

25th February 1943

THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volumes I to II, 1943

(10th February to 2nd April, 1943)

SEVENTEENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1943



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI
1943

Price Rs. 2 As. 2 or 3s. 6d

LEGISLATIVE ASSEMBLY.

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CONTENTS.

VOLUME I.—10th February to 10th March, 1943.

	PAGES.		PAGES.
WEDNESDAY, 10TH FEBRUARY, 1943—			
Members Sworn	1	Removal from Service of Railway Staff by the Divisional Personnel Officer, Moradabad—Not moved	167—68
Starred Questions and Answers	1—21	Prices of Necessaries of Life—Not moved	168
Unstarred Questions and Answers	22—29	Imposition of Financial Burdens for War Purposes without consulting the Assembly—Ruled out of order	168
Statements laid on the Table	29—30	Announcement re grant of inadequate dearness allowance to Workers—Negatived	169, 161—202
Deaths of Sir Muhammad Yakub and Mr. J. Ramsay Scott	30—32	Election of a Member to the Committee on Public Accounts	169
Motion for Adjournment re—		Resolution re Committee for Enquiry into the alleged Military and Police excesses—Discussion not concluded.	169—91
Failure to devise suitable system of Food Control—Not moved	32—33	MONDAY, 15TH FEBRUARY, 1943—	
Sale of Government of India Silver in England to the British Government—Ruled out of order	33—34	Member Sworn	203
Food and Standard Cloth position and lack of Atebrin and Sulphathiazole—Not moved	34	Starred Questions and Answers	203—12
Shortage of small Coins—Negatived	35, 52—68	Motion for Adjournment re—	
Nomination of the Panel of Chairmen Committee on petitions	35	Sugar Problem—Not moved	212
Publicity of the proceedings of the Meetings of the Select Committee	35	Provision of Rupee Finance for the Government of the United Nations—Ruled out of order	212—7
H. E. The Governor General's Assent to Bills	35—36	Fast by Mahatma Gandhi in Jail—Talked out	213—6 247—6 21
Amendment to the Insurance Rules	36	Messages from H. E. the Governor General Presentation of the Railway Budget for 1943-44	214—23
Amendments to certain Motor Vehicle Rules	36—45	Motion re The situation as regards food and other necessaries—Discussion not concluded	223—47
The Indian Railways (Amendment) Bill—Presentation of the Report of the Select Committee	45	TUESDAY, 16TH FEBRUARY, 1943—	
Papers connected with the Ceylon Government's request for Additional Indian labour for Ceylon	45—46	Starred Questions and Answers	267—86
Election of a Member to the Committee on Public Accounts	46	Motion for Adjournment re—	
Election of a Member to the Standing Committee for the Posts and Air Department	46—47	Maltreatment to Sikh Military Prisoners in Indore Jail—Not moved	286
The Criminal Procedure Amendment Bill—Introduced	47	Inability of a Member of the Legislative Assembly to attend its Session due to detention in Jail—Ruled out of order	286
The Motor Vehicles (Amendment) Bill—Introduced	47	Maltreatment to Mr. C. B. Johri in Jail—Ruled out of order	286—87
The Government Savings Banks (Amendment) Bill—Introduced	47	Failure to terminate Martial Law and restore normal conditions in Sind—Ruled out of order	287
Report of the Public Accounts Committee	47—49	Restrictions on the <i>Hindustan Times</i> re Publication of news about Mahatma Gandhi's fast—Negatived	287—88, 296—302
Demand for Excess Grants for 1940-41	49—51	Election of Members to the Standing Committee for the Department of Information and Broadcasting	288—89
THURSDAY, 11TH FEBRUARY, 1943—			
Member Sworn	69	The Indian Penal Code (Amendment) Bill—Introduced	289
Starred Questions and Answers	69—93	The Criminal Procedure (Amendment) Bill—Circulated	289—90
Unstarred Questions and Answers	93—100	The Motor Vehicles (Amendment) Bill—Passed	291
Death of Professor C. B. Johri	100	The Government Savings Banks (Amendment) Bill—Passed	292—95
Motion for Adjournment re—		WEDNESDAY, 17TH FEBRUARY, 1943—	
Supply and distribution of foodstuffs—Not moved	100	Member Sworn	303
The Paper Control Order—Adopted	100—101, 122—88	Starred Questions and Answers	303—21
The Hindu Marriage Disabilities Removal Bill—Motion to continue adopted	101	Unstarred Questions and Answers	321—22
The Code of Criminal Procedure (Amendment) Bill (Amendment) of Sections 162, 488 and 496)—Referred to Select Committee	101—11	Statements laid on the Table	322—24
The Delhi Muslim Wakfs Bill—Presentation of the Report of the Joint Committee	111	Dispensing with the Question Hour on the General Budget Presentation Day	324
The Abolition of Whipping Bill—Circulated	111, 113—21	Motion re the Situation as regards Food and other necessaries—Discussion not concluded	324—64
Election of a Member to the Standing Committee for the Posts and Air Department	112	THURSDAY, 18TH FEBRUARY, 1943—	
Statement of Business	112	Members Sworn	365
The Indian Penal Code (Amendment) Bill (Amendment of section 299, etc.)—Introduced	121	Starred Questions and Answers	365—70
The Code of Criminal Procedure (Amendment) Bill (Amendment of sections 378 and 429)—Introduced	122	Unstarred Questions and Answers	370—73
The Indian Merchant Shipping (Amendment) Bill—Introduced	122	Motion for Adjournment re Necessity of releasing the Congress Working Committee Members—Not moved	373
The Durgah Khawaja Saheb (Amendment) Bill—Introduced	122	The Receipts Bill—Presentation of the Report of the Select Committee	378
FRIDAY, 12TH FEBRUARY, 1943—			
Member Sworn	135	Resolution re—	
Starred Questions and Answers	135—64	Committee for Enquiry into the alleged Military and Police Excesses—Negatived	373—77
Unstarred Questions and Answers	164—65	Implementing the Federation of India—Negatived	377—99
Motion for Adjournment re—		Prohibition of Export of Textile Goods—Negatived	399—410
Refusal of permission to Mr. Bajagopalachari for interviewing Mahatma Gandhi—Not moved	166	Grievances of Officials and Secretariat Assistants employed in Railways—Discussion not concluded.	410—12
Legislation by Ordinances—Ruled out of order	166	FRIDAY, 19TH FEBRUARY, 1943—	
High Rates demanded by the Tongawallas of Delhi—Ruled out of order	166—67	Starred Questions and Answers	413—26
		General discussion of the Railway Budget	426—54

	PAGES.		PAGES.
MONDAY, 22ND FEBRUARY, 1943—		The Indian Army and Air Force (Military Prisons and Detention Barracks) Bill—Introduced	609
Members Sworn	455	Demands for Supplementary Grants—Railways	609—15
Starred Questions and Answers	455—66	The Indian Railways (Amendment) Bill—Passed	615—20
Motion for Adjournment <i>re</i> Failure to release Mahatma Gandhi unconditionally—Ruled out of order	466	The Aligarh Muslim University (Amendment) Bill—Passed	620—22
Correspondence between the Government of India and the Ceylon Government	466—74	The Code of Civil Procedure (Amendment) Bill—Passed	622—23
Election of the Standing Finance Committee	474—76	SATURDAY, 27TH FEBRUARY, 1943—	
The Code of Civil Procedure (Amendment) Bill—Introduced	476	Member Sworn	625
The Aligarh Muslim University (Amendment) Bill—Introduced	476	Presentation of the General Budget for 1943-44	625—49
Motion <i>re</i> the Situation as regards Food and other necessaries—Talked out	476—503	The Indian Finance Bill—Introduced	649
TUESDAY, 23RD FEBRUARY, 1943—		The Tobacco (Excise Duty) Bill—Introduced	650
Members Sworn	505	The Vegetable Product (Excise Duty) Bill—Introduced	650
Starred Questions and Answers	505—10	MONDAY, 1ST MARCH, 1943—	
Unstarred Questions and Answers	510—12	Death of Dr. F. X. DeSouza	651—52
Motion for Adjournment <i>re</i> Publication of a Review of Congress responsibility for disturbances—Ruled out of order	512—13	TUESDAY, 2ND MARCH, 1943—	
Election of Members to the Standing Committee for the Department of Information and Broadcasting	513	Starred Questions and Answers	653—64
The Railway Budget—List of Demands—Demand No. 1—Railway Board—Policy of Wagon allotment and Distribution	513—51	Transferred Starred Questions and Answers	664—73
Reduction in Rates and Fares	514—20	Transferred Unstarred Questions and Answers	673—77
Curtailement of Passenger Trains	520—28	Motion for Adjournment <i>re</i>—	
Post-War Reconstruction	528—32	Alleged insult by Soldiers to Mr. M. S.aney at Nagpur Railway Station—Not moved	677—78
Grievances of Railwaymen <i>re</i> conditions of Service	532—48	Latest restrictions on supply of Newspaper—Ruled out of order	678—79
WEDNESDAY, 24TH FEBRUARY, 1943—		Election of Members to the Standing Finance Committee	679
Starred Questions and Answers	553—59	The Hindu Code, Part I (Intestate Succession)—Introduced	679
The Railway Budget—List of Demands—contd.		The Hindu Code, Part II (Marriage)—Introduced	679
Demand No. 1—Railway Board—Grievances of Railwaymen <i>re</i> conditions of Service	559—600	Election of the Standing Committee on Emigration	679—80
Inadequate and illusory provisions for Appeals from Railway Employees	565—73	Resolution <i>re</i> Revision of the Convention in respect of Contribution from Railway to General Revenue—Adopted	680—716
Recognition of Railway Muslim Employees Unions and Associations	573—88	The Indian Canal Code (Amendment) Bill—Passed	716—17
Extensions given to employees in Railway Services	588—94	The Coffee Market Expansion (Amendment) Bill—Passed	717—18
Need for fixing quota for Muslims and Other Minorities in the Selection grades in Railway Services	594—98	The Indian Army and Air Force (Military Prisons and Detention Barracks) Bill—Discussion on the motion to consider not concluded	718—21
Imperative need of Allotment of Wagons for transport of Rice to deficit Areas of the Madras Presidency	598—600	WEDNESDAY, 3RD MARCH, 1943—	
Demand No. 2—Audit	600	Member Sworn	723
Demand No. 3—Miscellaneous Expenditure	600	Starred Questions and Answers	723—25
Demand No. 5—Payments to Indian States and Companies	600	The Delhi Muslim Wakfs Bill—Passed as amended	725—41
Demand No. 6-A—Working Expenses—Maintenance of Structural Works	600	The Reciprocity Bill—Passed as amended	741—52
Demand No. 6-B—Working Expenses—Maintenance and Supply of Locomotive Power	600	The Code of Criminal Procedure (Amendment) Bill (Amendment of Sections 269, 272, etc.)—Discussion on the motion to refer to Select Committee not concluded	752—64
Demand No. 6-C—Working Expenses—Maintenance of Carriage and Wagon Stock	600	FRIDAY, 5TH MARCH, 1943—	
Demand No. 6-D—Working Expenses—Maintenance and Working of Ferry Steamers and Harbours	600	Member Sworn	765
Demand No. 6-E—Working Expenses—Expenses of Traffic Department	600—01	Starred Questions and Answers	765—70
Demand No. 6-F—Working Expenses—Expenses of General Department	601	Unstarred Question and Answer	770
Demand No. 6G—Working Expenses—Miscellaneous Expenses	601	General discussion of the General Budget	770—809
Demand No. 6-H—Working Expenses—Expenses of Electrical Department	601	MONDAY, 8TH MARCH, 1943—	
Demand No. 7—Working Expenses—Appropriation to Depreciation Fund	601	Members Sworn	811
Demand No. 8—Interest Charges	601	Starred Questions and Answers	811—17
Demand No. 10—Appropriation to Reserve	601	Motion for Adjournment <i>re</i> Failure to prosecute the European passenger resisting occupation of the reserved seat by Dewan Bahadur A. Lakshmanaswami Mudaliyar—Ruled out of order	817
Demand No. 11—New Construction	601	Amendment of the Coorg Motor Vehicles Rules	817—18
Demand No. 12—Open Line Works	601	The General Budget—List of Demands—Demand No. 12—Executive Council	819, 842—58
THURSDAY, 25TH FEBRUARY, 1943—		Grievances of the Personnel and Students of the I. M. D.	842—45
Starred Questions and Answers	603—05	Government attitude towards the Press in India and the working of Press Censorship	845—51
Declarations of Exemption under the Registration of Foreigners Act	606—08	Dearness Allowance	851—58
Summaries of the Proceedings of the Fourth Labour Conference and of Meetings of the Standing Labour Committee	609	Demand No. 15—Home Department—Repressive Policy of the Government	819—32
The Coffee Market Expansion (Amendment) Bill—Introduced	609	Demand No. 21—Finance Department—Utilisation of the Sterling Balances	832—42
		TUESDAY, 9TH MARCH, 1943—	
		Member Sworn	859
		Starred Questions and Answers	859—66
		Nominations to the House Committee	867
		Election of Members to the Standing Committee on Emigration	867

	PAGES.		PAGES.
The General Budget—List of Demands— <i>contd.</i>	867—81	Demand No. 25—War Transport Department	963
Demand No. 12—Executive Council— Means whereby by people may have better Opportunity to place their Views before the Government re War Activities and the future Position of the Country and of the future needs for the Prosperity of the Country	867—81	Demand No. 26—Food Department	963
Demand No. 14—Legislative Assembly and Legislative Assembly Department— Necessity of holding more Sessions of the Legislatures in view of the War and the future position of the Country in the great developments that are taking place in the World at large	881—89	Demand No. 27—Central Board of Revenue	963
Demand No. 22—Commerce Department— Exports from India and Trade relationship with other Countries	881—89	Demand No. 28—India Office and High Commissioner's Establishment Charges	963
Demand No. 23—Department of Labour— Position of labour including Indian Seamen	889—91	Demand No. 29—Payments to other Governments, Departments, etc., on account of the Administration of Agency Subjects and Management of Treasuries	963
Demand No. 56—Broadcasting— Grievances of Muslims with regard to Services, Language and Programmes of the Broadcasting Department	892—93	Demand No. 30—Audit	963
	893—910	Demand No. 31—Administration of Justice	963
		Demand No. 32—Jails and Convict Settlements	963
		Demand No. 33—Police	963
		Demand No. 34—Ports and Pilotage	964
		Demand No. 35—Lighthouses and Lightships	964
		Demand No. 36—Survey of India	964
		Demand No. 37—Botanical Survey	964
		Demand No. 38—Zoological Survey	964
		Demand No. 39—Geological Survey	964
		Demand No. 40—Mines	964
		Demand No. 41—Aerology	964
		Demand No. 42—Meteorology	964
		Demand No. 43—Other Scientific Departments	964
		Demand No. 44—Education	965
		Demand No. 45—Medical Services	965
		Demand No. 46—Public Health	965
		Demand No. 47—Agriculture	965
		Demand No. 48—Imperial Council of Agricultural Research	965
		Demand No. 49—Agricultural Marketing	965
		Demand No. 50—Imperial Institute of Sugar Technology	965
		Demand No. 51—Civil Veterinary Services	965
		Demand No. 52—Industries	965
		Demand No. 53—Scientific and Industrial Research	965
		Demand No. 54—Aviation	966
		Demand No. 55—Capital Outlay on Civil Aviation Charges to Revenue	966
		Demand No. 56—Broadcasting	966
		Demand No. 57—Capital Outlay on Broadcasting Charged to Revenue	966
		Demand No. 58—Emigration—Internal	966
		Demand No. 59—Emigration—External	966
		Demand No. 60—Commercial Intelligence and Statistics	966
		Demand No. 61—Census	966
		Demand No. 62—Joint Stock Companies	966
		Demand No. 63—Imperial Dairy Department	966
		Demand No. 64—Miscellaneous Departments	967
		Demand No. 65—Currency	967
		Demand No. 66—Mint	967
		Demand No. 67—Civil Works	967
		Demand No. 68—Central Road Fund	967
		Demand No. 69—Superannuation Allowances and Pensions	967
		Demand No. 70—Stationery and Printing	967
		Demand No. 71—Miscellaneous	967
		Demand No. 72—Miscellaneous Adjustments between the Central and Provincial Governments	967
		Demand No. 73—Civil Defence	967
		Demand No. 74—Delhi	968
		Demand No. 75—Ajmer-Merwara	968
		Demand No. 76—Panth Pipoda	968
		Demand No. 77—Indian Posts and Telegraphs	968
		Demand No. 78—Indian Posts and Telegraphs—Stores Suspense (Not charged to Revenue)	968
		Demand No. 79—Delhi Capital Outlay	968
		Demand No. 80—Commutated Value of Pensions	968
		Demand No. 81—Interest-free Advances	968
		Demand No. 82—Loans and Advances bearing interests	968
WEDNESDAY, 10TH MARCH, 1943—			
Starred Questions and Answers	911—16		
Unstarred Questions and Answers	916—17		
Motion for Adjournment	917		
The General Budget—List of Demands— Demand No. 12—Executive Council— <i>contd.</i>	917—60		
Administration of Martial Law in Sind	917—30		
Grievances of Muslims in regard to their meagre share in the Services of the Supply Department and in the Contracts given by the Department	917—30		
Means whereby the present prosperous Agricultural conditions might be used for the permanent rehabilitation of Agriculture in India	930—36		
Demand No. 1—Customs	936—60		
Demand No. 2—Central Excise Duties	960		
Demand No. 3—Taxes on Income including Corporation Tax	960		
Demand No. 4—Salt	960		
Demand No. 5—Opium	961		
Demand No. 6—Provincial Excise	961		
Demand No. 7—Stamps	961		
Demand No. 8—Forest	961		
Demand No. 9—Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works	961		
Demand No. 10—Indian Posts and Telegraphs Department (including Working Expenses)	961		
Demand No. 11—Interest on Debt and Other Obligations and Reduction or Avoidance of Debt	961		
Demand No. 12—Executive Council	961		
Demand No. 13—Council of State	961		
Demand No. 14—Legislative Assembly and Legislative Assembly Department	962		
Demand No. 16—Civil Defence Department	962		
Demand No. 17—Department of Information and Broadcasting	962		
Demand No. 18—Legislative Department	962		
Demand No. 19—Department of Education, Health and Lands	962		
Demand No. 20—Department of Indian Overseas	962		
Demand No. 21—Finance Department	962		
Demand No. 22—Commerce Department	962		
Demand No. 23—Department of Labour	962		
Demand No. 24—Department of Posts and Air	962		

LEGISLATIVE ASSEMBLY

Thursday, 25th February, 1943.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

THE NEW INDIAN STANDARD TIME.

†189. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state the reasons which led Government to advance the time by one hour?

(b) Is the advance time to be maintained for a part of the year only or for the whole year?

(c) What steps have Government taken to meet the difficulties of the lower paid staff and clerks who used to go to offices after taking food and who due to this advance time have to go to offices without food which practice results in the inefficiency of work?

(d) Is it or is it not a fact that this change of time has been resented to by almost everyone affected by it? If not, have Government made an enquiry?

(e) Could not the object of the Government be met by changing the time of work in offices concerned, instead of advancing the time?

Mr. V. Sahay: (a) The attention of the Honourable Member is invited to the *Press Communiqué*, dated the 31st July, 1942, on the subject, a copy of which is placed on the table of the House.

(b) For the present it has been decided to maintain this time for the winter months only.

(c) The Honourable Member is presumably referring to the staff of the Central Government Secretariat. The opening hour of offices has been advanced by half an hour to meet any difficulty experienced by the staff.

(d) No.

(e) No.

Press Communiqué.

The existence of two different standards of time in India is for purposes of defence undesirable and since the 15th May, this year a uniform standard time has been observed throughout the country. In deciding what that standard should be the Government have had to consider on the one hand the convenience of that portion of India which lies to the west of meridian 82½ and already enjoys sufficient daylight saving and on the other the requirements of the eastern Provinces where it is essential to avoid any electricity overload due to overlap of factory demands with those of domestic, office and street lighting and where extra daylight may be needed to mitigate the effect of obscurity. Since in the summer months there is an adequate margin of daylight in the eastern areas, it was considered that by an adjustment of office and factory hours the requirements of those areas during the summer could be adequately met if Standard Time were fixed at 5½ hours ahead of Greenwich Mean Time throughout India and a uniform time was introduced accordingly as from the 15th May. The Government of India undertook, however to consider the question of a further change before the winter season commenced. It has now been decided that to ensure the continuance of sufficient daylight in the eastern Provinces it is necessary to make such a change in the near future, and that Indian Standard Time throughout the country should be 6½ hours ahead of Greenwich Mean Time. The change will take effect from midnight of the 31st August—1st September, from which date clocks will be advanced by one hour. It is fully realised that the advance of clocks by one hour must inevitably cause some inconvenience to areas lying west of meridian 82½ but it is believed that by an adjustment of hours of work, this inconvenience can be overcome and that when the public becomes accustomed to the new time no great difficulty will be experienced.

HOME DEPARTMENT;
New Delhi, the 31st July, 1942.

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

ARREST OF LALA SHANKAR LAL.

190. *Sardar Sant Singh: Will the Honourable the Home Member please state:

- (a) when and under what section L. Shankar Lal was taken into custody;
- (b) whether his case has since been sent for review to some competent authority; and
- (c) if the answer to (b) be in the negative, whether Government propose to submit his case for review, if not, why not?

Mr. V. Sahay: (a) Lala Shankar Lal has been in custody since November, 1941, as a result of orders passed under Defence of India Rule 26.

(b) and (c). Government do not propose to review his case at present because they are fully satisfied that he must continue to be detained.

Sardar Sant Singh: May I know if there is any rule which provides for the review in such cases and, if so, after what period?

Mr. V. Sahay: No, Sir.

PAUCITY OF MUSLIM ASSISTANT INCOME-TAX COMMISSIONERS IN THE PUNJAB, DELHI AND NORTH-WEST FRONTIER PROVINCE.

191. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable the Finance Member please state the total number of posts of Assistant Commissioners of Income-tax in the Province of the Punjab, Delhi and the North-West Frontier Province? How many of them are held by Muslims, Hindus and Sikhs? How many of the posts are permanent and is any of them held by a Muslim?

(b) Is it a fact that out of the non-Muslim Assistant Commissioners of Income-tax, a majority (not less than four) were once considered by the Central Board of Revenue as inefficient, and were ordered to be retired on pension as soon as possible? If so, why were such officers allowed to continue in service?

(c) Is it a fact that certain Assistant Commissioners, including even those who were considered inefficient by the Central Board of Revenue, and who were due to retire last year, were given extensions? If so, what were the reasons for doing so, thus blocking the promotion of such Income-tax Officers who could step into their places?

(d) Is it a fact that during the last two years all the vacancies for the posts of Assistant Commissioners, temporary or officiating, were given to non-Muslims and not a single Musalman was even considered as against the non-Muslim Income-tax Officers, who were considered unfit by the Department, to hold one of the posts?

(e) Are Government aware that persons now eligible for the posts of those Assistant Commissioners are Muslims, and that efforts are being made to avoid their chances of appointment to the posts by adopting the above methods?

(f) Is it a fact that the question of creating another post of Assistant Commissioner of Income-tax in the Punjab, Delhi and the North-West Frontier Province Circle, is under the consideration of Government? If so, do Government propose to consider the appointment of a Muslim Officer to the newly created post to give the Musalmans an adequate share in services in the Income-tax Department?

The Honourable Sir Jeremy Raisman: (a) Seven—three permanent and four temporary. Three permanent and three temporary posts are held by Hindus and one of the four temporary posts by a Muslim.

(b) Four Non-Muslim Assistant Commissioners of the Punjab Income-tax Department were warned that there was a likelihood of their being retired on completing 25 years' qualifying service or on attaining the age of 50, whichever was later. This action was taken under Article 465-A of the Civil Service Regulations, and does not imply that the officers in question are regarded as being so inefficient as to warrant their removal from service.

(c) No.

(d) and (e). The appointments were made on the basis of seniority combined with merit and did not involve the supersession of Muslim officers. It is not the case that attempts are being made to prevent the promotion of Muslims.

(f) The answer to the first part of the question is in the negative, and the second does not arise.

Mr. H. A. Sathar H. Essak Sait: May I know what is the answer to the second part of part (b) of the question?

The Honourable Sir Jeremy Raisman: These officers have not yet completed 25 years' qualifying service or attained the age of 50, whichever was later. That is the answer. They are, therefore, still in service.

Mr. President (The Honourable Sir Abdur Rahim): **Maqlana Zafar Ali Khan**, Question No. 192.

(The Honourable Member was absent.)

Mr. N. M. Joshi: Sir, I am not authorised by the Honourable Member to put this question but as I am very much interested in the reply, may I put it?

Mr. President (The Honourable Sir Abdur Rahim): The usual practice must be followed. I have allowed a departure from it on one occasion in the Honourable Member's favour but I cannot make that the rule.

DESIRABILITY OF RAISING THE MAXIMUM OF PENSION OF DAFTARIES OF CERTAIN OFFICES.

†192. ***Maulana Zafar Ali Khan:** (a) Will the Honourable the Finance Member be pleased to state if it is a fact that peons of the offices of the Director General, Posts and Telegraphs, the Auditor General and other local offices whose maximum scale of pay is Rs. 16 are entitled to half pension not exceeding Rs. 8 per mensem?

(b) Is it a fact that daftaries in the offices of the Director-General, Posts and Telegraphs, the Auditor General and other attached offices are entitled to half pension not exceeding Rs. 20 per mensem?

(c) Is it a fact that the maximum scale of pay admissible to peons in the offices of the Accountant-General, Central Revenues, the Deputy Accountant General, Posts and Telegraphs and the Controller of Supply Accounts, etc., is Rs. 16 per mensem, and, consequently, they earn half pension not exceeding Rs. 8 according to the pension rules applicable to them? If so, what is the reason for treating the daftaries in these offices whose maximum pay varies from Rs. 30 to Rs. 40 differently with the result that they are only entitled to a pension not exceeding Rs. 8 per mensem irrespective of their maximum pay?

(d) Do Government propose to take immediate steps to issue orders entitling the daftaries of the above mentioned offices to half pension not exceeding Rs. 20, per mensem, as in the case of other offices where such pension is admissible?

The Honourable Sir Jeremy Raisman: (a) and (b). Yes.

(c) The reply to the first part of the question is in the affirmative. As regards the second part, the question as to the different categories of inferior servants to whom the old rates of pensions should be allowed on the introduction of the new pension Rules in 1936, was carefully considered and it was decided, mainly on administrative and financial grounds to continue the benefit of the old rates to those categories only who were already enjoying them, namely—daftaries in the Departments of the Government of India and its attached offices at Headquarters and not to extend them to subordinate offices.

It may be stated for the information of the Honourable Member that the maximum pay of the daftaries referred to in part (c) of the question is Rs. 35 and not Rs. 40.

(d) No.

DECLARATIONS OF EXEMPTION UNDER THE REGISTRATION OF
FOREIGNERS ACT.

Mr. V. Sahay (Government of India: Nominated Official): Sir, I lay on the table a copy each of the Declaration of Exemption—

- (i) No. 1/8/42-Poll.(E), dated the 17/19th October, 1942;
- (ii) No. 1/42/42-Poll.(E), dated the 6th October, 1942;
- (iii) No. 1/44/42-Poll.(E), dated the 7th November, 1942;
- (iv) No. 1/46/42-Poll.(E), dated the 19th November, 1942;
- (v) No. 1/48/42-Poll.(E), dated the 2nd December, 1942;
- (vi) No. 1/49/42-Poll.(E), dated the 24th November, 1942;
- (vii) No. 9/53/42-Poll.(EW), dated the 18th November, 1942;
- (viii) No. 1/52/42-Poll.(E), dated the 28th November, 1942;
- (ix) No. 1/54/42-Poll.(E), dated the 4th January, 1943;
- (x) No. 1/43/Poll.(E), dated the 22nd January, 1943;
- (xi) No. 1/4/43-Poll.(E), dated the 11th February, 1943;
- (xii) No. 1/5/43-Poll.(E), dated the 10th February, 1943; and
- (xiii) No. 1/8/43-Poll.(E), dated the 4th February, 1943.

No. 1/8/42-Political (E.), Government of India, Home Department, dated Simla, the 17th/19th October, 1942.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Messrs. John, F. O'Grady, Ben Franklin Brannon, Bruce Rogers and Dale B. Maher, officials attached to the Office of the Personal Representative of the President of the United States of America to India, New Delhi, so long as they hold posts in that office.

B. L. PANDEY,
for Joint Secretary to the Government of India.

No. 1/42/42-Political (E.), Government of India, Home Department, dated Simla, the 6th October, 1942.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners shall not apply to, or in relation to, Mr. J. L. McCormack and Captain C. H. Getchell of the War Shipping Administration of the United States Government at Bombay so long as they hold posts under that Administration.

B. L. PANDEY,
for Joint Secretary to the Government of India.

No. 1/44/42-Political (E.), Government of India, Home Department, dated Simla, the 7th November, 1942.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners shall not apply to, or in relation to, Miss. A. Guthrie, General Secretary, Young Women's Christian Association, India, so long as she continues to perform the duties of that post.

B. L. PANDEY,
for Joint Secretary to the Government of India.

No. 1/46/42-Political (E.), Government of India, Home Department, dated Simla, the 19th November, 1942.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions

DECLARATIONS OF EXEMPTION UNDER THE REGISTRATION OF FOREIGNERS ACT 607

of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to Mr. Edward R. Eichholzer, Director, American National Red Cross, Mr. Mark Tomas, Assistant Director, American National Red Cross and Mr. Fred G. Reed, Director of Accounting, American National Red Cross, so long as they hold these posts.

B. L. PANDEY,

for Joint Secretary to the Government of India.

No. 1/48/42-Political (E.), Government of India, Home Department, dated Simla, the 2nd December, 1942.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of rule 10 (2) of the Registration of Foreigners Rules, 1939, shall not apply to, or in relation to, Mr. Hubert Gerard Pieter Vorstermans, Manager, Spencer's Cigar Factory, Dindigul.

B. L. PANDEY,

for Joint Secretary to the Government of India.

No. 1/49/42-Political (E.), Government of India, Home Department, dated Simla, the 24th November, 1942.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners shall, not apply to, or in relation to, Mr. Gordon Tweedy, Representative of the China Defence Supplies in Delhi, so long as he continues to perform the duties of that post.

B. L. PANDEY,

for Joint Secretary to the Government of India.

No. 9/53/42-Political (EW), Government of India, Home Department, dated New Delhi, the 18th November, 1942.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Mr. Alfred Cart Finger, an American National Representative of the United States Government Department of Posts in India so long as he continues to perform the duties of that post.

H. J. FRAMPTON,

Joint Secretary to the Government of India.

No. 1/52/42-Political (E.), Government of India, Home Department, dated Simla, the 28th November, 1942.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Mr. Bushrod Brush Howard, Mr. Gustaf Harold Nyberg, Commander Malcolm Lee Worrell and Captain John Clifford Vaeth, members of the Joint Anglo-American Mission, so long as they remain members of that mission.

B. L. PANDEY,

for Joint Secretary to the Government of India.

No. 1/54/42-Political (E.), Government of India, Home Department, dated Simla, the 4th January, 1943.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners' Rules, 1939, except Rule 8 and such of the provisions of Rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not

foreigners, shall not apply to, or in relation to, the following United States nationals :—

- | | | |
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| <ol style="list-style-type: none"> 1. Charles Harvey Wyant. 2. Fred Herbert Davies. 3. Byram C. Guerin. 4. David J. Edwardes. 5. Robert K. Lindstedt. 6. Mr. Burton H. White—Legal Representative in India of the United States War Shipping Administration. Expected to arrive in India in near future and to establish his office at New Delhi. 7. Harry W. Whitt—Special Representative of the Metals Reserve Co., and of the Defence Supplies Corporation of the United States; at present a resident of Karachi. | } | <p>Employees of the United States
Office of War Information at
Bombay.</p> |
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B. L. PANDEY,
for Joint Secretary to the Government of India.

No. 1/43-Political (E.), Government of India, Home Department, dated New Delhi, the 22nd January, 1943.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners' Rules, 1939, except Rule 8 and such of the provisions of Rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Mr. Henry J. Canfield, American Diplomatic Courier attached to the American Legation at Kabul, so long as he continues to hold this post.

B. L. PANDEY,
for Joint Secretary to the Government of India.

No. 1/4/43-Political (E.), Government of India, Home Department, dated Simla, the 11th February, 1943.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners' Rules, 1939, except Rule 8, shall not apply to, or in relation to, the following United States nationals :—

(1) Willard F. Goodwin, Senior Representative, United States War Shipping Administration. (2) Edward S. O'Keefe, Representative (at Calcutta), United States War Shipping Administration. (3) Robert W. Cruickshank, Representative (at Karachi), United States War Shipping Administration. (4) Thomas C. Wan Nuys, Representative (at Calcutta), United States War Shipping Administration. (5) Herbert H. Suhr, Representative, Metals Reserve Company, and Member, Joint Mica Mission. (6) W. O. Babb, Representative, Metals Reserve Company, Defence Supplies Corporation. (7) J. Reed Hummer, Representative, Metals Reserve Company, Defence Supplies Corporation. (8) Simon Swerling, Representative (at Calcutta), United States Board of Economic Warfare. (9) Frank F. Watts, Representative Metals Reserve Company and Member, Joint Mica Mission (not yet arrived in India).

B. L. PANDEY,
Under Secretary to the Government of India.

No. 1/5/43-Political (E.), Government of India, Home Department, dated Simla, the 10th February, 1943.

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners' Rules, 1939, except Rule 8, shall not apply to, or in relation to, Mr. Donald F. Harding, Representative, China Defence Supplies.

B. L. PANDEY,
Under Secretary to the Government of India.

Copy of a Declaration of Exemption No. 1/8/43, Political (E.), dated the 4th February, 1943, issued by the Government of India, Home Department, New Delhi.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners' Rules, 1939, except Rule 8 and such of the provisions of Rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners shall not apply to, or in relation to, Major Richard P. Heppner and Sergeant Bruce A. Pearl, attached to the Personal Representative of the President of the United States of America to India, so long as they continue to hold their present posts.

SUMMARIES OF THE PROCEEDINGS OF THE FOURTH LABOUR CONFERENCE AND OF MEETINGS OF THE STANDING LABOUR COMMITTEE.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I lay on the table a copy* each of the following:

(1) Summary of Proceedings of the Fourth Labour Conference (First Tripartite Conference) held on 7th August, 1942.

(2) Summary of Proceedings of the First meeting of the Standing Labour Committee held on 30th November and 1st December, 1942.

(3) Summary of Proceedings of the Second meeting of the Standing Labour Committee held on 25th January, 1943.

THE COFFEE MARKET EXPANSION (AMENDMENT) BILL.

Mr. T. S. Pillay (Government of India: Nominated Official): Sir, I beg to move for leave to introduce a Bill to amend the Coffee Market Expansion Act, 1942.

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

“That leave be granted to introduce a Bill to amend the Coffee Market Expansion Act, 1942.”

The motion was adopted.

Mr. T. S. Pillay: Sir, I introduce the Bill.

THE INDIAN ARMY AND AIR FORCE (MILITARY PRISONS AND DETENTION BARRACKS) BILL.

Mr. C. M. Trivedi (Secretary, War Department): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932.

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

“That leave be granted to introduce a Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932.”

The motion was adopted.

Mr. C. M. Trivedi: Sir, I introduce the Bill.

DEMANDS FOR SUPPLEMENTARY GRANTS—RAILWAYS.

DEMAND No. 1—RAILWAY BOARD.

Mr. T. S. Sankara Aiyar (Government of India: Nominated Official): Sir, I move:

“That a supplementary sum, not exceeding Rs. 44,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of ‘Railway Board’.”

The explanations for this supplementary demand and the succeeding ones, for which the approval of this House is sought, have been, as usual, given in brief at the foot of each demand and in detail in the memoranda placed before the Standing Finance Committee for Railways in their meeting held at the end of last month and incorporated in the proceedings of that meeting. Copies of these proceedings and of the demands have been distributed to the Members of this House.

Sir, I crave your indulgence, if I may, in striking a personal note in a few words. This is perhaps the last occasion on which I shall be addressing this House, and I feel it my duty to express my deep debt of gratitude to all the Members of the Standing Finance Committee for Railways for the generous, unstinted and invaluable help which they have given in their discussions and deliberations over various financial proposals placed before them. As Secretary first, and as Chairman later, I have had contact with them for over ten years now, and I am in a position to appreciate with profound gratification the increasingly growing interest, thirst for knowledge and information and jealous

*Not included in these Debates, but a copy of each has been placed in the Library of the House.—Ed. of D.

[Mr. T. S. Sankara Aiyer.]

care and scrutiny which they have been bringing to bear on sundry railway problems demanding their attention. They have kept me and my indefatigable Secretary, the Budget Officer of the Railway Board, ever on the *qui vive*, and we have endeavoured our best to rise up to their expectations, I believe, in the information we have gathered and given in the books I have referred to.

Sir, I move.

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

"That a supplementary sum, not exceeding Rs. 44,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Railway Board'."

The motion was adopted.

DEMAND No. 2—AUDIT.

Mr. T. S. Sankara Aiyer: Sir, I move:

"That a supplementary sum, not exceeding Rs. 36,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Audit'."

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

"That a supplementary sum, not exceeding Rs. 36,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Audit'."

The motion was adopted.

DEMAND No. 5—PAYMENTS TO INDIAN STATES AND COMPANIES.

Mr. T. S. Sankara Aiyer: Sir, I move:

"That a supplementary sum not exceeding Rs. 34,50,000, be granted to the Governor General in Council to defray the charges which come in course of payment during the year ending 31st March, 1943, in respect of 'Payments to Indian States and Companies'."

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

"That a supplementary sum not exceeding Rs. 34,50,000, be granted to the Governor General in Council to defray the charges which come in course of payment during the year ending 31st March, 1943, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

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

Mr. T. S. Sankara Aiyer: Sir, I move:

"That a supplementary sum, not exceeding Rs. 1,90,43,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Maintenance of Structural Works'."

It would perhaps be helpful, Sir, if I make a few observations now, which are common to this and the following seven demands relating to ordinary working expenses. Sir, that there should be a rise in our working expenses when an increase of 19 crores is expected in our gross receipts, is natural and obvious. But the increase is really far below what might normally be expected for that reason. First, though these eight supplementary demands total up to about 10½ crores, the net increase is expected to be only 7½ crores, as there has been a saving of about 3 crores in the non-voted portion of the original grants. Secondly, Sir, even of this net increase of 7½ crores, the increase correctly attributable to additional traffic is only about 2½ crores for enhanced repairs, extra temporary staff, and additional receipt and consumption of coal. I hope, Sir, it will be readily conceded that railway administrations have not only not been extravagant but have exercised care and control in their expenditure.

The remaining increase is due to special measures which we have had to adopt as a result, direct or indirect, of the present war. First comes the increased dearness allowance which we sanctioned to the staff from 15th June last and the loss which we are incurring now on the supply of foodstuff to them at less than our purchase price. This accounts for more than 2½ crores, and the amount is distributed between the various heads as under: 6A—71 lakhs, 6B—88 lakhs, 3C—20 lakhs, 6D—1 lakh, 6E—67 lakhs, 6F—24 lakhs, 6G—8 lakhs, 6H—11 lakhs.

We have also granted war bonus to staff on certain sections of the Bengal and Assam and the South Indian Railways, totalling about 7½ lakhs. Finally

come the protective measures due to the war, including air raid precautions, formation of Defence of India Units, repairs to damages by floods, cyclone and sabotage and the patrolling of railway lines. Sir, I move.

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

"That a supplementary sum, not exceeding Rs. 1,90,43,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Maintenance of Structural Works'."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I did not understand the Honourable Member when he said that this was his last time when he had to address the House on this budget. I do not know what the meant. I hope he will explain to the House. I would much wish that he should hold that portfolio, because from the experience that I had of him during the years I have been a member of the Standing Finance Committee for Railways, I have seen him always ready to give all the information that was required by the Committee. It was to his credit, I should say. He made no haste in disposing of any items that were not placed before the Standing Finance Committee for Railways, especially when the questions relating to the promotion of lower gazetted people to the superior services came before the Committee. He not only put the matters before the Committee very lucidly, but he would place all the material before it. Whenever any information required by the Committee was not readily available he would go to the extent of postponing the meeting till the information asked for was available. I think the question to which he is giving his attention is yet pending, though we have had much information about that point. I hope the Honourable Member will continue at least to finish that item of the agenda which is very important and which is before the Standing Finance Committee for Railways.

So far as this supplementary grant is concerned, it refers also to repairs on account of flood and cyclone. Of course, we have gone through these items in the meeting of the Standing Finance Committee for Railways and we have given our attention, but I would submit that an attempt should be made to utilize this amount as speedily as possible and to have these repairs done quickly so that difficulties and inconveniences may be removed. I again thank him for the help which he gave us. He complimented us and I think it is due from us to give him that compliment.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): As a member of the Standing Finance Committee for Railways I would like not to miss this opportunity of endorsing what has been said by my Honourable friend, Mr. Lalchand Navalrai. We have always appreciated the great services which have been rendered by the Honourable the Financial Commissioner for Railways. We have always found him in a mood to meet with our wishes and desires of the Committee. He has taken lot of pains to place before the Committee the facts which we required. We want that the Financial Commissioner should take such pains as he has been taking since the day he has become the Financial Commissioner for Railways. As I said on a previous occasion with his assistance we found that officials of the Railway Board and Secretary of the Standing Finance Committee were always ready to do whatever the Committee required. If any extension can be justified under the present circumstances, I think it is the one which has been given to the present Financial Commissioner for Railways. As a matter of fact, no extension has been given to the Financial Commissioner, he has been re-called, because his services were indispensable for the Railway Administration. I think we will have no hesitation in endorsing such extensions only on the ground that no other Financial Commissioner for Railways is available.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has nothing to say about this motion?

Sir Muhammad Yamin Khan: So far as the supplementary grant is concerned, we have thrashed this matter very fully in the Committee and we found

[Sir Muhammad Yamin Khan.]

that there was ample justification for giving this supplementary grant. I would not like the House to think that these had been placed before the House without going into full details. As has been explained by the Financial Commissioner, there is full justification for the House to grant this supplementary demand.

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

"That a supplementary sum not exceeding Rs. 1,90,43,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, 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.

Mr. T. S. Sankara Aiyar: Sir, I move:

"That a supplementary sum not exceeding Rs. 2,15,04,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

Sir, apart from the dearness allowance which I have already mentioned as a common factor to all the demands, the greatest contributing factors for the increase under this demand are the coal bills and the freight on coal which account respectively for 32½ lakhs and 67½ lakhs. We expect to run the same total train mileage this year as last year, in fact a little less, but we expect to consume one lakh of tons of coal more. The increase in consumption is due to heavier loads of trains, and detentions of trains *en route*. The price of coal has risen by about four annas per ton on the average. There has also been an increase in the total receipts of coal, about 6½ lakhs of tons, which, along with variations in lead, accounts for the increase of 67½ lakhs in a year. Sir, I move.

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

"That a supplementary sum not exceeding Rs. 2,15,04,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

DEMAND NO. 6-C.—WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON
STOCK.

Mr. T. S. Sankara Aiyar: Sir, I move:

"That a supplementary sum not exceeding Rs. 58,65,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

Sir, I have just a word to say on this demand. Besides the dearness allowance, repairs have gone up by about 30 lakhs, and the reason must be obvious to anybody. Sir, I move.

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

"That a supplementary sum not exceeding Rs. 58,65,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

The motion was adopted.

DEMAND NO. 6-D.—WORKING EXPENSES—MAINTENANCE AND WORKING OF FERRY
STEAMERS AND HARBOURS.

Mr. T. S. Sankara Aiyar: Sir, I move:

"That a supplementary sum not exceeding Rs. 3,14,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Maintenance and Working of Ferry Steamers and Harbours'."

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

"That a supplementary sum not exceeding Rs. 3,14,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Maintenance and Working of Ferry Steamers and Harbours'."

The motion was adopted.

DEMAND NO. 6-E—WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT.

Mr. T. S. Sankara Aiyar: Sir, I move:

"That a supplementary sum not exceeding Rs. 1,17,11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Expenses of Traffic Department'."

Sir, besides dearness allowance, which accounts for 67 lakhs, additional staff is expected to cost nearly 16 lakhs, station forms and tickets and other stores about 11 1/3 lakhs and compensation for goods lost or damaged 7½ lakhs.

Sir, I move.

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

"That a supplementary sum not exceeding Rs. 1,17,11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Expenses of Traffic Department'."

The motion was adopted.

DEMAND NO. 6-F—WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS.

Mr. T. S. Sankara Aiyar: Sir, I move:

"That a supplementary sum not exceeding Rs. 53,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Expenses of General Departments'."

Sir, I have got just a word to say on this demand. Besides dearness allowance, which accounts for about 24 lakhs, additional staff cost 8½ lakhs, and additional police for patrol 13½ lakhs. Sir, I move.

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

"That a supplementary sum not exceeding Rs. 53,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Expenses of General Departments'."

The motion was adopted.

DEMAND NO. 6-G—WORKING EXPENSES—MISCELLANEOUS EXPENSES.

Mr. T. S. Sankara Aiyar: Sir, I move:

"That a supplementary sum not exceeding Rs. 4,28,77,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Miscellaneous Expenses'."

Sir, the main causes for this demand are the expenditure on provision for air raid precautions, which accounts for about two crores, the provision for the raising of Defence of India Units, which is expected to cost over ¼ crore, loss on supply of foodstuffs to employees about half a crore and the dearness allowance about eight lakhs. Sir, I move.

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

"That a supplementary sum, not exceeding Rs. 4,28,77,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Miscellaneous Expenses'."

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I find that the list of supplementary demands is a long list and consists of considerable amount of money. This item of Rs. 4,28,77,000 is a big item, no doubt, especially having regard to its being a supplementary one. Here in the footnote I find that some amount has been included not only for dearness allowance but for dearness allowance at the enhanced rate. It has not been explained whether dearness allowance is enhanced time after time or whether there is any fixed rule for giving dearness allowance. The second item is under (h)—provision for purchases for the catering department. I cannot follow what is meant by catering department. Is it that the railways are making arrangements to provide food for the passengers? . . .

Mr. T. S. Sankara Aiyar: Which item does the Honourable Member refer to?

Maulvi Muhammad Abdul Ghani: Page 10, under item (h), footnote. There mention is made about purchases for the catering department. What is that? For whom has this department been opened? Is it for the benefit of the

[Maulvi Muhammad Abdul Ghani.]
employees or for the benefit of the passengers? It is very difficult for us to accord sanction for such big amounts if no explanation is to be had and especially at a time when the year is about to close. Such items should have been brought before the House in the last Session at least. There was ample opportunity for the Department to consider the dearness and other allowances. There is mention of the opening of grain shops for foodstuffs to employees, but there is no mention of the amount that has been spent on them. These are the particulars required for the information of the House, so that we may be in a position to accord our sanction.

Mr. T. S. Sankara Aiyar: Sir, as far as I could make out through my auditory powers, the Honourable Member who spoke just now, he referred to purchases for the catering department. That item refers only to the South Indian Railway, where the railway administration itself runs the catering department, and purchases are made by the railway for stores in connection with such catering. The amount involved is small. It is mixed up with the provision of raising Defence of India Units, which is a much larger amount. The Honourable Member wanted information about the amounts spent by the railways on the reserve stocks of food. I have got only rough figures here. The railway administration on the whole expect to spend about Rs. 16 lakhs.

Maulvi Muhammad Abdul Ghani: What about the enhanced rates of dearness allowance? What is meant by that?

Mr. T. S. Sankara Aiyar: The enhancement which was made with effect from 15th June last.

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

"That a supplementary sum not exceeding Rs. 4,28,77,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

DEMAND NO. 6-H—WORKING EXPENSES—EXPENSES OF ELECTRICAL DEPARTMENT.

Mr. T. S. Sankara Aiyar (Financial Commissioner for Railways): Sir I move:

"That a supplementary sum, not exceeding Rs. 19,62,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Expenses of Electrical Department'."

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

"That a supplementary sum, not exceeding Rs. 19,62,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Working Expenses—Expenses of Electrical Department'."

The motion was adopted.

DEMAND NO. 8—INTEREST CHARGES.

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

"That a supplementary sum, not exceeding Rs. 91,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Interest Charges'."

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

"That a supplementary sum, not exceeding Rs. 91,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Interest Charges'."

The motion was adopted.

DEMAND NO. 9-A—REPAYMENT TO DEPRECIATION RESERVE FUND.

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

"That a supplementary sum, not exceeding Rs. 8,26,29,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Repayment to Depreciation Reserve Fund'."

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

"That a supplementary sum, not exceeding Rs. 8,26,29,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Repayment to Depreciation Reserve Fund'."

The motion was adopted.

DEMAND No. 10—APPROPRIATION TO RESERVE.

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

"That a supplementary sum, not exceeding Rs. 7,33,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Appropriation to Reserve'."

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

"That a supplementary sum, not exceeding Rs. 7,33,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Appropriation to Reserve'."

The motion was adopted.

DEMAND No. 10-A—WITHDRAWAL FROM RESERVE.

Mr. T. S. Sankara Aiyar (Financial Commissioner for Railways): Sir I move:

"That a supplementary sum, not exceeding Rs. 6,30,07,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Withdrawal from Reserve'."

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

"That a supplementary sum, not exceeding Rs. 6,30,07,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Withdrawal from Reserve'."

I may point out that Dr. Sir Zia Uddin has given notice of a motion for postponement of the consideration of this Demand.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I am not moving my amendment.

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

"That a supplementary sum, not exceeding Rs. 6,30,07,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1943, in respect of 'Withdrawal from Reserve'."

The motion was adopted.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): Sir Edward Benthall.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I move:

"That the Bill further to amend the Indian Railways Act, 1890, as reported by the Select Committee, be taken into consideration."

Sir, the changes made in the Bill are explained in the report of the Committee, and I am glad to say that the report is a unanimous one. The principal changes are those in sub-sections (1) of the proposed new section in the second clause. There is the omission of the word "direct" in order to cover the consequential results arising out of an accident to a passenger. If a passenger were to be injured and in spite of taking care and proper medical attention were subsequently to get dangerously ill, the passenger would be covered but it does not absolve the passenger from the results of subsequent neglect of such an injury.

In sub-section (2) of the proposed new section there have been two amendments. The first amendment is to raise the limit of Rs. 7,000, included in the original Bill, to Rs. 10,000. The principle of limitation was, of course, agreed when the Bill was referred to the Select Committee. The whole matter was discussed again in some detail on the Select Committee, but the committee was unanimous that the principle was fair to the Railways. It was recognized that if the Railways were to take the liability for an accident for which they were not responsible, there should properly be a limitation. But as regards the amounts, several members in the original debate on the floor of the House suggested that the figure should be increased and in the course of the Select Committee it was agreed on the proposal of a non-official Member that the amount should be raised to rupees ten thousand. While we must have regard to the financial position and the burden that is placed upon the Railways, we were happily able to agree to that increase.

Then, as regards ticketless travel, the words which were previously included have been omitted. After the debate in the House on the last occasion, we carefully considered the views which were expressed. We made enquiries of the

[The Honourable Sir Edward Benthall.]

Railways and we found that, in fact, no difficulties had ever arisen over payment of compensation in cases where compensation was due from the Railways to passengers found to be killed or injured and not in possession of tickets. There is no evidence of any case where the liability had been repudiated. Nevertheless, having regard to that fact and recognizing that the insertion of the words might cause hardship to legitimate passengers, travelling legitimately but without ticket, and with some hesitation lest we were giving a loophole to malpractices, we recognized that it would be more just to omit the words referring to ticketless passengers. But I should point out that the Railways still have recourse to proving that a passenger is, in fact, a trespasser, is, in fact, travelling without a ticket with the intention of defrauding the Railways.

I have nothing else to add, Sir, except that although this is disguised as a Railway Bill, it is, in fact, a remarkable piece of social legislation. It is a form of legislation which is not in force in any other country. There are two ways of looking on this: On the one hand it is regrettable that over a long period sabotage has become such an established feature of life in India as to necessitate this unique piece of legislation; on the other hand, granted the existence of such a state of affairs, it is perhaps a matter of some satisfaction that we are able to meet a widespread demand from the public to provide compensation to the innocent victims. Sir, I move.

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

"That the Bill further to amend the Indian Railways Act, 1890, as reported by the Select Committee, be taken into consideration."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I welcome this Bill, but there are certain necessary amendments which I will move later. At present I will speak about the consideration of the Bill.

Usually when there are accidents, or sabotage, or derailments and people are killed and much damage is done, the claimants for compensation have to go to the civil courts to seek remedy. In the court, according to the general law, it has to be proved that the Railway has been negligent and that is why they should pay compensation. It has been observed that in going to the court, both sides—the Railways as well as the claimants—have to incur a lot of expense, and, therefore, an easy way of disposing of the claimants is provided in this Bill, and that appears to be a reasonable and speedy way for the disposal of claims. The Bill originally provided that the amount of compensation to be given will be rupees seven thousand in respect of one person. In the Select Committee it was considered, it seems, and it was also considered by the House on the last occasion, that this amount is not sufficient and that it should be raised. Therefore, the Select Committee has very wisely raised this amount to rupees ten thousand. Of course, people are not debarred from going to the court and claiming more damages if they so like, but this is an easy way of disposing of the matter to the satisfaction of the people because there will be negotiations for the purpose of finding out how much damage should be given to them and that would be not only a speedy method but a satisfactory method of disposal. So far as the Bill and the provisions are concerned, I have nothing to find fault with, but then I see that the Bill, as it has emerged from the Select Committee, does not mention from what date it will have operation. As nothing has been provided in the Bill, it would seem that it would apply either from the date on which it is passed or from the date from which the Governor General in Council declares that it will apply. Here my submission is that you will have to consider what will be the claims, whether they will be only prospective claims or there will also be claims pending now, where sabotage has taken place, where derailments have taken place, where collisions have taken place, where accidents have taken place. There are several claims of people pending, and the idea of the Railway Department is to settle those claims. Things should not be done in a half hearted manner and you should not merely give it a pros-

pective effect but also retrospective effect. If not, the object of the Bill will not be served. We do not know whether any accidents will take place hereafter. Sabotage may have stopped and no accidents may happen at all hereafter. I have given notice of two amendments with regard to the time from which the Bill is to have effect, but I will not dilate upon them; I shall do so when I move those amendments. I have suggested that the Bill should take effect from the 1st January, 1942, or 1st April, 1942, so that claims that have arisen from that time may be disposed of in this summary and more satisfactory manner instead of people having to go to courts which will equally put the railways to a deal of expense and the railways may run the risk of having to pay more than Rs. 10,000 as compensation. Therefore, it is to the interests of the railways that they should fix the time from which the Bill is to come into force. I would not say anything more at present. It was in 1942 that accidents and sabotages took place. It was in 1942 that the Lahore Karachi Mail was sabotaged. I will say something more about this later. I have no objection to the Bill, as reported by the Select Committee, being taken into consideration.

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

"That the Bill further to amend the Indian Railways Act, 1890, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The House will now consider the Bill clause by clause. Clause 2.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): I am not moving amendments Nos. 3 and 4. I move No. 5. I beg to move:

"That in clause 2 of the Bill, in sub-section (2) of the proposed section 82A, for the word 'ten' the word 'twelve' be substituted."

The compensation provided is for death also, and the amount of Rs. 10,000 is not an adequate amount in the case of a person who has died leaving a number of dependants. So, I think it would be better if the limit of compensation were raised from Rs. 10,000 to Rs. 12,000. When the Bill was being referred to Select Committee, we urged this fact for the consideration of the Select Committee. The Select Committee has raised the figure but not to the desired extent. I hope the Honourable Member in charge will consider this aspect and accept my moderate amendment.

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

"That in clause 2 of the Bill, in sub-section (2) of the proposed section 82A, for the word 'ten' the word 'twelve' be substituted."

The Honourable Sir Edward Benthall: Sir, the figure which Government originally proposed was Rs. 7,000. The matter was discussed, as I mentioned, in the Select Committee and it was eventually agreed that the figure should be altered to Rs. 10,000. The Honourable Member suggests that this should now be raised to Rs. 12,000. But he has not given any very substantial reasons for this increase, nor do I find that the House is behind him in this proposal. I am afraid, therefore, that I cannot accept the amendment.

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

"That in clause 2 of the Bill, in sub-section (2) of the proposed section 82A, for the word 'ten' the word 'twelve' be substituted."

The motion was negatived.

Clause 2 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 1.

Mr. Lalchand Navalrai: Sir, I move:

"That in clause 1 of the Bill for the figures '1943', the figures '1942', be substituted and the following be added at the end:

"and comes into force from 1st January, 1942."

I have another amendment also which I shall move if this is not accepted. In the Bill as it originally stood, the words were "Act, 1942", but now an alteration has been made into "Act, 1943".

Mr. President (The Honourable Sir Abdur Rahim): The original Bill was of 1942.

Mr. Lalchand Navalrai: Yes. The original Bill was of 1942, but I do not know for what reasons, or whether the Select Committee actually considered the change or not—we find that there is a change to “1943”. The Report of the Select Committee shows clearly that this point was not given full consideration as I do not find any mention of this alteration in the Report. Either it has escaped attention, or this “1943” has been added—I do not know, because I was not a member of the Select Committee. What I find in the Report is this. In the Report, it is said “We have the honour to submit this our Report, with the Bill as amended by us annexed thereto”. The first amendment is with respect to the word “direct”. I have nothing to do with it at present but the alteration is that they have omitted the word “direct”. Then in the second paragraph, you find that they have changed it to Rs. 10,000 and further on they say “We have also corrected the marginal note to the section”. The marginal note is not to paragraph 1 but it is to paragraph 2, because it is underlined. In the Bill as it is, we find the marginal note and in the marginal note the words “trains carrying passengers” are underlined. That is the second change. Then further on, we find that they have said “We have increased the limit set to the liability of a railway administration from seven thousand rupees to ten thousand rupees, and we have omitted the provision which specifically debarred a passenger travelling without having with him a proper pass or ticket from having any right to compensation if involved in an accident”. Then, later on, it is said “We think that the Bill has not been so altered as to require republication, and we recommend that it be passed as amended”. I do not find any explanation anywhere as to why the Bill of 1942 was changed to the Bill 1943.

Mr. President (The Honourable Sir Abdur Rahim): When was this Bill introduced, in 1942?

Mr. Lalchand Navalrai: I do not know the date. (*An Honourable Member:* “In September”). My point is this. I was not a member of the Select Committee. I think this question of having some retrospective effect would have been very much considered by the Select Committee and they should have said something about that. This is a very important question. Apart from the change from 1942 to 1943. . . .

Mr. President (The Honourable Sir Abdur Rahim): The object of both the amendments is the same?

Mr. Lalchand Navalrai: Virtually the same. The date is different. I will explain why I have said that. It is the financial year.

Mr. President (The Honourable Sir Abdur Rahim): Surely the Honourable Member must make up his mind as to what date he wants. He cannot move two such amendments at the same time.

Mr. Lalchand Navalrai: Can I not move it alternatively?

Mr. President (The Honourable Sir Abdur Rahim): I will decide that when the Honourable Member comes to it.

Mr. Lalchand Navalrai: May I decide which I should follow?

Mr. President (The Honourable Sir Abdur Rahim): That depends upon the Honourable Member. I cannot give any ruling in anticipation. It is not the practice of the House.

Mr. Lalchand Navalrai: I am moving the first and then I will move the second.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already submitted his arguments.

Mr. Lalchand Navalrai: My submission is that the Bill should come into force from 1st January, 1942. There were many collisions and derailments and accidents in the year 1942. The original Bill also said it was an Act of 1942. If it is now changed to 1943, many claims in respect of derailments and accidents will have to go to court. Therefore, I move my amendment.

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

"That in clause 1 of the Bill for the figures '1943', the figures '1942', be substituted and the following be added at the end:

'and comes into force from 1st January, 1942.'"

The Honourable Sir Sultan Ahmed (Law Member): Sir, I should like to say a few words with respect to the two points which were raised by my Honourable friend, Mr. Lalchand Navalrai. First of all, he was surprised that this Bill did not say as to the time from which it is going to take effect. As an experienced Parliamentarian, he ought to have known that the Bill comes into force the moment the assent of the Governor General is given. The second thing is that he is absolutely amazed that "1942" in clause 1 was amended to 1943, without any explanatory note by the Select Committee. This again has come to me as a shock. I have been here for 18 months but my Honourable friend has been here for seven years. The Bill was introduced in 1942. So, it had to be 1942. But the Select Committee met in 1943 and the Report of the Select Committee was made in 1943. So, it could not be the amending Act of 1942 in any case. So far as the policy is concerned as to why it was not given effect to from 1st January, 1942, I submit no reason has been given why the period should be from the 1st January and not from the date when the Governor General's assent was given.

The Honourable Sir Edward Benthall: Sir, I should perhaps explain the reasons why Government cannot accept this amendment. I explained when the Bill originally came up that the Bill had no special reference at all to accidents which occurred last year due to sabotage, cyclones or anything else. The Bill had been under consideration for quite a long time before that and, therefore, there was no intention of making it especially applicable to the events of last year. Secondly, I should explain that some of the claims of last year have already been paid. It would be difficult to obtain evidence of various factors which have been taken into account in assessing the amount of compensation to be paid and, furthermore, it will be difficult, if not impossible, for the Railways to obtain a refund of the amounts paid in excess of what would be payable under the new law. For these reasons I must oppose it.

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

"That in clause 1 of the Bill for the figures '1943', the figures '1942', be substituted and the following be added at the end:

'and it comes into force from 1st January, 1942.'"

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to move his second amendment?

Mr. Lalchand Navalrai: Yes, Sir. I move:

"That in clause 1 of the Bill the following be added at the end:

'and it comes into force from 1st April 1942.'"

Sir, I am not disappointed by what has happened up to now with regard to my amendment. It may be that the Honourable Member may be thinking that between January and April, to which period this amendment applies, there might have been some claims which have been disposed of, but I do not know personally of any claims which have been disposed of after April, 1942. There may have been certain cases which have been disposed of, but we should not say that because some cases have been disposed of in the courts or by compromise, therefore, this Bill should not have the benefit of disposing of the cases that are pending. Therefore, I do not think that any substantial reason has been given for not accepting the amendment putting certain limit to it. Now, in this amendment I have mentioned the period as from 1st April, 1942 because the financial year begins from that month. What I am saying is this. When I see that the Government is not inclined to make a change, I would appeal to the Honourable the Railway Member and also to the House that they are leaving many cases which could be taken to the courts and in that way their claims will also be affected. Therefore, it is much better that there should be a provision to that effect and if people come forward for the adjudication of their claims, they will be disposed of according to this Act.

[Mr. Lalchand Navalrai.]

But if they do not come forward and if the railways think that they are not going to dispose them of according to this Act, then they will be decided in the ordinary manner. I do not think the Government ought to be adamant in not giving even this very reasonable concession to the people.

Sir, I move.

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

"That in clause 1 of the Bill the following be added at the end:

"and it comes into force from 1st April 1942."

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): Sir, I rise to support the amendment moved by my Honourable friend. I wish to say only one word in reply to the Honourable the War Transport Member. I know of cases in Sind where no compensation has yet been paid. There has been a disaster in Sind on 16th May and I am certain of three or four cases where no compensation has yet been paid. Another argument that I wish to answer is, that there is no question of asking for refunds, because no amount has been paid in excess to what the Bill has laid down. I know for certain that in the two disasters not a single man has been paid over Rs. 5,000 or Rs. 7,000. I hope the Honourable Member will accept this amendment.

Mr. Ananga Mohan Dam (Surma Valley *cum* Shillong: Non-Muhammadan):

Mr. President, Sir, I rise to support the amendment moved by my Honourable friend, Mr. Navalrai. This is a clause which is meant for giving relief to the people and I do not see any reason why Government should not accept it when it will give relief to those persons who were subjected to undergo various sufferings during the period mentioned in the amendment. It is only natural that in these laws which try to give relief to the people the retrospective effect should be immediately granted so that more cases may be included in it and justice may be done to the people. With these few words, I support the amendment moved by my Honourable friend.

The Honourable Sir Edward Benthall: Sir, I am afraid I do not find the arguments of my Honourable friends very convincing and certainly not sufficiently convincing to involve the railways in the expense which would be incurred. As regards my Honourable friend, Mr. Haroon's point, I undertake to look into the reasons for the alleged late payment, but for the reasons which I gave in respect of the first amendment, I am also opposed to this amendment.

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

"That in clause 1 of the Bill the following be added at the end:

"and it comes into force from 1st April, 1942."

The motion was negatived.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Edward Benthall: 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.

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands):

Sir, I move:

"That the Bill further to amend the Aligarh Muslim University Act, 1920, be taken into consideration."

As the Statement of Objects and Reasons indicates, this short Bill covers three unconnected matters affecting the Aligarh Muslim University Act. The first and third are purely formal matters; the second is a matter of substance.

The first amendment proposed should have been made when we amended the parent Act two years ago. It is consequential on the amendment made at that time. The third amendment now proposed is intended to clear up an ambiguity in the parent Act, which seeks, in section 33, to ensure that at least one "outside" examiner should be appointed for each subject in a Degree Course.

The change of substance involved in the proposed amendment of section 30 is brought forward with a view to expedite the introduction of special courses for students who wish to join fighting forces. By section 30 Ordinances are made, amended or repealed by the Executive Council of the University or, in academic matters, by the Academic Council; but validity is only acquired when the Ordinances have been submitted through the Court and the Visiting Board to the Governor General in Council, who may sanction, disallow or remit for further consideration. The Court is composed of some two hundred members, scattered all over India. It normally meets once a year. The present proposal is that Ordinances in matters arising out of war conditions should be submitted direct to the Central Government by the Executive Council or the Academic Council, as the case may be. The procedure will be applicable to the limited class of cases to which I have referred and its operation will be limited to the duration of the war and one year after. Sir I move.

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

"That the Bill further to amend the Aligarh Muslim University Act, 1920, be taken into consideration."

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I rise to thank my Honourable friend, the Secretary of the Department of Education, Health and Lands, for moving this very important Bill. There are three points which he just mentioned. One is a consequential amendment of the Bill which we have already accepted. The word "Intermediate" was omitted in one section and we omitted to delete it in another place. Therefore a consequential amendment was necessary. In the Muslim University Act the words 'a member of the University' are mentioned but the word 'Member' is not defined. The definition there is indefinite. A member of the Court is a member of the University, a member of the Department is a member of the University, a member of the Board of Examiners is a member of the University, if an outsider is appointed an examiner he becomes a member of the Board of Examiners and ceases to be an outsider at once. We have got in the department certain persons who are not teachers in the University. The moment they become members of the Department they become members of the University. A member of the University cannot be called an outsider. These difficulties arise on account of the absence of the definition of the word 'Member' and the only way of solving this question is the manner in which it is proposed to be solved in the Bill.

The third point is about the change of procedure. Our Ordinances are at present submitted through the Court which meets only once a year. During war time we cannot wait for full one year. Quicker methods have to be adopted to give quicker effect to these Ordinances. The second thing is: even if we accept the emergency Ordinances they will become part of the permanent Ordinances which we do not want. We want them only for a period as is provided for in this Bill, *i.e.*, a year after the war they will automatically cease to be valid. Therefore, these changes are extremely desirable. Of course, we passed a statute similar to the proposals mentioned in the Bill, but that was found to be *ultra vires* for various reasons. I, therefore, support the Bill.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): I expected that the Honourable Member in charge of the Bill might have brought some amendment regarding students' studies which they are undertaking. This is a novel university throughout India. The system of examination here entirely differs from the examination systems of other universities. The Punjab, Patna and the Delhi Universities provide in some form or another for supplementary examinations. Here there is no system of supplementary examinations. Even if a student fails in one technical subject and gets 50 per cent. aggregate marks, he shall have to wait for full one year.

The Honourable Sir Sultan Ahmed (Law Member): Is the Honourable Member speaking on the Bill?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must speak on the Bill before the House.

Maulvi Muhammad Abdul Ghani: In the Statement of Objects and Reasons I find that there is some mention of an Ordinance which will provide for a special course of study for students who wish to join the fighting forces. It is not clear whether the University is going to frame the Ordinance in a way like the one which the Punjab University adopted. They give certificate to the students of final years who wish to join the war. If that is the idea, then it should be welcomed and students of this University will have some facility to join the war which is going on. If it is meant that they should first join the war and after their return or discharge from the war they will be granted Degrees, I think, that will be a process not desirable, because once a student gives up his studies it is very difficult to undergo an examination after a period of, say two, three or four years. Who knows war will not last for three or four years. So, if the University wishes or intends to give the intending students certificates—I mean students of the final year classes—to join the war, then it is welcomed. With these few remarks I support the Bill.

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

“That the Bill further to amend the Aligarh Muslim University Act, 1920, be taken into consideration.”

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. J. D. Tyson: 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 CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir Sultan Ahmed (Law Member): Sir, I move:

“That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration.”

Sir, this is a very short Bill and the Objects and Reasons are fully set out in the Statement attached to the Bill. Under section 60 of the Code of Civil Procedure are enumerated the properties which are attachable and saleable in execution of a decree. There is a proviso under that section which makes an exception in cases of various particulars. Two of them are the salary and allowances of “public officer” and other employees. It has been found that the phrase “public officer” does not cover cases of various classes of people, such as, artisans working in Government factories and other places. Therefore, instead of the phrase “public officer”, the Bill proposes to have the phrase “servants of the Crown”. Artisans cannot come as “labourers” under clause (h) because it has been held that they are not labourers within the meaning of that clause. That is the reason why we have made this amendment in order to cover all such cases. I think this is more or less a formal and non-controversial Bill and I hope it will be passed by the House.

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

“That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration.”

Mr. N. M. Joshi (Nominated Non-Official): Sir, I sympathise with the object of the Bill. As it is drafted, the Bill gives freedom from attachment to artisans in Government employment. I should have liked the Government to have given that freedom to the artisans in private factories also. The Honourable Member himself has explained now that the word “labourer” to whom freedom from attachment is given under clause (h) does not include artisans. I do not know why any discrimination should be made between an artisan in the employment of Government and one in private employment. There are hundreds and thousands, I may say hundreds of thousands, of skilled workmen who are employed in private factories. I do not know why they should not get the benefit of this amendment. I feel, Sir, that the word “labourer” may not include even those artisans in private factories.

The Honourable Sir Sultan Ahmed: So far as labourers under clause (h) are concerned, this would certainly not be covered by the term "public officer". That is the reason why we have brought in this amendment covering all those who are in Government employ but who cannot come under clause (h). As regards private artisans, they may come under the phrase labourer. But they cannot be public officer, in any case.

Mr. N. M. Joshi: The Honourable Member himself just now stated that it has been held by courts that the word "labourer" does not include artisans.

The Honourable Sir Sultan Ahmed: Under the Government.

Mr. N. M. Joshi: I should like the Government of India to consider this point.

The Honourable Sir Sultan Ahmed: Whether artisans in private offices are not public officers?

Mr. N. M. Joshi: That is not the point. Our labourers, if they are labourers, they get the benefit of clause (h) of section 60; but if they are not included, if these artisans, weavers in textile factories, if they are not recruited as labourers, well, then they must get the benefit which you are giving

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to have put in an amendment to that effect.

Mr. N. M. Joshi: I was not quite sure

Mr. President (The Honourable Sir Abdur Rahim): He may oppose the Bill.

Mr. N. M. Joshi: I shall be quite content if the Government of India can now assure me that they will consider this point.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadian Urban): Sir, the words which are being replaced by this amendment were somewhat vague and indefinite in character and the words which are now being substituted are more inclusive as they include labourers and artisans in the employ of Government. To that extent it is a great improvement on the original provisions of the Act. My Honourable friend, Mr. Joshi, urges that all labourers and artisans should be included. But that will be irrelevant to this measure. Sir, I support this Bill.

Mr. N. M. Joshi: The Government can certainly promise to consider that point. It may be irrelevant to the present measure.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Sultan Ahmed: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

Mr. N. M. Joshi: Sir, I would again request the Honourable the Law Member and the Leader of the House to consider the position of artisans in private employment. My Honourable friend, Dr. Banerjea, said that the matter was irrelevant. I too thought that way and, therefore, did not send in any amendment for which you, Sir, tried to find fault with me. What I am asking is that as Government were very careful to give consideration to their employees, the Government have also got certain duties and responsibilities towards artisans in private employment. I, therefore, do nothing more but to request the Honourable Member to give consideration to this question and I would also request the House, including my Honourable friend, Dr. Banerjea, to urge upon the Honourable the Law Member to give consideration to this point.

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

"That the Bill be passed."

The motion was adopted.

The Assembly then adjourned till Five of the Clock on Saturday Evening, the 27th February, 1948.

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