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THE

LEGISLATIVE ASSEMBLY DEBATES

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TENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
1939



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1940.

Legislative Assembly.

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THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I.

Deputy President:

MR. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen:

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MR. A. AIKMAN, C.I.E., M.L.A.

Secretary:

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Assistants of the Secretary:

MR. M. N. KAUL, BAR.-AT-LAW.

KHAN SAHIB S. G. HASNAIN.

Marshal:

CAPTAIN HAJI SARDAR NUB AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions:

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman.*

MR. A. AIKMAN, C.I.E., M.L.A.

SYED GHULAM BEIK NAIRANG, M.L.A.

MR. N. M. JOSHI, M.L.A.

RAJA SIR VASUDEVA RAJAH, C.I.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Tuesday, 12th September, 1939.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

PROVISION OF UNIFORMS, ETC., TO INDIAN SAILORS ON STEAM NAVIGATION COMPANIES.

155. *Mr. Lalchand Navalrai : (a) Will the Honourable Member for Commerce be pleased to state whether Government are aware of the discontent of the Indian sailors working on the Peninsular and Oriental and British India Steam Navigation Companies for not being provided with uniforms or for not increasing their wages to enable them to wear neat dresses ?

(b) Has the attention of Government been drawn to a contribution in a Sindhi newspaper *Sutantar*, dated 16th May, 1938, under the caption "How are Indians looked upon in the West" ?

(c) Is it a fact that these Steam Navigation Companies do not give uniforms or neat clothing to their Indian sailors and do provide their European sailors with the same ? If so, why this invidious distinction is made ?

(d) Is it a fact that their Indian sailors go out at ports in the same dirty linen with which they work on the steamers and are therefore looked upon adversely and not allowed to enter hotels and restaurants ?

(e) Do Government propose to advise these Steam Navigation Companies and to take necessary steps to see that Indian sailors are provided with uniforms or neat clothing and the aforesaid distinction of dress is removed ? If not, why not ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : (a) No.

(b) Yes.

(c) No. The crews whether Indian or European have to provide their own uniforms.

(d) Government understand that Indian seamen serving with these Companies usually go ashore in clean clothes.

(e) Does not arise.

Mr. Lalchand Navalrai : Who supplies them with clean clothes ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : The answer says that the crews, whether Indian or European, have to provide their own uniforms.

Mr. Lalchand Navalrai : May I know whether at any time these people have not been allowed to go into hotels on account of the fact that they were wearing unclean clothes ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : I submit that question does not arise.

Mr. N. M. Joshi : May I know whether the Government of India will enquire whether there is discontent among Indian sailors, especially in Bombay, at the present time, where they are asking for increase in wages ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : I submit that question does not arise.

Mr. N. M. Joshi : I submit it does arise. The last portion of the first part of the question refers to increase in wages ?

Mr. President (The Honourable Sir Abdur Rahim) : The Chair does not think it arises.

Mr. Lalchand Navalrai : With reference to part (d), the Honourable Member will find that there is a question about hotels and the crews not being allowed into those hotels because of their dirty linen ?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : I have no information on the subject.

PLAN FOR FEDERATION OF THE PREMIER OF THE PUNJAB.

156. *Maulvi Abdur Rasheed Chaudhury : Will the Honourable the Leader of the House please state :

- (a) whether the attention of Government has been drawn to the Punjab Premier's plan for Federation, published in the *Statesman* of the 31st July, 1939 ;
- (b) whether the Government of India and His Majesty's Government propose to consider this plan before introducing Federation under the Government of India Act, 1935 ;
- (c) whether the Government of India have received an appeal from Mr. M. A. Jinnah, M.L.A., the substance of which was published in the *Statesman* of the 31st July, 1939, for dropping Federation under the Government of India Act, 1935 ;
- (d) whether the Government of India are forcing many States to accept Federation against their will as described in the said appeal ; and
- (e) whether Government propose to consider the desirability of dropping Federation under the Government of India Act, 1935, and prepare a new Federal Scheme on the line of the federal plan of the Premier of the Punjab in consultation with representatives of the people of India ?

The Honourable Sir Muhammad Zafarullah Khan : (a) Yes.

(b) and (e). I would draw the Honourable Member's attention to the address of His Excellency the Governor General to the Central Legislature yesterday morning.

(c) Government have seen Mr. Jinnah's statement referred to by the Honourable Member.

(d) I would repeat for the Honourable Member's information the reply given by the Under Secretary of State for India to a question in the House of Commons on the 4th August, 1939, on the same subject. The Under Secretary stated that he could give the assurance that pledges given during the passage of the Government of India Bill that no pressure would be brought to bear on any Indian Prince or Ruler to enter Federation had been and would be honoured and that no attempt would be made to prevent a free choice of action by the use of influence on the part of the Government of India.

Maulvi Abdur Rasheed Chaudhury : With reference to the answer to part (b), may I know whether the Government of India are going to consider the plan of Federation given by the Punjab Premier ?

The Honourable Sir Muhammad Zafrullah Khan : It is a hypothetical question.

RESERVATION OF CERTAIN POSTS AND DISTRICTS FOR EUROPEANS IN THE INDIAN MEDICAL SERVICE.

157. *Mr. Lalchand Navalrai (on behalf of Sardar Sant Singh) : Will the Secretary for Education, Health and Lands please state :

- (a) whether it is a fact that certain posts and districts have been reserved for the European members of the Indian Medical Service ; if so, since when ;
- (b) whether it is a fact that the Secretary of State for India with the concurrence of his advisers made certain rules governing the cadre of Indian Medical Service as a whole and the same rules were published on the 4th May, 1939 ;
- (c) if so, whether it is a fact that these rules make no provision for reservation of districts for the European members of the Indian Medical Service ;
- (d) whether it is a fact that Provincial Governments have made representations against this reservation ; if so, which are such Governments ; and
- (e) whether the Government of India propose to abolish the racial discrimination embodied in the reservation of districts for the European members of the Indian Medical Service ; if not, why not ?

Mr. G. S. Boxman : (a) Yes. Since 10th May, 1928.

(b) The Indian Medical Service (Civil) (Reserved Posts) Rules, 1939, were published by the Government of India on the 4th May, 1939.

(c) Yes.

(d) Representations have been received from the Governments of Madras, Bombay, Bihar, the Central Provinces, Sind and Assam.

(e) Although the reservation of certain posts for European and Indian Officers, respectively, is not specifically referred to in the Indian Medical Service (Civil) (Reserved Posts) Rules, the Secretary of State

has decided that the allocation of posts between European and Indian officers decided on at the time of the reorganisation of the Indian Medical Service in 1937 shall be maintained.

Mr. Lalchand Navalrai : May I know what were the reasons for the creation of these Rules ?

Mr. G. S. Boxman : I am unable to disclose the contents of the Despatch from the Secretary of State.

Mr. Lalchand Navalrai : Will the Honourable Member see that, from the point of view of the Government of India, this distinction is removed by recommending to that effect to the Secretary of State ?

Mr. G. S. Boxman : The Government of India are unable to override the orders of the Secretary of State in this matter.

Mr. Lalchand Navalrai : What I am asking is whether the Government of India are prepared to refer this question to the Secretary of State for his reconsideration ?

Mr. G. S. Boxman : The representations to which I have referred have already been sent to the Secretary of State, and he has passed orders thereon.

REPAIRS OF MONUMENTAL SERAI AND BRINDABAN NEAR VILLAGE RAVERKHEDI IN THE CENTRAL PROVINCES.

†158. ***Mr. M. S. Aney :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether the Government of India are aware that a monumental serai and Brindaban built in memory of Peshwa Bajirao I on the banks of the Narmada at the village Raverkhedi in the Central Provinces and Berar, where the last remains of the great Maratha warrior and administrator were cremated, is under the protection of the Archaeological Department ;
- (b) whether it is a fact that the erosion on the bank of the river is threatening the foundation of the north wall of the serai ;
- (c) if the answers to parts (a) and (b) above be in the affirmative, whether Government propose to carry out the necessary repairs immediately and take steps to prevent any damage to these historical monuments in future ; and
- (d) if the answers to parts (a) and (b) above be in the negative, whether Government propose to make an enquiry and call for a report on the condition of the two monuments and the nature of the repairs, and any other construction required to secure the safety of, and prevent damage to the buildings owing to flood and erosion of the river Narmada in future and start the works without delay on receipt of the report of the enquiry ?

Mr. G. S. Boxman : (a) Yes,

(b) Government have received a report that the foundations of the building were damaged by floods in the river Nerbudda.

†Answer to this question laid on the table, the questioner being absent.

- (c) An estimate of the cost of the work necessary to prevent damage has been prepared and the work will be undertaken as soon as possible.
 (d) Does not arise.

SCHEME OF REPLACEMENT OF INDIAN BY SINHALESE LABOUR IN CEYLON.

159. *Mr. F. E. James : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) what developments have taken place since March 1939 in connection with the proposal of the Ceylon Board of Ministers for the replacement of non-Sinhalese daily-paid labourers in Government employment by Sinhalese ;
- (b) how many Indians employed in Government service in Ceylon have already been repatriated ;
- (c) what action the Government of India have taken in the matter and what further action, if any, they propose to take in the future ; and
- (d) whether the Government of India have any information as to whether there is any proposal before the Ceylon Board of Ministers to extend the present scheme of replacement of Indian by Sinhalese labour to (i) estate labour ; (ii) labour employed in Municipalities, public utility companies or private companies and firms ?

Mr. G. S. Boxman : (a)–(d). With your permission, Sir, I shall reply to the whole question by means of a statement.

Towards the end of March, 1939, information reached the Government of India that a scheme on the lines referred to by the Honourable Member was under consideration by the Ceylon Government. After making certain enquiries the Government of India addressed the Ceylon Government on the 1st April, 1939, asking for details of the scheme and for an opportunity to comment. On the 21st April, the Ceylon Government replied that no scheme had been formulated. The Government of India then reiterated their request for an opportunity to comment if any scheme materialised. On the 8th May, the Ceylon Government enunciated certain principles upon which a scheme might be based and stated that, if their scheme involved no more than those principles, it would not, in their opinion, be necessary to consult the Government of India. If, however, any new features were introduced, they promised to do so. On examination of this communication the Government of India found that without a precise scheme they were unable to determine whether the principles enunciated might not involve practical results to which objection could be taken on racial grounds. They communicated this view to the Ceylon Government and made certain provisional comments of detail. On the 5th June, the Government of India received from the Ceylon Government the details of their proposed scheme. After examination and the collection of certain information through the Agent, the Government of India replied on the 21st June expressing strong objection to the scheme and suggesting that at least it should be held in abeyance pending discussion at the time of the proposed trade negotiations between the two countries. On the 27th June, the Ceylon Government replied regretting their inability to cancel or postpone

measures which they considered necessary. On the 3rd July, the Government of India made a further request for postponement emphasising the virtual impossibility of entering upon trade negotiations with any hope of success in the atmosphere which would be created if the Ceylon Government immediately terminated the services of Indian employees. On the 7th July, the Ceylon Government repeated their inability to reconsider their scheme. On the 14th July, the Ceylon Government were informed that the Government of India must withdraw their offer to enter into trade negotiations, and on the 1st August, in view of the uncertainty of employment for Indian unskilled labour in Ceylon, the Government of India prohibited the emigration of all such labour to Ceylon. Up to date a little over 600 Indians are reported to have been discharged, of whom about 450 are said to have returned to India. The Government of India have no information regarding any proposal by the Ceylon Government to extend the scheme beyond the field of daily paid labour in Government employ.

Mr. F. E. James : May I take it then that the position is that the Government of India are not unwilling to discuss matters with the Ceylon Government should the initiative be taken by the Ceylon Government ?

Mr. G. S. Bozman : The Government of India would welcome any approach by the Ceylon Government which might lead to an amicable solution of the differences by negotiation.

Mr. F. E. James : I take it that until the Ceylon Government are in a position to make that approach, the present position is a complete impasse between the two Governments ?

Mr. G. S. Bozman : So far as I am aware, there is nothing further that the Government of India can do at this moment unless the approach comes from the Government of Ceylon.

Sir Cowasji Jehangir : May I know whether the Government of India informed the Government of Ceylon anything about the trade negotiations in this connection ?

Mr. G. S. Bozman : I have stated in the reply that on the 14th July the Ceylon Government were informed that the Government of India must withdraw their offer to enter into trade negotiations.

Sir Cowasji Jehangir : Does that statement stand today ?

Mr. G. S. Bozman : Yes, Sir.

INTRODUCTION OF WARDHA SCHEME OF EDUCATION IN BALUCHISTAN.

†160. ***Mr. H. A. Sathar H. Essak Sait :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether it is a fact that the Wardha Scheme of education has been introduced in some or all primary schools in Baluchistan ;
- (b) whether there was any protest from the public against its introduction ;

†Answer to this question laid on the table, the questioner being absent.

(c) whether Government are aware that the Muslim League has, after careful consideration by a special Committee, condemned the Wardha Scheme as being injurious to the Muslim Community ; and

(d) whether Government propose to issue orders that the Wardha Scheme should not be introduced in educational institutions in Baluchistan and other centrally administered areas ?

Mr. G. S. Bozman : (a) No.

(b) A protest was made by the Muslim League on the basis of a misleading report in some newspapers.

(c) Yes.

(d) No. It is for the Local Administrations in the centrally administered areas to consider in the first instance what modifications, if any, are required in the present system of education in those areas.

THE DEFENCE OF INDIA BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Muhammad Zafrullah Khan (Law Member) : Sir, I present the Report of the Select Committee on the Bill to provide for special measures to ensure the public safety and interest and the defence of British India and for the trial of certain offences.

Sir, I may submit that it is the present intention of Government to proceed with the Bill on Thursday, the 14th September, and a request will, therefore, be made to you, Sir, that you may be pleased to suspend the Standing Order requiring that the report should be in the hands of Honourable Members for seven days before the Bill can be taken up for discussion in the House. This was more or less implicit in the arrangement under which this Bill was referred to a Select Committee. Of course, it necessarily follows that if any amendments are sought to be moved, of which notice has been given, Government will not take objection to those amendments on the score of want of sufficient notice.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair takes it, the Honourable Members will take note of the fact that the Leader of the House has asked the Chair to suspend the Standing Order so that they may be ready, if the Chair decides, to dispense with the Standing Order to go on with the debate.

THE INDIAN CARRIAGE BY AIR (AMENDMENT) BILL.

The Honourable Sir Andrew Clow (Member for Railways and Communications) : Sir, I move :

“ That the Bill to amend the Indian Carriage by Air Act, 1934, for a certain purpose be taken into consideration.”

This is a very small Bill and it seeks only to clarify the meaning of a single word. It relates to a convention which was adopted some years ago at Warsaw and is now embodied in the main Act, which I seek to

[Sir Andrew Clow.]

amend. The word ' Agent ' used there is a translation of a French word, but the intention appears to have been to cover both agents and servants. It was not realised at the time that the word ' Agent ' was apt to have in some cases a rather restricted legal meaning and, consequently, it did not extend to cover the servants of the carrier. I might mention that similar legislation has been adopted in the United Kingdom.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

" That the Bill to amend the Indian Carriage by Air Act, 1934, for a certain purpose 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 the Preamble were added to the Bill.

The Honourable Sir Andrew Clow : Sir, I move :

" That the Bill be passed."

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

" That the Bill be passed."

The motion was adopted.

THE INDIAN RUBBER CONTROL (AMENDMENT) BILL.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour) : Sir, I move :

" That the Bill further to amend the Indian Rubber Control Act, 1934, as reported by the Select Committee, be taken into consideration."

This Bill implements the agreement that was arrived at at the recent Indian Rubber Control Conference. The Bill has been carefully considered by the Select Committee and no amendments of any consequence have been suggested. I might explain that one amendment which was suggested and was incorporated in the report of the Select Committee has since been found to be invalid in view of certain constitutional difficulties and my Honourable and learned friend, the Secretary of the Legislative Department, will move amendments necessary to restore the original provisions of the Bill. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

" That the Bill further to amend the Indian Rubber Control Act, 1934, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 3 stand part of the Bill.”

Sir George Spence (Secretary, Legislative Department) : Sir, I move :

“ That in sub-clause (g) of clause 3 of the Bill, for the words ‘ the Central Government may, by notification in the official Gazette,’ the words ‘ the Committee may, by notification in the Gazette of India,’ be substituted.”

As the Honourable the Commerce Member has intimated, further examination has shown that the Select Committee's proposal to transfer to the Central Government the function of declaring any other plant to be a rubber plant would be of doubtful constitutional validity. When the principal Act was passed in 1934, this function was assigned to the Governor General in Council. The Adaptation Order substituted a reference to the Committee and it must be assumed that this substitution proceeded on the hypothesis that the function was relatable to a subject-matter in the Provincial legislative list with the result that executive authority in respect thereof could not be assigned to the Central Government. There are no grounds for supposing this hypothesis to have been incorrect and it is, therefore, proposed by this amendment to leave the function with the Committee. The substitution of a reference to the Gazette of India for a reference to the official Gazette is consequential. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That in sub-clause (g) of clause 3 of the Bill, for the words ‘ the Central Government may, by notification in the official Gazette,’ the words ‘ the Committee may, by notification in the Gazette of India,’ be substituted.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 3, as amended, stand part of the Bill.”

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 to 19 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 20 stand part of the Bill.”

Sir George Spence : Sir, I move :

“ That in clause 20 of the Bill, in sub-sections (1) and (3) of proposed section 27 of the Act,—

(a) for the words ‘ Central Government ’, wherever they appear, the word ‘ Committee ’ be substituted, and

(b) for the words ‘ official Gazette ’, in both places where they occur, the words ‘ Gazette of India ’, be substituted.”

Sir, the point here is the same as on the previous amendment and I have nothing to add. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That in clause 20 of the Bill, in sub-sections (1) and (3) of proposed section 27 of the Act,—

(a) for the words ‘ Central Government ’, wherever they appear, the word ‘ Committee ’ be substituted, and

(b) for the words ‘ official Gazette ’, in both places where they occur, the words ‘ Gazette of India ’, be substituted.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 20, as amended, stand part of the Bill.”

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Clauses 21 to 31 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar : Sir, I move :

“ That the Bill, as amended, be passed.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill, as amended, be passed.”

The motion was adopted.

CONSIDERATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir Jeremy Raisman (Finance Member) : Sir, I move :

“ That the Report of the Public Accounts Committee on the accounts of 1937-38 be taken into consideration.”

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I move :

“ That the consideration of the motion be postponed for such time till the Members are supplied with copies of the reports—Part II—Evidence of the Public Accounts Committee.”

I think it is very necessary that we should be in possession of all the facts. I do not know why things should be done in such a hurry and Members should be expected to finish the thing in five minutes or five hours. Mr. Jinnah said the other day and very rightly, Sir, that Government Members have got a huge army of Secretariat people, but we, the elected Members and representatives of the people, have not got that, and if informations of details are refused to us, I do not see what purpose we can serve by remaining here. The greatest economist in the world cannot give any opinion on a budget or a public accounts report unless he gets all the

details of facts and circumstances in which they were prepared. Government should have given us the copies of the whole evidence of Public Accounts Committee Evidence, Part II, so as to enable us to understand the position and give our views. If Government want to rush the whole thing without letting us know the facts, it is for them to decide. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair does not know that as a formal motion it would be in order, but as the suggestion has been made to Government the Chair thinks they should make a statement.

The Honourable Sir Jeremy Raisman : Sir, I must confess that I thought that at a time like the present when most Honourable Members are concerned with more pressing and important business, the *post mortem* investigation of the accounts of nearly two years ago would not have claimed their very detailed attention. It is true that for anybody who wishes to pursue some research into the details underlying particular conclusions of the Committee, it is advantageous to be able to refer to the record of the discussions that took place in the Committee. At the same time I must make it clear, and I think this has been made clear before, that the discussions in the Committee are of such an informal character and take place across the table between about a dozen members that it is not possible for the stenographers to make a genuine *verbatim* account of the whole proceedings ; and we have found that the record made is, frequently so inaccurate and inconsequent that the business of editing it becomes almost impossible. We have, therefore, now added a note to the evidence to say that it cannot be taken to be a complete and precise record of the proceedings and that its value is mainly illustrative. In those circumstances I do not think that the complaint that the House has not been given the evidence is as serious as it would otherwise be. At the same time I must admit that for Members who wish to go into a certain degree of detail it is an advantage to possess the record of the evidence. I have the work well in hand,—in fact the proofs have already been corrected, and I hope to be able to supply Members with the evidence volumes in the course of the next two or three days. And on the understanding that Members will be prepared to take up its consideration in this Session and finish it all I am prepared to accept the motion. I think it would be extremely undesirable that this should hang on in the way it has done in past years so that three years' reports of the Committee are still waiting to be taken into consideration by the House because they had been squeezed out in the necessarily more busy programmes of the Budget Session. But on the understanding that Members will be prepared to go on with the consideration and finish it perhaps on some day next week I am prepared to accept this motion.

Mr. Muhammad Nauman : Sir, I am satisfied with the explanation and my Party will be satisfied if the report is given to us in a few days' time.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair is not satisfied that a motion like this is in order ; it was really a suggestion to Government. So the Chair will not put the motion to the House.

DEMANDS FOR EXCESS GRANTS.

Expenditure charged to Revenue.

CIVIL.

DEMAND No. 12—EXECUTIVE COUNCIL.

The Honourable Sir Jeremy Raisman (Finance Member) : Sir, I move :

“ That an excess grant of Rs. 355 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Executive Council ’.”

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That an excess grant of Rs. 355 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Executive Council ’.”

Maulvi Muhammad Abdul Ghani (Tirhut Division : Muhammadan) : Sir, when the consideration of the motion on the Public Accounts Committee Report has been postponed, I think this also should in reason be postponed till we finish consideration of the report.

The Honourable Sir Jeremy Raisman : Sir, these are purely formal recommendations which are made by the Committee. All these grants which I shall be moving have been recommended by the Committee, and even on a previous occasion when this House did adjourn the consideration of the Report in order to give time for the evidence to be placed in the hands of Members, they went on to vote the excess grants straightaway.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 355 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Executive Council ’.”

The motion was adopted.

DEMAND No. 29—LIGHTHOUSES AND LIGHTSHIPS.

The Honourable Sir Jeremy Raisman : Sir, I move :

“ That an excess grant of Rs. 6,765 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Lighthouses and Lightships ’.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 6,765 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Lighthouses and Lightships ’.”

The motion was adopted.

DEMAND No. 32—GEOLOGICAL SURVEY.

The Honourable Sir Jeremy Raisman : Sir, I move :

“ That an excess grant of Rs. 5,808 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Geological Survey ’.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

" That an excess grant of Rs. 5,808 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ' Geological Survey '."

The motion was adopted.

DEMAND No. 36—MINES.

The Honourable Sir Jeremy Raisman : Sir, I move :

" That an excess grant of Rs. 5,559 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ' Mines '."

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

" That an excess grant of Rs. 5,559 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ' Mines '."

The motion was adopted.

DEMAND No. 37—OTHER SCIENTIFIC DEPARTMENTS.

The Honourable Sir Jeremy Raisman : Sir, I move :

" That an excess grant of Rs. 118 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ' Other Scientific Departments '."

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

" That an excess grant of Rs. 118 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ' Other Scientific Departments '."

The motion was adopted.

DEMAND No. 56—JOINT STOCK COMPANIES.

The Honourable Sir Jeremy Raisman : Sir, I move :

" That an excess grant of Rs. 44 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ' Joint Stock Companies '."

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

" That an excess grant of Rs. 44 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ' Joint Stock Companies '."

The motion was adopted.

DEMAND No. 58—CURRENCY.

The Honourable Sir Jeremy Raisman : Sir, I move :

" That an excess grant of Rs. 15,049 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ' Currency '."

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 15,049 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Currency ’.”

The motion was adopted.

DEMAND No. 61—SUPERANNUATION ALLOWANCES AND PENSIONS.

The Honourable Sir Jeremy Raisman : Sir, I move :

“ That an excess grant of Rs. 4,20,246 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Superannuation Allowances and Pensions ’.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 4,20,246 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Superannuation Allowances and Pensions ’.”

The motion was adopted.

DEMAND No. 62—STATIONERY AND PRINTING.

The Honourable Sir Jeremy Raisman : Sir, I move :

“ That an excess grant of Rs. 84,272 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Stationery and Printing ’.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 84,272 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Stationery and Printing ’.”

The motion was adopted.

DEMAND No. 70—ANDAMANS AND NICOBAR ISLANDS.

The Honourable Sir Jeremy Raisman : Sir, I move :

“ That an excess grant of Rs. 825 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Andamans and Nicobar Islands ’.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 825 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Andamans and Nicobar Islands ’.”

The motion was adopted.

RAILWAYS.

DEMAND No. 1—RAILWAY BOARD.

The Honourable Sir Jeremy Raisman : Sir, I move :

“ That an excess grant of Rs. 4,361 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the grant in the year 1937-38, in respect of ‘ Railway Board ’.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 4,361 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the grant in the year 1937-38, in respect of ‘ Railway Board ’.”

The motion was adopted.

DEMAND No. 6A.—WORKING EXPENSES—MAINTENANCE OF STRUCTURAL WORKS.

The Honourable Sir Jeremy Raisman : Sir, I move :

“ That an excess grant of Rs. 4,65,121 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Working Expenses—Maintenance of Structural Works ’.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 4,65,121 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Working Expenses—Maintenance of Structural Works ’.”

The motion was adopted.

DEMAND No. 6-B.—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

The Honourable Sir Jeremy Raisman : Sir, I move :

“ That an excess grant of Rs. 40,31,435 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Working Expenses—Maintenance and Supply of Locomotive Power ’.”

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That an excess grant of Rs. 40,31,435 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Working Expenses—Maintenance and Supply of Locomotive Power ’.”

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, with regard to this excess in expenditure my attention has been drawn to it because yesterday we were speaking on Pacific Locomotives. Before this excess is sanctioned it would be well for the Member in charge to explain how this amount was actually spent. When we were talking about the purchase of locomotives yesterday the House must have observed that a little blame was also being placed on the Assembly : it was suggested, with regard to a grant that because at one time certain questions in connection with that grant were brought before the Assembly, the Assembly should be taken to have accepted the grant. It may not now be said that we are passing this excess grant blindly. Therefore, I would like the Honourable Member to throw light on this and explain how this excess was justified and how the money was spent.

The Honourable Sir Jeremy Raisman : Sir, in the first place I would like to draw attention to the fact that the excess of Rs. 40 lakhs, although it appears a formidable sum by itself, is related to a total grant of

[Sir Jeremy Raisman.]

the order of Rs. 17 crores. The total grant for maintenance of supply of locomotive power, working expenses, was Rs. 16,98,74,000; and, therefore, although this is a large excess, it is not much in relation to the total grant. But the position was that excesses over the final grant did occur on almost all the railways. This was due to the fact that many railways received at the end of the year larger supplies of coal than was anticipated. The reasons for this have been explained in the Chief Commissioner's review. It was largely due to the fact that earlier in the year there had been a danger of a considerable shortage of coal. The railway collieries, as far as I remember, were then put on to producing a larger quantity. But later in the year supplies of coal both from railway collieries and other sources were larger than had been anticipated. Late in the year the market collieries commenced heavy deliveries which it was inexpedient to reject. Having just gone through a period of some anxiety in regard to their supplies of coal, the railways, naturally, thought that it would be imprudent to refuse the larger supplies which were forthcoming later in the year and so they laid in somewhat larger stocks. This accounts for about Rs. 21½ lakhs of the Rs. 40 lakhs.

A matter of Rs. 10½ lakhs is accounted for by more repairs to locomotives than were originally expected. A further sum is due to an accounting change. The East Indian Railway made provision for Rs. 3½ lakhs under another head instead of under this head on account of certain joint station charges payable to the North Western Railway for the Saharanpur station. I think that accounts for the main variations. The year 1937-38 was also, I may say, in the nature of a boom year for railways. The activity was much larger than in the previous year; the traffic was larger. For instance, the mileage allowances to the staff were one lakh higher than were estimated because there was more traffic, and when traffic is larger than could be anticipated at the time of framing the budget, it is natural that various types of working expenses would also go up, and this being the largest single head of working expenses, there was a considerable expansion.

Mr. Lalchand Navalrai : May I know if any excess amount was also spent on repairs of these XB engines?

The Honourable Sir Andrew Olow (Member for Railways and Communications) : All engines undergo periodical repairs.

Mr. Lalchand Navalrai : Are they behaving better now?

The Honourable Sir Andrew Olow : I hope they are going to be better.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“That an excess grant of Rs. 40,31,435 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘Working Expenses—Maintenance and Supply of Locomotive Power’.”

The motion was adopted.

DEMAND No. 6C—WORKING EXPENSES—MAINTENANCE OF CARRIAGES AND WAGON STOCK.

The Honourable Sir Jeremy Raisman : Sir, I move :

“ That an excess grant of Rs. 23,43,715 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Working Expenses—Maintenance of Carriage and Wagon Stock ’.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 23,43,715 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Working Expenses—Maintenance of Carriage and Wagon Stock ’.”

The motion was adopted.

DEMAND No. 6G—WORKING EXPENSES—MISCELLANEOUS EXPENSES.

The Honourable Sir Jeremy Raisman : Sir, I move :

“ That an excess grant of Rs. 10,87,300 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Working Expenses—Miscellaneous Expenses ’.”

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That an excess grant of Rs. 10,87,300 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Working Expenses—Miscellaneous Expenses ’.”

Maulvi Muhammad Abdul Ghani : Sir, this item includes an amount which was not recoverable. In this connection I want to draw the attention of the House to the fact that several railway administrations reported the amounts of non-recovery as far back as 1929 to the Railway Board asking for instructions. The Railway Board delayed consideration and failed to give the various railway administrations their decisions and instructions regarding the realisation of pending amounts or the writing off of the irrecoverable items or any other instruction at all till November, 1937. The result was that a huge amount of money which could have been recovered from various bodies could not have been recovered, as the claims were barred by limitation owing to the delay made by the Railway Board. I will quote one instance, Sir. There were police saloons for the Bihar and United Provinces police and the matter was going on for a very long time, and after nine years the Railway Board communicated their decision with the result that Rs. 89,590 could not be recovered from those two Governments. Yesterday, I quoted the instance of loss of money over Rs. 92,000 sleepers amounting to Rs. 6,69,250 over Eastern Bengal Railway. These sleepers were cast iron sleepers and after a service of six years they were all declared rejected by the expert. I fail to understand why expert opinion was not consulted by the Eastern Bengal Railway before the purchase of the sleepers and before the money was spent. Another case is that 2,21,700 rail anchors were purchased for the East Indian Railway and after some time the Divisional Engineer declared them rejected as being unsuitable, with the result that Rs. 70,000 were lost by the Railway concerned. This was actually a loss of the public money.

[Maulvi Muhammad Abdul Ghani.]

There are such innumerable instances. If I go on quoting them the time of the House will not be sufficient, but a glance at the financial irregularities as brought out in the Railway Audit Report, 1939, pages 20—40, will bear out what I have said. In this connection I want to lay before you the opinion of the Audit Department. In the Audit Report, at page 31, it is said :

“ It will be observed that most of the Railway Administrations have absolved themselves from blame in the matter as the whole question was under consideration of the Railway Board since 1929 and final orders were issued only in November, 1937.”

This amount covers also the cost of the experiment made at Jamalpur after the Bihta accident to ascertain causes of the accident. Before I go into this, let me say that there were arrear recoveries in respect of the carriage reserved for the Band Master, East Indian Railway, Jamalpur, and the amount is Rs. 4,600, a year. The matter was reported long ago to the Railway Board but they have not yet given a decision in regard to who will bear the cost of the Band Master saloon. In connection with the Bihta accident an experimental collision was arranged at Jamalpur, as a result of which several wagons and engines were damaged, and yet the amount of loss due to that experimental accident is stated to be Rs. 1,233 which seems ridiculously low. There are innumerable experts in the railways and they could not find what was the cause of the accident, or they might have found,—I am not to go into the merits or demerits of their enquiry. But the Agent arranged a collision at Jamalpur in order to ascertain the cause of the Bihta accident over which several thousands of rupees were lost, but I cannot see how the estimate was made that the amount lost there was Rs. 1,233 only. In regard to this may I say that when I went to Bihta just after the accident I found that wooden sleepers of 1929, 100 in number, were in use at the place where the accident had taken place. This was in my opinion a case of negligence and other such cases of negligence have been reported in the Locomotive Enquiry Committee's Report. Sleepers were not replaced since 1912—14, till the committee commenced its enquiry in India. These are very deplorable, and if the Finance Department will not have an eye on these things, there shall be no end to this. With these words I resume my seat.

Mr. T. S. Sankara Aiyar (Financial Commissioner, Railways) : Sir,

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the Honourable Member who just completed his speech referred to some financial irregularities which had been reported in the Railway Audit Report, 1939. He referred to the case in which the Railway Department had failed to make recoveries from other departments, for example, the Police, for the use of the saloon. It is true there was failure to some extent, but it was due to a certain confusion in the interpretation of the orders issued by the Government of India. Different railways had adopted different procedures, with the result, that on certain railways recoveries were not made for some time.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Was there an ambiguity in the orders of the Government of India ?

Mr. T. S. Sankara Aiyar : There must have been some ambiguity. Otherwise there would have been no scope for different interpretations. When these cases came to the notice of the Railway Board on a reference from one or two railways, instructions were issued and the procedure was made uniform. Since then, there has been no failure in making recoveries.

Mr. Muhammad Nauman : What about the Band Master's saloon at Jamalpur ?

Mr. T. S. Sankara Aiyar : In a big concern like the Railways, if you take into consideration the magnitude and the number of transactions, as the Auditor General himself came to the conclusion, you will realise that after all the financial irregularities have not been many. The Auditor General himself has certified that considering the number of transactions and the magnitude of the transactions, the accounts have been quite satisfactory. It is not, of course, practicable to go into every case of irregularity and deal with it here.

As regards the excesses that have occurred under this grant, I would point out that the chief reasons for the excess were more gratuity payments than were originally anticipated on four Railways on account of the unexpected retirements towards the close of the year,—the four railways are the N. W. Ry., the B. N. Ry., the B., B. and C. I. Ry. and the M. and S. M. Ry.—and the acceptance of certain debits raised on certain other Civil Departments by the N. W. Railway. The acceptance was delayed and the amount involved was somewhere about 4 lakhs. I have nothing more to add.

Mr. Muhammad Nauman : I would not have risen to take part in the debate on this small matter of supplementary grant but for the explanation given by the Honourable the Financial Commissioner for Railways. He has accepted the charge that the orders issued by the Government of India were in ambiguous terms but the Railway Department did not think it necessary to get same orders cleared up and thought it far better to let the demand of over eighty lakhs of rupees be barred by limitation. Besides he has said that in a big department like the Railways there are bound to be some irregularities. I put him a question about the saloon of the Band Master at Jamalpur which costs Rs. 4,000 yearly and he could not give a satisfactory answer. If he had given me any illustration from lines like the Midland and Scottish Railway or any American railway where saloons are provided for band masters, I would have satisfied myself with this idea that as we are copying many other things from Europe we will copy them in this instance also. Looking into the report of the Committee of Public Accounts, we have seen that the Defence Department even has been able to curtail their expenses but the Railways in spite of repeated requests made by different Members of the House have not been able to make any improvement. One Honourable Member said that they are bankrupt, and that they are trying to make themselves declared insolvent. The other day we were discussing the question of giving away some amounts as gifts to the Railway Department from the General Budget and putting them down as bad debts and square up the Government of India's accounts with the losses on Railway. I want to point out to the House that although this demand will now go through this

[Mr. Muhammad Nauman.]

Honourable House and majority will say 'Yes', the Railway Board ought to be more cautious in their expenditure and that they ought to give weight to the views expressed by Members of this House. With these remarks, I resume my seat.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That an excess grant of Rs. 10,87,300 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

DEMAND No. 6H—WORKING EXPENSES—ELECTRIC SERVICE DEPARTMENT.

The Honourable Sir Jeremy Raisman : Sir, I move :

"That an excess grant of Rs. 1,29,216 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of 'Working Expenses—Electric Service Department'."

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That an excess grant of Rs. 1,29,216 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1937-38, in respect of 'Working Expenses—Electric Service Department'."

The motion was adopted.

DEMAND No. 79—COMMUTED VALUE OF PENSIONS.

The Honourable Sir Jeremy Raisman : Sir, I move :

"That an excess grant of Rs. 92,684 be voted by the Assembly to regularise the expenditure chargeable to capital actually incurred in excess of the voted grant in the year 1937-38, in respect of 'Commuted Value of Pensions'."

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That an excess grant of Rs. 92,684 be voted by the Assembly to regularise the expenditure chargeable to capital actually incurred in excess of the voted grant in the year 1937-38, in respect of 'Commuted Value of Pensions'."

The motion was adopted.

RAILWAYS.

DEMAND No. 12—OPEN LINE WORKS.

The Honourable Sir Jeremy Raisman : Sir, I move :

"That an excess grant of Rs. 11,59,797 be voted by the Assembly to regularise the expenditure chargeable to Railway capital actually incurred in excess of the voted grant in the year 1937-38, in respect of 'Open Line Works'."

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 11,59,797 be voted by the Assembly to regularise the expenditure chargeable to Railway capital actually incurred in excess of the voted grant in the year 1937-38, in respect of ‘ Open Line Works ’.”

The motion was adopted.

Expenditure charged to Revenue.

CIVIL.

DEMAND No. 81—AJMER-MERWARA.

The Honourable Sir Jeremy Raisman : Sir, I move :

“ That an excess grant of Rs. 27 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37, in respect of ‘ Ajmer-Merwara ’.”

This was a grant which was put before the House in the last Session in connection with the accounts of the year previous to the one with which we have been dealing and after a very short discussion the House negatived the motion. No doubt the object of the Party which opposed the motion was to indicate their dissatisfaction on certain matters, but the fact remains, and this is what the Public Accounts Committee were concerned with, that this excess expenditure actually occurred in the year 1936-37 and that in accordance with the constitutional practice of regular Governments we ought to regularize it and the Committee felt that this ought not to remain as an unliquidated blot on the financial history of this country, and they recommended that this House should be asked to vote this small excess grant. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : If the demand has been rejected by the House, can the Honourable Member ask for it again ?

Sir George Spence : Sir, may I submit that the only bar to reconsideration of a matter such as this is that contained in Standing Order 31, which says that :

“ A motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same Session.”

In this case, the decision was given in an earlier Session.

Mr. Lalchand Navalrai : Sir, I would like to know from the Honourable Member when there was some dissatisfaction and displeasure shown by a Party.....

Mr. President (The Honourable Sir Abdur Rahim) : The Standing Order referred to says that the same motion cannot be made in the same Session ?

Sir George Spence : Yes.

Mr. Lalchand Navalrai : Sir, what I would submit is this that the House is already very thin and some Members of the House are anxious to see the House become vacant soon. But I submit that the point should be considered by the House. The House not having accepted the grant

[Mr. Lalchand Navalrai.]

and having shown some displeasure over it, is it right that the same matter should have been brought up before a Committee and sanction got there, and then an excess grant presented to the House ? This will be wholly illegal. Nothing has been shown and no Standing Order has been quoted to show that this demand can come before the House now when it was rejected once.

Mr. President (The Honourable Sir Abdur Rahim) : This will be held over.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

INSERTION OF NEW SECTION 42B.

The Honourable Sir Andrew Clow (Member for Railways and Communications) : Sir, I move :

“ That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (insertion of new section 42B), as reported by the Select Committee, be taken into consideration.”

If Honourable Members will look at the Bill and the Select Committee's report, they will see that four amendments have been made by the Select Committee, but all these are of a formal character, so that the Bill comes before us again substantially in the form in which it left the House. The report of the Select Committee is, I am glad to say, unanimous, and I hope the Bill will have the unanimous support of the House.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (insertion of new section 42B), as reported by the Select Committee, 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 the Preamble were added to the Bill.

The Honourable Sir Andrew Clow : Sir, I move :

“ That the Bill, as reported by the Select Committee, be passed.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill, as reported by the Select Committee, be passed.”

The motion was adopted.

THE REPEALING AND AMENDING BILL.

The Honourable Sir Muhammad Zafarullah Khan (Law Member) : Sir, I move :

“ That the Bill to amend certain enactments and to repeal certain other enactments, as reported by the Select Committee, be taken into consideration.”

Sir, the Select Committee has made only three or four formal changes in the Bill which are set out in the report and which are perfectly clear. No explanation of these changes is necessary. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill to amend certain enactments and to repeal certain other enactments, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

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

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the First Schedule stand part of the Bill.”

Sir George Spence : Sir, I move :

“ That in the First Schedule to the Bill, after the heading ‘ *Acts of the Indian Legislature* ’ the following entry be inserted, namely :

‘ 1922	XI The Indian Income-tax Act, 1922.	In sub-section (1) of section 17, for the word and figures ‘ section 17 ’ the word and figures ‘ section 27 ’ shall be substituted ’.”
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Sir, section 17 of the principal Act, as amended by the amending Act of 1934, contains a reference to a British subject as defined in section 17 of the British Nationality and Status of Aliens Act, 1914. Actually, the definition of ‘ British subject ’ in that Act is contained not in section 17 but in section 27. The reference to section 17 was presumably the result of a misprint. It was not detected at any stage and it attracted notice only the other day after the Select Committee had reported. I am moving this amendment to correct this mistake.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That in the First Schedule to the Bill, after the heading ‘ *Acts of the Indian Legislature* ’ the following entry be inserted, namely :

‘ 1922	XI The Indian Income-tax Act, 1922.	In sub-section (1) of section 17, for the word and figures ‘ section 17 ’ the word and figures ‘ section 27 ’ shall be substituted ’.”
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The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the First Schedule, as amended, stand part of the Bill.”

The motion was adopted.

The First Schedule, as amended, was added to the Bill.

The Second Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I move :

“ That the Bill, as amended, be passed.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill, as amended, be passed.”

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Sir, it is not proposed to bring any business before the House tomorrow and I, therefore, request that tomorrow's sitting may be cancelled. As I have already submitted, when presenting the report of the Select Committee on what is briefly known as the Defence of India Bill, on Thursday a motion will be made to proceed with the Bill.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 14th September, 1939.