

**JOINT/SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1932**

**The Bengal Criminal Law Amendment
(Supplementary) Bill**

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1932.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Indian Partnership Bill.	26.1.32.	
2.	The Wire and Wire Nail Industry (Protection) Bill.	15.2.32.	
3.	The Bamboo Paper Industry (Protection) Bill.	16.2.32.	
4.	The Bengal Criminal Law Amendment (Supplementary) Bill.	22.2.32.	
5.	The Sugar Industry (Protection) Bill.	23.2.32.	
6.	The Foreign Relations Bill.	29.2.32.	
7.	The Indian Air Force Bill.	10.3.32.	
8.	The Ancient Monuments Presentation (Amendment) Bill.	5.4.32.	
9.	The Port Haj Committees Bill.	5.9.32.	
10.	The Tea Districts Emigrant Labour Bill.	5.9.32.	
11.	The Code of Criminal Procedure (Amendment) Bill.	12.9.32.	
12.	The Children Pledging of Labour Bill.	19.9.32.	
13.	The Criminal Law Amendment Bill.	7.11.32.	
14.	The Indian Merchant Shipping (Amendment) Bill.	14.11.32.	
15.	The Indian Tariff (Ottawa Trade Agreement) Amendment Bill.	12.12.32.	

LEGISLATIVE ASSEMBLY.

We, the undersigned, Members of the Select Committee to which the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill annexed thereto.

2. The Bill was published as follows :—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India . . .	17th January, 1931.
Fort St. George Gazette . . .	3rd March, 1931.
Bombay Government Gazette . . .	12th March, 1931.
Calcutta Gazette . . .	19th February, 1931.
United Provinces Gazette . . .	21st February, 1931.
Punjab Government Gazette . . .	27th February, 6th and 13th March, 1931.
Burma Gazette . . .	28th February, 7th and 14th March, 1931.
Central Provinces Gazette . . .	21st February, 1931.
Assam Gazette . . .	28th January, 1931.
Bihar and Orissa Gazette . . .	25th February, 1931.
Coorg District Gazette . . .	2nd March, 1931.
Sind Official Gazette . . .	12th March, 1931.
North-West Frontier Gazette . . .	27th February, 1931.

In the Vernaculars.

<i>Provinces.</i>	<i>Language.</i>	<i>Date.</i>
Madras	Tamil . . .	10th March, 1931.
	Telugu . . .	10th March, 1931.
	Kanarese . . .	10th March, 1931.
	Malayalam . . .	10th March, 1931.
Punjab	Urdu . . .	6th, 13th and 27th March, 1931.
Central Provinces.	Marathi . . .	21st March, 1931.
	Hindi . . .	21st March, 1931.

3. We do not propose that any amendment should be made in the Bill and we recommend that it be passed as introduced.

- H. S. GOUR.
- J. CRERAR.
- HAR BILAS SARDA.
- R. S. SARMA.
- S. R. PANDIT.
- M. A. AZIM.
- ARTHUR MOORE.
- *B. SITARAMA RAJU.
- *ABDUL MATIN CHAUDHURY.

NEW DELHI ;
The 19th February, 1932.

*Subject to a minute of dissent.

MINUTES OF DISSENT.

I am unable to accept clause 4 in this Bill. This clause takes away the only remedy available to question the acts of the executive. The curtailment of the powers of the High Court, assuming that it can be done, as I am not now going into the question whether the general powers of the High Court under the charters, Government of India Act and the Letters Patent remain unaffected by section 491, Criminal Procedure Code, is a negation of the very elementary rights of citizenship and the Rule of Law. If the detention of a particular individual is unlawful because the conditions of the Statute have not been complied with or the order has not been passed by the proper authority, as the Advocate General of Madras has said, there is no reason why the subject should be deprived of his remedy under section 491, Criminal Procedure Code. Surely there must be a right available to a subject to be protected from illegal imprisonment.

The majority of this Committee are of opinion that I cannot press for the deletion of this clause, on the ground that in referring this Bill to the Select Committee, the Assembly agreed to the principle underlying this clause and that it is not open for me to raise this question here. I am unable to agree with that view. The principle underlying the Bill, in my humble opinion, is that covered by clause 2, namely, the transfer of detenus. I am not opposing the principle of transfer now, but I am opposing the drastic provision under clause 4 which deprives him of the only safeguard available against official misuse of powers, and this cannot be said to be the principle underlying the Bill.

B. SITARAMA RAJU.

In view of the fact that the detenus will be transferred far away from their own province, I would suggest that the Government of Bengal should pay travelling allowances to their near

relatives to enable them to visit and interview the transferred prisoners once in three months in order to mitigate hardship incidental to such transfer.

ABDUL MATIN CHAUDHURY,—19-2-32.

▲
BILL

TO

*Supplement the Bengal Criminal Law Amendment
Act, 1930.*

WHEREAS it is expedient to supplement the Bengal Criminal Law Amendment Act, 1930; It ^{Ben. Act VI} of 1930, is hereby enacted as follows:—

1. This Act may be called the Bengal Criminal Law Amendment (Supplementary) Act, 1930.
Short title.
2. The power of the Local Government under sub-section (1) of section 2 of the Bengal Criminal Law Amendment Act, 1930 (hereinafter referred to as the local Act), to direct by order in writing that any person shall be committed to custody in jail shall be deemed to include a power to direct, by order in writing made with the previous sanction of the Governor General in Council, that such person shall be committed to custody in any jail in British India; and, for all or any of the purposes of the local Act, an order so made shall be deemed to be an order made under section 2 of that Act, and all the provisions of that Act shall apply accordingly:
Power to order custody in jail outside Bengal. ^{Ben. Act VI} of 1930.
3. References to the local Act in sections 14 and 15 of that Act shall be deemed also to be references to the local Act as supplemented by this Act.
Construction.
4. The powers conferred by section 491 of the Code of Criminal Procedure, 1898, shall not be exercised in respect of any person arrested, committed to or detained in custody under the local Act or the local Act as supplemented by this Act.
Bar of certain legal proceedings. ^{V of 1898.}
5. Sections 4, 5 and 6 of the Bengal Criminal Law Amendment (Supplementary) Act, 1925, are hereby repealed.
Repeals.

GOVERNMENT OF INDIA.

LEGISLATIVE ASSEMBLY
DEPARTMENT.

Report of the Select Committee on the
Bill to supplement the Bengal
Criminal Law Amendment Act, 1930,
with the Bill as recommended.