THE

COUNCIL OF STATE DEBATES

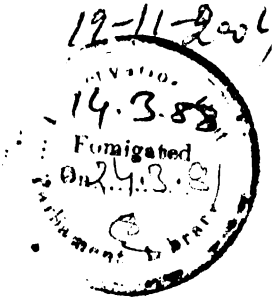
VOLUME I, 1933

(16th February to 15th April, 1933)

FIFTH SESSION

OF THE

THIRD COUNCIL OF STATE, 1933



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COUNCIL OF STATE.

Monday, 10th April, 1933.

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

PROVINCIAL CRIMINAL LAW SUPPLEMENTING BILL.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary): Sir, I rise to move:

"That the Bill to supplement the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special (Emergency) Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

Sir, it has been my duty during the short time I have been a Member of this Council to move the consideration of two other Bills which were designed to give local Governments necessary powers to deal with subversive movements, Bills which in some quarters were criticised as repressive legislation, but which I am glad to say that this Council, with a true appreciation of the realities of the situation has accepted and has passed with considerable unanimity. This Bill which I now commend to this Council is simpler than those which I dealt with on previous occasions. It will be remembered that at the time when it was decided to replace the Ordinances, and in particular the Special Powers Ordinance which was promulgated in July last, by legislation, the Government of India decided after a full review of the general situation that it was desirable to divide up legislation between the centre and the provinces. Certain powers which in their opinion were or would be required for the whole or greater part of British India were included in the Bill introduced in the central Legislature and passed in November last. It was left to the local Governments to decide in the light of local conditions what further powers they required in their own provinces. Local conditions differ considerably and the five Bills which have been passed differ in matters of detail though in their general form they are based on the provisions of the previous Ordinances. It is not relevant here to go into the details of those Bills except in so far as it is necessary to explain the provisions of this Bill before the Council. It will be seen on a reference to the Bill that clause 2 refers only to the Bengal Public Security Act, 1932. The Bengal Government and the Bengal Legislature by a large majority considered that it was necessary to make provision in that province for the appointment of Special Magistrates who would try certain cases if a situation arose which justified their appointment. They were only to try offences, punishable under the Act which they passed, or committed in furtherance of a movement prejudicial to the public security. It must be remembered that Bengal being a Regulation province, it is not possible to appoint Magistrates with power under section 30 of the Criminal Procedure Code as is possible in provinces such as the Punjab or the Central Provinces. They therefore included this provision, but having made

[Mr. M. G. Hallett.]

that provision for the appointment of these Magistrates, it is necessary for them to provide for appeals in the town of Calcutta itself. As those who are acquainted with Calcutta will know, the High Court there in certain respects exercises the appellate powers of a Sessions Judge. Therefore, clause 2 provides that any sentence passed by a Special Magistrate in any trial under the Bengal Public Security Act in the presidency town of Calcutta shall be appealable to the High Court of Judicature at Fort William. Similarly, on the same principle as is followed in section 30 of the Criminal Procedure Code, sentences exceeding four years passed by a Special Magistrate anywhere in the presidency are appealable to the High Court, sentences below four years being appealable under the ordinary law to the Sessions Judge. That section is, I think, quite simple, and is similar to the section which was included in the Bill which was passed by this Council last November to supplement the Bengal Terrorist Outrages Act.

We then get on to clauses 3 and 4. These clauses are directed to bar the jurisdiction of High Courts in certain respects. They are based on a section which was included in the Ordinance, section 78. In the first place, provisions have been inserted in a number of special local Acts providing protection for acts done or intended to be done in good faith under those Acts. Provisions of this nature have been included in the Act for Bihar and Orissa, Bombay, the United Provinces and Bengal. These provisions, however, as they stand in the local Acts can only apply to the courts subordinate to the High Courts and cannot bind the High Courts. The local Legislatures have no jurisdiction to deal with any matter which affects their High Court in their province. We propose that these provisions should extend also to the High Courts and we propose to enact in clause 3 that those sections shall have effect as if passed by the Indian Legislature.

In the second place, provisions have been inserted in certain of the local Acts that proceedings or orders purporting to be taken or made under the Act should not be called in question by any Court. Provisions on these lines exist in the Acts in Bombay, the United Provinces and Bengal and just as in the case of what I may call the indemnity provisions, to which I have referred just now, it is proposed by this legislation to extend the bar of jurisdiction beyond the subordinate courts and to apply it also to the High Court, so also it is proposed to enact that it will not be possible to call in question in the High Court proceedings or orders purporting to be made under the Acts passed by the local Legislatures. It may be somewhat obscure to Honourable Members why we have to include a special clause, clause 4, to deal with the Bengal Act and why we could not include the Bengal Act in clause 3. There is no substantial difference between the two and it is really only a matter of drafting. The reason is that when the matter was under discussion in the Bengal Legislative Council the question arose as to the jurisdiction of that Legislative Council to pass any clause which would affect the jurisdiction of the High Court. To make the matter clear they inserted a proviso in section 27 of their Act to the effect that :

"nothing in this section shall affect the jurisdiction of the High Court ".

It was explained when the matter was under discussion in the Bengal Legislative Council that it was not within the jurisdiction of the local Legislative Council to affect the powers of the High Court. It was to clear up that doubt and to make it perfectly plain that the local Legislature was not enacting a section which was *ultra vires* that this proviso was inserted, and

may quote what the Government Member in charge of the Bill in the Bengal Council said at that time. The Honourable Mr. Prentice said as follows :

" I would also make another thing clear. It must be clearly understood that this proviso is not interpreted as interfering with the freedom of the local Government to attain the introduction of legislation subsequently by which the jurisdiction of the High Court may be barred in the same way as subsequent legislation will be introduced in order to supplement clause 18 in respect of appeals ".

The Bengal Government, taking that view, requested us to introduce the necessary legislation in the central Legislature and we have acceded to that request and have included this clause in the Bill.

I now pass on to clause 5 of the Bill which it will be seen only refers to one Act, the Punjab Criminal Law (Amendment) Act of 1932. The proposal is that the *habeas corpus* provision of the Criminal Procedure Code should not be exercised in respect of persons committed to or detained in custody under the provisions of the Punjab Act. That is in fact a rather more limited provision than the general provision, which we have in the case of the other provincial Acts, that none of the proceedings or orders purporting to be taken or made under the Act should be called in question by any court. But the Government of the Punjab were satisfied that this bar of the *habeas corpus* jurisdiction was sufficient. I may explain that during the discussion of the Bill in the Punjab Council it was explained by the Government Member in charge that they intended to use section 2 of their Act chiefly, if not entirely, against terrorists. Section 2 gives power to arrest and detain suspected persons, and it is in respect of persons against whom such action is to be taken that we wish to have this bar of jurisdiction against the High Court.

Finally, there is clause 6 of the Bill which was introduced during the discussion in another place. That again is put in as a measure of caution to make the legal position clear and to show that the Government of India cannot and do not do anything that is *ultra vires* or that is beyond their jurisdiction. The Government of India and the central Legislature cannot do anything to affect the provisions of the Government of India Act and therefore we have specifically stated that nothing in this Act will effect the powers of the High Court under section 107 of the Government of India Act.

Those, Sir, are the provisions of this Bill which as I say is to supplement the Bills passed by large majorities in the provincial Councils. I trust that this Council will treat it as kindly as they have treated the other Bills I have introduced, and I trust that it will not be my duty to introduce any further Bill to supplement the criminal law of the land and that these powers will be found sufficient to enable local Governments and local executives to deal with any subversive movement that may arise now or in future.

Sir, I move.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal : Non-Muhammadan) : Sir, in my criticism of this Bill there may be some similarity in my arguments with those employed by Congress men. I employ those arguments because I feel after examining them that they are unanswerable. I am not a Congress man. With their methods and activities I have no sympathy. I have been the victim in many instances of Congress men in my province. However much I may believe in and support constitutional authority, and however much I may be prepared to allow them special powers to cope with the situation which is more or less of their own creation, I refuse to arm them with powers which are subversive of the elementary ideas of personal rights and liberties of the individual. We have

[Mr. Satyendra Chandra Ghosh Maulik.]

been told for generations and have been led to believe that the British courts of justice had always preserved and are very jealous of the rights and liberties of the individual. Anybody coming to a court always thought that he was going to get justice pure and undefiled. This, if I may say so, has been the cornerstone of the British Empire in India. It is not the British bayonets that have really kept 350 millions of Indians in subjection, but the keen sense of justice shown by the administrators and felt by the country. That has kept us bound to the British Throne in spite of many broken pledges and unredeemed promises. But I venture to submit that it is too much for me to support a piece of legislation which goes against all canons of jurisprudence. Legislation which seeks to deprive a man of the right of *habeas corpus* cannot possibly have my support or the support of any right-thinking man either here or outside the Council. There is one provision in this Act which gives power of appeal to an accused under certain circumstances, which may be considered as the only redeeming feature of the Bill under discussion. That too, as has been pointed out in the Legislative Assembly, is a doubtful privilege. I would here point out that this right of appeal extends sentences of over four years' imprisonment. But may I know what will be the proportion of such cases? There have been cases where persons who are acquitted and discharged as the result of an appeal have harassed and re-arrested under various pretexts even in the precincts of those courts. Between their acquittal and re-arrest a space of time cannot be calculated even by the Greenwich chronometer, not to talk of the old *Jantar Mantar* of Delhi. I call it an elusive right, a bait put forward to be swallowed by the Legislature and make the passage of the more rigorous sections smoother.

Section 3 of this Bill, as has been described by the leader of the Nationalist Party in the Assembly, provides for an indemnity in advance. This piece of legislation seeks to take away the liberties of the subject and the legal remedies hitherto open to him. Government officers are protected by many other enactments such as the Judicial Officers Protection Act and the relevant sections of the Penal Code. I think Government should have some faith in their own courts, and if they are able to satisfy those courts that they have acted in good faith they need have no fear. This section will have the effect of shifting the onus of proof from the defendant to the plaintiff. We have heard of the "Divine right of kings". We have heard of the maxim "The King can do no wrong". But before this Bill was introduced we did not know that the maxim applies even to a police constable. The idea is gaining ground that the Government is following a vindictive attitude under the cloak of law and order. People realize and think with some amount of justification that the Government mean to govern, not with the good will of the governed, but by treading under foot the 350 millions whose destiny has unfortunately been placed under their care. We are not living in the days when a "Tooth for a tooth" or "An eye for an eye" was the accepted principle of legislation. We are living in the 20th Century when people believe that after all the good will of the governed is necessary for the smooth working of the Government and the progress of the country. It is rather strange that Britishers who are at the helm of the administration, to whom the idea of freedom is inborn and whose love of the democratic system of government is proverbial, should have thought fit to bring forward a legislation of such a nature. True no doubt that the provincial Legislatures have passed similar enactments. I regret the action of the elected members there. This should have been an issue for an election and then and then only would the Government have found out what the public thought of these Acts. We fear to face the constituency on these issues. The

glamour of a seat in the Council or the prospect of an official favour, a pat on the back or a smile of recognition, have been too much for us. We are too much engrossed with ourselves, for our personal ends of gain and fail to play the part of real representatives of the people.

I know that I am crying in the wilderness and that the Bill will have the blessings of the House in no time. But, Sir, let me point out that the Government is doing a great mistake by enacting such extraordinary laws. By their action the Government are tending the people towards exasperation. With all the constitutional reform looming large on the horizon I thought this was the proper time for Government to seek the good will and co-operation of the country to enable with smoothness the functioning of the new constitution, but instead we are asked to provide fresh and new weapons and the most lethal ones in the armoury of the Government arming the police and the lower executive with powers that cannot but make them drunk and the use of which would endanger the very foundation of British Government in India. I therefore take this opportunity of warning the Government that they are on the brink of a precipice and every action of theirs which may be a false step will land the whole country in ruin and disaster. I may repeat here what a Bengali poet has sung :

"Yata toder bnadhan shakta habey,
Moder bnadhan tootbey ;
Yata toder ankhi rakta habey,
Moder ankhi khoolbey ",

which means that the more you tighten your knot, our bond of slavery will loosen ; the more you show your red eyes, our eyes will open.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, I rise to oppose the Bill before the House in as much as it seeks to practise a legal fraud on the people. The provincial Ordinance Acts, whatever may be their names, Sir, have already embittered the feelings of a vast section of the people, alienated their sympathy for Government, have created disaffection among them for the officials, tarnished the fair name of justice of the Britishers in India and last but not least have brought for Government contempt, and now, if on the eve of the new constitutional reform this Bill is passed into an Act it will add another black chapter to the history of India under the Britishers.

Clauses 3 and 4 of the Bill give a blank cheque to the officers whose actions could not be called in question by even the High Courts which means that they are going to be indemnified by this Bill which is a matter that should never be allowed to be on the Statute-book. In plain words, Sir, so far as these two clauses of the Bill are concerned, the people are going to be deprived of their liberty to seek relief in the High Courts. Already there have been many abuses of the provisions of the Ordinance Acts for which the people have had no redress of their grievances and there have been illegal actions too on the part of over zealous officers, as, for example, in the city of Calcutta where, under cover of the Bengal Public Security Act, eminent persons such as the venerable Pandit Malaviya, Mr. Aney and others were arrested and detained in goals and subjected to indignities although they were not members of any unlawful bodies such as the Reception Committee of the Calcutta Congress or of the Working Committee. Non-co-operators as they are, they have not challenged the legality of their arrests, but if they would have made any test case the result would have been surely not to the satisfaction of the authorities. However, Sir, if this present Bill is passed into an Act, the little privilege and right which the people now enjoy even after the passing

[Mr. Jagadish Chandra Banerjee.]

of so many Ordinance Bills in the provinces, would be reduced to nil, and the High Courts too would be debarred from taking any action on the acts done by the officers in so-called good faith under the Ordinance Acts.

And lastly, Sir, as clause 5 intends to curtail the power of the Lahore High Court to issue the writ of *habeas corpus* in respect of any person arrested, or committed to or detained in custody under the provisions of the Punjab Criminal Law Amendment Act, 1932, this Bill, when passed into an Act, will be looked down upon and regarded by the people as a piece of lawless law.

With these few words, Sir, I should like to oppose the entire Bill and hope that the House will agree to throw it out summarily as it is unnecessary, uncalled for and unwanted in the present circumstances of the country.

THE HONOURABLE MR. M. G. HALLETT: Sir, I do not think there is very much need for me to speak at any length in reply to the speeches that have been made. As on other occasions, this Bill has been attacked on the ground that it takes away the right of liberty of the subject. It must be remembered, however, that the powers given by the provincial Bills and by the central Bill which has been passed last session are only exercised very moderately. The total percentage of persons against whom action has been taken in exercise of these special powers is small compared to the total population of British India. I quoted some figures when I was speaking on one of these Bills on the last occasion and referred to the number of persons that had been convicted under the Ordinances. I could quote figures to show that the number of persons against whom executive action has been taken in exercise of these powers is even smaller still. We must recognise that there is a small minority—and I hope a rapidly decreasing minority—who think that they can coerce Government, can coerce their fellow-citizens, by methods of intimidation and terrorism. It is against that small minority that these powers are directed and the ordinary man need have no fear that he will be affected in any way by this Act or by the fact that this Act takes away the right of making references against executive orders to the High Court. It should be recognised that even this Bill does not in any way affect the ordinary rights of appeal to the High Court. As I have shown, there is a definite provision in section 2 for appeals in Calcutta and Bengal. In other cases, in other provinces, the right of appeal and the power of revision by the High Court, in criminal prosecutions will remain; one province has specifically mentioned that point—the United Provinces—although there was really no necessity to do so. The last speaker also stated that these Acts have embittered a large number of people of this country. I think that on an impartial view of the situation a different view might be taken and it might well be held that the improvement in conditions which has taken place in the last two or three months is on the whole due to the fact that the people of the country recognise that these Acts are necessary and have endorsed the action of the Legislatures, both provincial and central, in passing these Bills. I trust therefore that the House will accept this Bill as they have done the previous ones.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to supplement the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special (Emergency) Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. M. G. HALLETT : Sir, I move :

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

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces : General) : Sir, in taking part in this debate at this stage I believe I am in good company. My Honourable friend, Mr. Ghosh Maulik, has just in his able speech opposed the Bill and has stated the grounds on which he wishes to oppose the Bill. My Honourable friend, Mr. Hallett, says that, as we passed in the last session a Bill having provisions similar to those in the present Bill, we should support this Bill also. But the difference is there, Sir, that that Bill related to the terrorist activities and this Bill is a Bill which is practically a supplementary Bill to the Ordinance Act which we opposed on this side of the House in the last November session. As I said on that occasion, Sir, the real remedy for bringing under control these activities—which you desire to bring under control by this sort of repressive legislation—is not by passing such repressive legislation but by giving further reforms and by taking the people of the country into your confidence. Any repressive legislation which you want to pass for good government must have the support of the people of the country. You might have been successful in carrying out repressive legislation—I mean the Ordinance Act—by the support of both Houses of the Indian Legislature but the opinion outside throughout the country was against passing such repressive legislation and by this Act you propose to take away the rights of accused persons from appealing to the High Court and the fundamental rights which every British subject must enjoy—I mean the right of *habeas corpus*—that also you want to take away. The people in India have got the greatest confidence in the justice of the High Court and I submit you are not proceeding on the right lines in shaking that confidence. By passing legislative measures like this you are helping the people—those people who have lost confidence even in British justice—you are helping the cause of these people and practically you are playing into their hands. Sir, those who have to deal with litigation, know fully that in some cases, where the lower courts have sentenced people to heavy punishments, they have been acquitted on appeal to the High Court. We have seen cases where the lower courts have given punishments of imprisonment but the High Courts have found them not guilty and have acquitted them. So, Sir, it is only the High Court that has created confidence in British justice and if you proceed in these directions not only will you shake the confidence of the people but you will support those persons, I mean those Congressmen who are boycotting the courts. You have published White Paper proposals, you are meeting in London for the purpose of framing the new Government of India Act, but at the same time you are passing repressive measures like this. I submit no constitutional proposals will be supported if by the power of the executive you simultaneously carry on repressive legislation. You are taking away the liberties and rights of the people and you are giving more power to the executive. Under British rule the High Court, at least up to the present time, has controlled to some extent the power of the executive. If by passing such legislation you want to deprive the High Court of that power I do not know where you will land yourself and in what way you will help the agitators who have boycotted the British courts.

[Mr. Vinayak Vithal Kalikar.]

It is in our interests, I mean in the interests of those people who differ with the Congress people, and it is in your interest also that you must not play into the hands of the agitator. I therefore submit, Sir, that this is a wrong step that you are taking and you are practically helping the Congress people. What do we see in England ? Two or three British subjects have been arrested in Russia and the whole House of Commons is against them, they are going even to the extent of severing their connection with Russia. But here we find repressive measure after repressive measure being passed and power being taken away from the High Courts which you have established. We see, Sir, in the Bill certain projects which take away the power of the High Court. While you give power under clause 2 (*a*) you take away the power of the High Court under clause 2 (*b*). We see that the power of the High Court even so far as imprisonments are concerned is taken away. So what I submit in short is this that by passing these laws for controlling the activities of the Congress you deny the Congressmen the ordinary rights as human beings. You must allow them the enjoyment of the rights to which they are entitled and to which every British citizen is entitled in the British Commonwealth. I mean the right of appeal, of engaging pleaders and conducting their defence and if you deprive them of all these powers I submit you are practically depriving an individual of his rights and liberties. I therefore oppose the Bill.

THE HONOURABLE MR. M. G. HALLETT : Sir, I must give the same reply to the Honourable Member as I gave before. I think he still labours under the impression which I endeavoured to meet in my first speech. No right of appeal is taken away. If a person is prosecuted under these Acts or under any of the other Acts which have been passed for dealing with the civil disobedience movement, if he is convicted by a lower court and if he considers that the conviction is wrong or the sentence is unduly heavy, he has the right of going to the High Court and the High Court can upset that conviction or sentence. In fact, as Honourable Members probably have noticed, in some cases in which the accused himself has not thought fit to go to the High Court, a person who calls himself *amicus curiæ* goes before the High Court and gets the order modified or reversed. There is no doubt that he is given the ordinary right of appeal. The Honourable Member referred in particular to clause 2(*b*) as reducing the powers of the High Courts. That clause, as I have already explained, is exactly on the same lines as the provision in the Criminal Procedure Code regarding magistrates with powers under section 30. In cases where a small sentence is imposed, the appeal is to the Sessions Judge. If necessary, the accused can then go on revision to the High Court. Similarly, here the appeal goes to the Sessions Judge in the case of small sentences and to the High Court when a sentence of more than four years is imposed. These Acts, therefore, do not in any way restrict the ordinary right of appeal against criminal convictions. They merely protect Government officers and executive officers from being harassed by unnecessary references to the High Court. They prevent delays in criminal cases and expedite the disposal of these cases. I do not think any one need be afraid that the liberty of the subject on a large scale will be removed by the passing of this Bill.

THE HONOURABLE THE PRESIDENT : The question is :

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

The motion was adopted.

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

"That the Bill further to amend the Auxiliary Force Act, 1920, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

Sir, the honour of making this motion has devolved upon me owing to a circumstance which the House will regret as much as I regret it myself, namely, the illness of His Excellency the Commander-in-Chief, who is unable to be present today. The House will no doubt sympathise with him and will regret that his knowledge and experience is not at their disposal and I hope that it will extend to me a certain degree of forbearance in the position in which I find myself. Fortunately, however, Sir, this Bill does not require any elaborate exegesis or any impassioned advocacy because it is aimed at producing two results which will commend themselves to this House, efficiency and economy. The Auxiliary Force Act has now been on the Statute-book for 13 years and the experience of those years has led to the conclusion that certain of the provisions are lacking in elasticity and prevent the achievement of certain economies which the Army Department saw could be attained without loss of efficiency and which they desire to attain. This Bill introduces into the Act some slight modifications by which these economies will be brought about. The Force has hitherto been organised in three classes, the Active Class in which members of the Force under the age of 31 were automatically included, Reserve Class A containing those members who had passed the age of 31 and were still under 40, and Reserve Class B containing the members over the age of 40 ; and the Schedule laid down a rigid scale of training for each of these classes. There was power under the Act to reduce the training in the case of individuals, but there was no power to reduce the amount of training prescribed in the case of whole units, and even if, consistent with efficiency, it was desirable to reduce the amount of training, it was impossible to do so under the Act. Now, the training is really the expensive feature of the administration of this Act. Amendments introduced by this Bill reorganise the Force into two classes only, an Active Class and a Reserve Class and give power to the Officer Commanding the Corps or Unit to decide precisely how much training is necessary in a particular year for his Corps or Unit. The age limits of the various classes have been removed and a more elastic power is given of transferring from one class to the other individual members. This will enable the authorities to include in the Active Class at any particular time only those members who are likely to be called upon in an emergency and who are likely to be available in an emergency if so called upon. There are a good many members of the Active Class who by reason of their occupation are not likely to be available. In an emergency they will be required elsewhere and will not be available for the purpose of the Auxiliary Force. There are also always certain members of the Active Class on leave. They could be transferred to the Reserve Class and re-transferred to the Active Class in accordance with the expediencies of the moment. That is the main principle involved in the Bill before us. Certain minor changes in the Act have also been made for the more convenient administration of the system. "Competent military authority" which was rather rigidly defined in the Act, has been now defined in a more elastic manner so as to permit that officer to be specified as the competent military authority, in respect of any particular power or duty of the competent military authority who in practice is the most appropriate person to perform the particular function in question. The proposals contained in the Bill were discussed in November by a Committee and that Committee succeeded in reaching a very

[Mr. J. Bartley.]

large measure of agreement. The Bill itself was considered in Select Committee and in that Select Committee no changes were made. One small amendment was made during the passage of the Bill in the Lower House, which merely implemented more fully one of the objects which had been adumbrated in the Bill as introduced.

I think, Sir, it is unnecessary to deal in any greater detail with the measure, which I am sure will commend itself to the House.

Sir, I move.

The motion was adopted.

Clauses 2 to 13 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. BARTLEY: Sir, I move:

"That the Bill further to amend the Auxiliary Force Act, 1920, for certain purposes, as passed by the Legislative Assembly, be passed."

The motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): With your permission, Sir, I desire to make a statement with regard to the course of legislative business now outstanding.

It is hoped that there may be a Bill from the other House ready for laying on the table tomorrow, but I am not yet in a position to estimate accurately when we may expect to receive the remaining Bills that are before that House.

I would propose, therefore, Sir, that this House might meet at 5 P.M. tomorrow for the laying on the table of any Bills meanwhile received from the other House. I hope to be in a better position tomorrow evening to decide the further course of legislation in relation to the Bills that may then be outstanding.

The Council then adjourned till Five of the Clock on Tuesday, the 11th April, 1933.