whether it will remain a permanent port of embarkation

for pilgrims. We have watched it for the first year, we have watched it for the second year, and we hope to take up the question as to whether Calcutta should continue as a port. So far as Bombay and Karachi are concerned, there is no difficulty. I have not dealt with the legal aspect of the problem, because my knowledge of law is so antiquated that I regard myself more or less as a layman in this respect. The Honourable Mr. Ramadas Pantulu and the Honourable Sir Arthur Fromm have discussed it between themselves. I am not basing the logic of my facts merely on the legal aspect of it or anything like it. You have

[Sir Muhammad Habibullah.]

imposed an obligation, a statutory obligation, on the travelling public. No other travelling public has got such special obligation imposed upon it. Do we insist that people who travel by train shall not be allowed to board the train unless and until they provide themselves with return tickets or deposit money for their return journey? This is a special class of traffic and, therefore, we imposed a special obligation on the shoulders of the traffic by compelling them to take return tickets or to deposit the cost of the return ticket. It is not unreasonable that we should impose some obligation on the shoulders of the shipping companies also, so that the whole scheme may work with the object we have in view, namely, the comfort and convenience of the pilgrims. I, therefore, hope that the House will reject this amendment.

THE HONOURABLE SIR JOHN BELL: Sir, I had hoped that it would not be necessary for me to speak on this motion of my Honourable friend Sir Phiroze Sethna for two reasons. In the first place, I thought that without hesitation my Honourable friend Sir Muhammad Habibullah would have accepted the amendment of my Honourable friend; and, in the second place, although it is within the knowledge of Honourable friends of this House that my interest in the pilgrim traffic is so indirect as to be almost negligible, yet I cannot exactly say that I am not either directly or indirectly interested in it. In these circumstances, I would have preferred not to have spoken and I would not have done so had it not been that it seems to me that there has been a considerable amount of misapprehension, particularly on the part of my Muhammadan friends on my left, as to the meaning of the amendment that has been proposed. It has been suggested, or rather has been conveyed to the House, that this Bill is a measure for the protection of pilgrims from rapacious ship-owners who are doing their best to get as much out of them as possible without any regard whatever to their interests or comfort. That is not so. The Bill generally appeals to me as being a most appropriate Bill in the interests of a very important class of persons, in all but the one clause to which my Honourable friend has proposed an amendment. This important class of persons, the pilgrims, who travel between Bombay and Jeddah consists of very different kinds of people. Some of them are wealthy and well informed, but others of them come from remote parts of India and elsewhere. Some of them have no knowledge whatever of ocean-travel and the journey to and from Jeddah is to them a very serious undertaking in which they have had no previous experience. Many of these pilgrims arrive in Bombay and the pilgrim steamer by which they are to travel to Jeddah is the first steamer that they have ever seen. It is, therefore, necessary and it is very right, that Government should make special provision for the protection of this class of persons and Government have always done so; and what they have done in the interest of these persons has always been cordially endorsed by ship-owners.

The Bill that my Honourable friend Sir Muhammad Habibullah has referred to, under which pilgrims are compelled to take return tickets or lodge a deposit, was a very necessary one and has obviated very great hardships to pilgrims in Jeddah. How they came to be in Jeddah without funds is another matter, but it is a fact that they were often stranded there and the provision in this Bill has been of great help to them. I say that to show that there is no

objection on the part of ship-owners to any reasonable measure for the protection of pilgrims.

But this particular clause to which I have referred, under which a penalty is imposed upon ship-owners if a ship does not sail on an advertised date, has no parallel in the world. Many of my Honourable friends in this House are widely travelled, including my Honourable friend Sir Muhammad Habibullah himself, and I ask them whether in the course of their whole experience they have ever come across any system of transport by sea or by rail or by road under which a fine is imposed on the transport company for not starting on a particular date. There is one case of one train, and one train only, in the world, in which a penalty is laid for late arrival. That train stands by itself; the fares charged for it are very high and a penalty is paid not in respect of late departure but in respect of late arrival. But that is the only instance that I know of in the world.

Pilgrims go to Jeddah in large numbers from other places than India. Large numbers go from the Straits Settlements; large numbers go from Java; large numbers go from Port Said, Egypt and the surrounding countries, but in none of these cases is such a penalty imposed by the local authority as is suggested to be imposed in this case.

My Honourable friend Mr. Ramadas Pantulu suggests that it should be very much higher than it is. He seems rather surprised that it is so moderate. But he may be interested to know that if it is moderate and if the amount suggested is small, it is at least absolutely unique in the whole world.

Now, the provisions of this Act, while I believe they are submitted by Government in the interests of pilgrims, and while I believe it was the honest intention of Governments that the interests of pilgrims should be protected to a greater extent than they are by this Act, seem to me to be likely to have the opposite effect. In the first place, the Act adversely affects the ship-owner and, in the second place, it adversely affects the pilgrims.

In regard to the ship-owner, I need not take up the time of the House in explaining again what has been very clearly put before the Honourable Members by my Honourable friend Sir Phiroze Sethna. I have no desire to conceal, as one interested in shipping, that one of my objections to the clause remaining unamended is that it will adversely affect ship-owners in the way that has been suggested, but it will also adversely affect the pilgrims themselves. This will not happen in the middle of the pilgrim season, but it will certainly happen at the beginning of the pilgrim season and towards the end. My Honourable friend Sir Phiroze Sethna and also my Honourable friend Sir Arthur Froom have pointed out the difficulty that may occur at the end of the Haj season. I think it will cause very serious inconvenience if a certain number of pilgrims who, through perhaps no fault of their own, have been detained in the course of their journey to Calcutta or Bombay should be condemned to miss the Haj altogether, because the provisions of this Bill are so rigid that even the local authorities are unable to make any provision in order to meet such cases.

What is the amendment that is actually proposed? I submit that it is a very reasonable amendment indeed. It is not suggested that ship-owners should have any right to detain a ship for any reason at all. It is not suggested

[Sir John Bell.]

that it should be laid down in the Bill that ships may be detained for a reasonable cause. All that is suggested is that when special circumstances arise, and when it will be in the interests of the ship-owner or of the pilgrims who are either in one of the pilgrim ports or on their way to that port, that a ship should be detained, a competent authority should have the power to allow that detention without penalty. It might perhaps be said that the ship owner might take advantage of this and endeavour to have the ship detained for, say, a very small number of passengers in order to add to the profits of the voyage. But, as the decision is to lie entirely with a competent authority, that position could not arise. On the other hand, if it were known to that competent authority that there were a certain number of pilgrims who would be seriously inconvenienced if the rules laid down in this Bill were rigidly applied, he could then authorise the detention of the ship in order to meet their convenience.

The advantage both to the Government and to the pilgrims of having a provision in the Act which will admit of a competent Government official at the port of embarkation having this power seems to me so obvious that I am rather surprised that this amendment has come from my Honourable friend Sir Phiroze Sethna. I should rather have thought that having this provision in the Bill was so advantageous to Government, to the pilgrims, that the amendment would have come from Government themselves and that it would have been supported by my Honourable friends, the Muhammadan Members, of this House. I think it is entirely reasonable and I should like my Muhammadan friends to get rid of the idea that the amendment is proposed in the interests of ship-owners. It is not. It seems to me that, while ship-owners may, to a certain extent, be inconvenienced by the strict application of the provisions of this Bill, the inconvenience will not be a very serious one to them. But, if the pilgrims who have left their homes and who are journeying from long distances in order to make the Haj, are caught out on the strict application of this Act, the inconvenience to them will be very serious indeed, and it is an inconvenience which it ought to be within the power of Government to obviate. As a matter of fact, however sympathetic the Government authorities at the port of embarkation may be towards these pilgrims who have been put to inconvenience, they will have no power whatever to detain the ship in order to meet their special cases. There would be no time in ordinary circumstances to apply to the Government of India for special powers, because, before these special powers could be obtained, the ship would become liable to penalty. So the ship owner would have to make up his mind whether he was going to incur the penalty and stay, or avoid the penalty and go, putting these pilgrims to great inconvenience. I think the amendment is a very reasonable one and that it is in the interests of every one connected with the pilgrim traffic from Government downwards. I would again appeal to my Honourable friend to resile from the position which he has taken up, and to agree to accept this most reasonable amendment proposed by my Honourable friend Sir Phiroze Sethna.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, if I intervene in this debate it is to thank my Honourable friend Sir Arthur Froom for having made clear the real significance of the amendment. The observations made by him have tended to clear the

unreal atmosphere with which it was attempted to enshroud the matter at the outset. From the fears expressed by Sir Arthur Froom we can see that after all the reason that has prompted the Mover of this amendment is not the interests of the travelling public but it is the interests of the capitalists, the pilgrim ship owners.

THE HONOURABLE SIR PRIROZE SETHNA : Certainly not.

THE HONOURABLE SAIYED MOHAMED PADSHA SAHIB BAHADUR : We were told by Sir Arthur Froom that unless the penalty that is attempted to be imposed upon the owners of these ships is not removed and unless the attempts that were made to put them under disabilities were not given up, the owners of these ships would cease to ply their ships for the carrying of pilgrims.

Now, Sir, if I oppose this amendment, it is merely on the simple ground that it is positively injurious to the interests of the pilgrim traffic.

THE HONOURABLE SIR ARTHUR FROOM : Sir, I rise on a point of explanation. I made those remarks in reply to the speech of my Honourable friend Mr. Ramadas Pantulu.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : Whatever may be the reason, the significance is there, *viz.*, that if the House fails to carry this amendment and fails to remove the penalty from the ship owners, the ship owners would cease to carry the pilgrim traffic. Now, Sir, as I was saying, it is a matter of common knowledge that most of these pilgrims are extremely poor and most of them have enough only to make both ends meet. And if these people are allowed to wait indefinitely either at the port of embarkation or on their voyage back at the place of pilgrimage or at Jeddah, they would be put to very great hardships. All this time that they would be waiting they would have to draw upon their slender resources which after all are hardly enough to last for the journey which they have undertaken.

I feel, Sir, that if we accept this amendment it will be imposing very great hardships on the pilgrims.

There is yet another reason why I oppose this amendment. It was said by the Honourable the Leader of the House that section 209C was meant not only for the purpose of making this sailing of ships more regular but also for the purpose of enforcing the pilgrim traffic to be punctual and to prevent it from becoming irregular. Now, Sir, if in order to enable some of these pilgrims to arrive at the port of embarkation later than the date originally fixed for sailing, we make this concession, we shall be running the risk of encouraging those people who always take these things very easy and delay a lot and we will also thereby be postponing the date of sailing of the ship and of the ships that follow ; unless we stringently enforce the sailing dates, it will lead to great hardships to the pilgrims. With these words I oppose the amendment.

THE HONOURABLE THE PRESIDENT : The original question was :

“That clause 2 do stand part of the Bill.”

Since which an amendment has been moved :

“That the following words be added at the end of the first proviso to sub-clause (1) of clause 209C, namely :

‘or provided that the merchant or owner or agent shall satisfy the port officer or other competent Government authority at the port of embarkation that any detention after the advertised date of sailing is due to a reasonable cause’.”

[The President.]

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

The motion was negatived.

Clause 2 was added to the Bill.

Clauses 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 KHAN BAHADUR SIR MUHAMMAD HABIBULLAH :
Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

INDIAN DIVORCE (AMENDMENT) BILL.

THE HONOURABLE MR. H. G. HAIG (Home Secretary): Sir, I beg to move that the Bill further to amend the Indian Divorce Act for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

This Bill seeks to empower the Government of India to appoint for each High Court an officer who shall within the jurisdiction of the High Court exercise the powers in respect of divorce proceedings which are exercised in England by the King's Proctor. The question arose out of the recent enactment by Parliament of the Indian and Colonial Divorce Jurisdiction Act, whereby powers were conferred on the Courts in India to grant divorce to persons domiciled in England. In connection with that legislation it was provided that the procedure in England should be applied to those persons who took advantage of these special provisions in India, and power was taken accordingly to appoint in India for this limited purpose an officer to exercise these powers analogous to those of the King's Proctor. The object of this Bill is to make similar provision for the ordinary proceedings under the Indian Divorce Act, so that there shall be no difference in procedure between parties who are domiciled in India and parties who are domiciled in England. The Bill was introduced in the Legislative Assembly in March last by Sir Alexander Muddiman and was taken into consideration and passed by the Assembly on the 24th of August last.

I move that the Bill be taken into consideration.

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. H. G. HAIG : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

INDIAN LIMITATION (AMENDMENT) BILL.

CONSTITUTION OF THE SELECT COMMITTEE.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I beg to move that the Select Committee to which the Bill further to amend the Indian Limitation Act, 1908, was referred, do consist of the following members, namely: the Honourable Sir Sankaran Nair, the Honourable Saiyid Alay Nabi, the Honourable Mr. G. S. Khaparde, the Honourable Mr. Kumar Sankar Ray Chaudhury, and the Mover; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

Under the rules, of course, the Honourable the Law Member will be a member of the Committee. At one time I thought that the Honourable the Home Secretary, whose services I was anxious to secure on this Committee, would not come within the Committee unless I made a motion including his name; but now, Sir, thanks to the ingenuity of the Legislative Department, I am assured that the Honourable Mr. Haig will be the Home Member for purposes of legislation so far as this House is concerned. I congratulate him on that and I am glad that his services will be available to us on this interpretation of the rules.

Sir, I move this motion.

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Wednesday, the 7th September, 1927.