

14th February 1942

THE

LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume I, 1942

(11th February to 10th March, 1942)

FIFTEENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1942



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CORRIGENDA

In the Legislative Assembly Debates, Budget Session, 1942,—

- (1) Volume I, No. 1, dated the 11th February, 1942, page 31, line 20, for "Muslims" read "Muslim";
- (2) Volume I, No. 15, dated the 5th March, 1942, page 708, line 20 from the bottom, for "Suppression" read "Supersession";
- (3) Volume II, No. 5, dated the 17th March, 1942,—
 - (i) page 1207, line 4, delete the full stop after the word "statement"; and
 - (ii) page 1265, lines 5 and 22, for "The Honourable Sir Homi Modi" read "The Honourable Sir Homi Mody";
- (4) Volume II, No. 7, dated the 19th March, 1942, page 1357, line 15 from the bottom, for "The Economist news" read "The Economist news-";
- (5) Volume II, No. 8, dated the 20th March, 1942, page 1422, line 13 from the bottom, delete the second "that" at the end of the line;

- (6) Volume II, No. 9, dated the 23rd March, 1942,—
 - (i) page 1429, line 1, insert the word "is" after the word "blood"; and
 - (ii) page 1457, line 8 from the bottom, read "are" for the word "they";
- (7) Volume II, No. 11, dated the 25th March, 1942, page 1539, line 18 from the bottom, for the word "who" read "why";
- (8) Volume II, No. 13, dated the 1st April, 1942, page 1651, line 21, for the word "attacks" read "attack";
- (9) Volume II, No. 14, dated the 2nd April, 1942,—
 - (i) page 1688, line 17, for "It is given to C class" read "I said that A and B class";
 - (ii) page 1693, line 22, for "Syed Murtuza Sahib Bahadur" read "Maulvi Syed Murtuza Sahib Bahadur"; and
 - (iii) page 1729, line 19 and page 1730, line 9 for "Diwan Bahadur Sir A. Ramaswami Mudaliar" read "The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar".

LEGISLATIVE ASSEMBLY.

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The Honourable Sir ABDUR RAHIM, K.C.S.I.

Deputy President:

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

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Sir HENRY RICHARDSON, M.L.A.

Sir COWASJI JEHangIR, Bart., K.C.I.E., O.B.E., M.L.A.

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Khan Bahadur S. G. HASNAIN.

Marshal:

Captain Haji Sardar NUR AHMAD KHAN, M.C., I.O.M., I.A.

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Mr. JAMNADAS M. MEHTA, M.L.A.

Sir ABDUL HALIM GHUZNAVI M.L.A.

Mr. N. M. JOSHI, M.L.A.

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LEGISLATIVE ASSEMBLY

Saturday, 14th February, 1942.

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.

REALISATIONS UNDER THE EXCESS PROFITS TAX ACT.

28. *Mr. Jamnadas M. Mehta: (a) Will the Honourable the Finance Member be pleased to state whether his attention is drawn to a report which appeared in the Press that the realisations under the Excess Profits Tax Act in a period of nine months have so far amounted to about Rs. 80 lakhs against the budgeted estimates of Rs. 12 crores?

(b) Will the Honourable Member state why the realisations have been so poor?

(c) Is it a fact that the majority of the Excess Profits Tax assessments have not so far been completed? If not, will the Honourable Member state why assessment proceedings under the Excess Profits Tax Act have not been completed in respect of a majority of the assessees?

(d) Will the Honourable Member state:

(i) the number of assessees who have been called to submit returns under the Act;

(ii) the number of returns so far submitted for the Excess Profits Tax assessment;

(iii) the number of assessments so far completed; and

(iv) the number of assessments pending before the Excess Profits Tax Officers?

The Honourable Sir Jeremy Raisman: (a) Yes. The information is not, however, correct. The collection of Excess Profits Tax for the nine months ended 31st December, 1941, was about Rs. 8 crores.

(b) Does not arise.

(c) The majority of the cases for which Returns have been received have been disposed of. Such delay as has occurred is due to inexperience and the addition to the responsibilities of the Department of a very heavy volume of new work. The complicated nature of the work with the heavy rate of tax involved has made it necessary for the earlier assessments to be very carefully scrutinised and instructions given to the staff to ensure the proper and sympathetic administration which I promised when the Excess Profits Tax Bill was under discussion in this House. Inevitably this slowed down the rate of progress but as fore-shadowed in Mr. Ayers' speech of the 11th November, 1941, there has been a steady improvement in the rate of progress as is shown by the particulars given in the next part of this answer.

Inevitably the cases carrying the largest amount of tax must be the last assessments to be completed, but the amount of tax assessed and the number of assessments made both show a considerably accelerated rate of progress during the four months ended 31st January, 1942. The tax assessed in January alone was over a crore.

(d) (i) 3,500.

(ii) 4,543, which includes returns for second chargeable accounting period.

(iii) 1,955, assessments were completed, and 1,215 other cases were disposed of without assessment orders as there was no liability;

(iv) 1,368.

Mr. Lalchand Navalrai: May I know if instructions have already been issued to Income-tax Officers to be liberal and sympathetic, or are they going to be issued now?

The Honourable Sir Jeremy Raisman: I have pointed out that that policy is already being followed and that all these assessments are carefully reviewed at headquarters.

Mr. Jamnadas M. Mehta: Are the Government satisfied with the progress of this year's collections?

The Honourable Sir Jeremy Raisman: Government are satisfied that the progress that is now being made is as good as could be hoped for.

Mr. Jamnadas M. Mehta: There is distinction between "is being made" and "actually made".

The Honourable Sir Jeremy Raisman: The Honourable Member talked about the year's collections. I have admitted that in the earlier stages this work was very slow in going under way, but I pointed out that we have now reached a satisfactory rate of progress.

Mr. Jamnadas M. Mehta: In view of the fact that 11 months are practically over, are the collections corresponding to the eleven months' assessment?

The Honourable Sir Jeremy Raisman: I shall deal with that in my budget speech, but the present rate of progress of collection is over a crore a month.

Mr. Huseinhai Abdullabhai Laljee: Are any facilities given for the payment of excess profits tax?

The Honourable Sir Jeremy Raisman: I think certain reasonable facilities are given.

Sir F. E. James: Surely every possible facility is given for advance payments?

Mr. Jamnadas M. Mehta: Have the assessments made during the last three years been completed?

The Honourable Sir Jeremy Raisman: Assessments were not due to be made during the last three years. The tax was only imposed less than two years ago and the first returns were not due until about 15 months ago.

PRECAUTIONS AGAINST INTERNAL DISTURBANCES.

29. *Mr. Lalchand Naikal: (a) Will the Honourable the Home Member be pleased to state what precautions Government have taken against internal disturbances, if any, in consequence of the War?

(b) Have the Provincial Governments, particularly the Sind Government, taken any such steps under instructions from the Government of India, or on their own? If so, which?

The Honourable Sir Reginald Maxwell: I welcome the Honourable Member's question because it deals with a subject of very grave interest at the present time. But I am afraid it is impossible to give a fully comprehensive reply covering so wide a field. All I can do is to indicate the general nature of the measures on which Government are constantly engaged.

- (1) All powers which could be foreseen as necessary to control the public in war emergencies and to preserve public safety have been provided under the Defence of India Rules and by special legislation such as the Penalties (Enhancement) Ordinance and the Special Criminal Courts Ordinance; and arrangements for delegation of powers to local officers have been made in such a way as to secure their effective and immediate exercise.
- (2) As part of its general arrangements for civil defence the Civil Defence Department is organizing all possible measures to maintain morale and avoid panic in any war emergency.
- (3) The police forces throughout the country have been strengthened by the enlistment of about 30,000 additional police and this process is still going on. In addition some 65,000 civic guards have been enrolled and one of their duties will be to assist in the maintenance of order under war conditions.
- (4) Special care is being taken to keep a watch on individuals or organizations likely to assist the enemy by promoting disorder and a certain number of persons have already been detained for that reason. In Calcutta, for instance, a number of *goondas* have been placed under detention, as it was found that they were taking advantage of the black-out to commit depredations.

In answer to part (b) of the question I cannot, of course, give details of the action taken by each province under its own authority. But all Provinces are working on the lines which I have indicated and there is constant consultation between them and the Centre on the subject. Most Provinces, including Sind, have already appointed officers on special duty to work out plans of action, and precautions to prevent disturbances will naturally be included in such plans.

While Government can and must take all possible precautions in this matter, I should like to point out that the public themselves can do much to make these precautions effective by full co-operation with the authorities

and by lending their services wherever they are wanted. The public can also help in preventing deterioration of morale which could lead to panic and disorder by steadfastly setting their faces against alarmist rumours and against all activities and propaganda calculated to weaken public confidence or to impair the national spirit of resistance to the enemy.

Mr. K. C. Neogy: What is the attitude of the Government towards the local organisations which the Congress has in mind in regard to the control of the internal situation in case any emergency arises?

The Honourable Sir Reginald Maxwell: The Civil Defence Department will, I understand, make its attitude clear on that subject shortly to the public.

Mr. K. C. Neogy: Will the Honourable Member make a statement at the earliest possible moment as soon as the attitude is determined?

The Honourable Sir Reginald Maxwell: Such a statement is under contemplation.

Maulana Zafar Ali Khan: There is an impression abroad that the Government look with suspicion on organisations like the Congress volunteers and the Muslim League volunteers who have the same object in view as the Government have, in order to protect the interests of the public and to safeguard their lives and properties.

The Honourable Sir Reginald Maxwell: Government welcome the co-operation of all bodies which have the same object as themselves.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that the services of volunteer organisations, for instance, in the city of Calcutta, are not availed of by the A. R. P., in regard to victims in case there is an air raid in that city, and that the A. R. P. set their face against these organisations?

The Honourable Sir Reginald Maxwell: I am not aware of that.

Pandit Lakshmi Kanta Maitra: May I know what is the exact attitude of the Government of India with regard to the voluntary organisations in the country, which want to help the A. R. P. agencies?

The Honourable Sir Reginald Maxwell: I have already said that the attitude of Government will shortly be made clear by the Civil Defence Department.

Mr. Lalchand Navalrai: Apart from the Congress organisations, if the other organisations appointed volunteers and managed them privately, will Government have any objection to that?

The Honourable Sir Reginald Maxwell: I have already said that Government welcome the co-operation of all bodies which have the same object as themselves.

Mr. Lalchand Navalrai: They will give co-operation but if they have their own independent views, will Government respect them or oppose them?

The Honourable Sir Reginald Maxwell: It is not a matter of views but of action.

Mr. Lalchand Navalrai: I am asking with respect to action. Will Government oppose it?

The Honourable Sir Reginald Maxwell: Naturally Government would oppose any action that was opposed to the precautions that they themselves were taking.

Mr. Lalchand Navalrai: Their precautions are also in the interest of the country and to some extent the Government may want to take those organisations into their own hands. That would be opposing. Will the Government do that?

The Honourable Sir Reginald Maxwell: I have already made the position of Government clear.

Mr. Lalchand Navalrai: With regard to clause (b), I should think that disturbances have begun in Sind. Has the Government of Sind taken any steps? If so, is it under the instructions of the Government of India or otherwise? I put a clear question as to what they have done and whether those instructions have been given to them, in view of the fact that dacoities and other disturbances have acutally begun in Sind?

The Honourable Sir Reginald Maxwell: I have already said that I cannot give details of the action taken by each province under its own authority. Matters of local law and order are the concern of the Government of Sind.

Mr. Lalchand Navalrai: Is it not for the Government to give us information after calling for the information and give it for our confidence?

The Honourable Sir Reginald Maxwell: Sind has a Legislature and the question can be put to the Government there.

Mr. Lalchand Navalrai: If the legislators here are informed of what is happening in Sind, that will influence the Government of Sind. It is the Central Government that should do it.

Mr. President (The Honourable Sir Abdur Rahim): Why should not the Sind Legislature deal with this question? It is a purely local question.

Mr. Lalchand Navalrai: We are entitled to have the information. Will Government call for the information?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already given his reply.

DEFENCE MEASURES AGAINST INVASION OF INDIA.

30. *Mr. Lalchand Navalrai: (a) Will the Defence Secretary be pleased to lay on the table of the House a full statement showing the arrangements, aerial, land and naval, which have been made on the borders and in each Province for the protection of India against the War which is nearing India from the Far Eastern direction?

(b) What protection has been provided against any air raids?

(c) Have any underground shelters been set up at Karachi? If so, at which places?

(d) If underground shelters cannot be set up on account of higher level of sub-soil water at Karachi, what other alternative method has been adopted at Karachi for public safety?

Sir Gurnath Bewoor: (a) It is not in the public interest to reveal details, but I may assure the Honourable Member that every possible measure has been adopted for India's safety.

(b) On the assumption that the Honourable Member refers to active air defence, the answer is the same as given to part (a).

(c) and (d). These are matters for the Provincial Government to deal with.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether any anti-aircraft guns have been placed in the ports of Karachi, Bombay and Calcutta?

Sir Gurnath Bewoor: I have said that it is not in the public interest to reveal details.

Mr. Lalchand Navalrai: With reference to (c) and (d), the Honourable Member said that these are matters for the Provincial Government. Is not the Central Government concerned with them at all?

Sir Gurnath Bewoor: The function of the Central Government is the general co-ordination of civil defence and the administering of advice to Provincial Governments but the actual preparation and execution of civil defence measures are a provincial responsibility, especially as regards matters of detail, as asked for by the Honourable Member.

Pandit Lakshmi Kanta Maitra: In view of the fact that we have got a Civil Defence portfolio in the Government of India, do I understand the Government of India to say that civil defence measures, such as air raid shelters, are matters exclusively bordering on the Provincial sphere and that the Central Government is wholly concerned with tendering such advice as may be sought. Is that the position?

Sir Gurnath Bewoor: Yes.

Pandit Lakshmi Kanta Maitra: Do I understand that the Honourable Member in charge of Civil Defence is mainly concerned with the defence of the Centrally Administered Areas and not the Provincial areas?

Sir Gurnath Bewoor: I have stated what the function of the Civil Defence Department is, namely, general co-ordination of civil defence and administering advice to Provincial Governments.

Pandit Lakshmi Kanta Maitra: Do I understand that the Central Government has no responsibility excepting tendering of advice and that it has no initiative of its own?

Sir Gurnath Bewoor: Any further question should be addressed to the Member in charge of Civil Defence.

Pandit Lakshmi Kanta Maitra: It is a very important matter and my question has not been answered.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already answered it.

Mr. K. C. Neogy: May I put a question which arises directly out of this. May I know whether the function of the Civil Defence Department ends with the tendering of advice to the Provincial Governments in such matters or does it extend also to collecting information as regards the steps that the Provincial Governments may have taken in such matters?

The Honourable Sir Reginald Maxwell: I should require notice of any question relating to matters concerning civil defence.

Sir F. E. James: Is there no direct representative of the Civil Defence Department in this House?

The Honourable Sir Reginald Maxwell: I have the responsibility for answering questions for the Civil Defence Department.

Sir F. E. James: Is there no direct representative of the Department or is the Honourable Member answering out of courtesy?

The Honourable Sir Reginald Maxwell: I represent the Department officially in this House.

Mr. K. C. Neogy: In so far as the Honourable Member stated with reference to clauses (c) and (d) of the question that these are matters for the provincial authorities, may I know whether the Government of India consider it part of their duty to keep themselves informed in regard to such matters and if so, whether they have any information dealing with these two points namely, parts (c) and (d) of the question?

Mr. T. Chapman-Mortimer: Are not these questions for another day, being matters relating to civil defence?

Sir Gurnath Bewoor: The question concerns two departments. Part (a) concerns the Defence Department. It was not quite clear whether part (b) related to active air defence or passive air defence and parts (c) and (d) concerned the civil defence only. As it was a mixed question, I undertook to answer it, after having obtained the information for (c) and (d) from the department concerned. If the question had been divided into different parts, of course, one portion would have been transferred to the Civil Defence Department.

Mr. President (The Honourable Sir Abdur Rahim): This is a new Department which has been created since the last Session. At any rate, it being a new Department the Chair thinks the best course would be to put down separate questions for that Department.

DEMAND FOR A BROADCASTING STATION AT NAGPUR.

31. *Mr. Govind V. Deshmukh: Will the Honourable Member in charge of Information and Broadcasting please state:

- (a) if a 10 K.W. transmitter has been installed at Peshawar;
- (b) if so, whether it is proposed to shift the existing 25 K.W. at Peshawar to Nagpur to establish a 25 K.W. medium wave station there; and
- (c) if he is aware that a demand for a broadcasting station at Nagpur has been constantly made and a promise to establish one was given about a year ago?

The Honourable Sir Reginald Maxwell: (a) The installation of a 10 K.W. transmitter at Peshawar is in hand.

(b) No.

(c) Yes.

ARREST AND DETENTION OF MR. SARAT CHANDRA BOSE.

32. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Home Member be pleased to state if he had been requested on the 26th December, 1941, by the Honourable the Chief Minister of Bengal to put off sending away of Mr. Sarat Chandra Bose from Calcutta, arrested under the Defence of India Act, to an unknown destination—at present in Trichinopoly in jail? If his answer be in the affirmative, will he please make a statement as to what led him to take such a step despite the request of the Honourable the Chief Minister of Province?

(b) Is it not a fact that Mr. Sarat Chandra Bose had offered co-operation with Government in its war efforts by agreeing with the Honourable Mr. A. K. Fazlul Haque, the Chief Minister of Bengal, to form a coalition ministry in Bengal? If so, will the Honourable Member be pleased to place on the table a statement showing his reason for the arrest of Mr. Sarat Chandra Bose?

(c) Will the Honourable Member be pleased to state if he is now in a position to place on the table all evidence he has in his possession against Mr. Sarat Chandra Bose regarding the alleged charge of his complicity with Japan against British Government?

(d) Will the Honourable Member be pleased to consider the formation of a tribunal of three Judges to try Mr. Sarat Chandra Bose? If not, will he consider the question of placing his case before three Judges of the Honourable High Courts of three different Presidencies, *vis.*, Calcutta, Bombay and Madras? If not, why not?

The Honourable Sir Reginald Maxwell: (a), (b) and (c). I am unable to add to the communique issued by the Government of India at the time of the arrest of Mr. Sarat Chandra Bose.

(d) No.

Pandit Lakshmi Kanta Maitra: Apart from that communique, will the Honourable Member kindly enlighten the House whether it is not a fact that at the time of transferring Mr. Sarat Chandra Bose from the Presidency Jail, Calcutta, the Honourable Mr. Fazlul Haque, the Premier of Bengal, requested the officer to allow him to be there for a few hours so that he might see his ailing wife and children and get ready for going away from Calcutta and that request was turned down by the officer of the Honourable Member's Department?

The Honourable Sir Reginald Maxwell: I am not able to give the details of any communication which has been passed between the Government of India and any Minister of the Bengal Government.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member unable to contradict me if I say that a few hours' time was wanted from the officer who accompanied Mr. Sarat Chandra Bose by no less a person than the Honourable Mr. Fazlul Haque for the simple reason that his wife was ill whom he wanted to see before he actually left Calcutta? In fact, Sarat Chandra Babu had to leave the Central Jail with a pair of torn slippers, half shirt and a *dhoti*. He could not even take his own bedding and clothing. . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is himself giving information.

Pandit Lakshmi Kanta Maitra: I am asking whether the Honourable the Home Member is aware of all this and whether he is in a position to contradict me?

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member knows the facts, what is the good of asking for them?

Pandit Lakshmi Kanta Maitra: I am asking whether they are correct or not.

Mr. K. C. Neogy: With reference to the answer to part (d) of the question, may I know whether it is a fact that certain cases of detention under the Defence of India Act are proposed to be referred to a Committee on which a Judge of a High Court is expected to sit? If so, may I ask whether a similar procedure is contemplated in the case of Mr. Sarat Chandra Bose? If not, why not?

The Honourable Sir Reginald Maxwell: Certain machinery for review has been set up in the various provinces. It does not contain a High Court Judge in every province.

As regards Mr. Sarat Chandra Bose, I am unable to give any answer to the question at present.

Mr. K. C. Neogy: Does the Honourable Member propose to consider the matter and give his considered answer later on?

The Honourable Sir Reginald Maxwell: That will be considered in due course.

ARRESTS OF MESSRS. HEMANTA KUMAR BOSE AND PANNALAL MITTER OF THE FORWARD BLOCK.

33. *Mr. Amarendra Nath Chattopadhyaya: (a) Is the Honourable the Home Member aware of the arrest of Messrs. Hemanta Kumar Bose and Pannalal Mitter under the Defence of India Act? Are these arrests due to their connection with the Forward Block established by Mr. Subash Chandra Bose?

(b) Is the Honourable Member aware of the fact that Mr. Hemanta Kumar Bose had joined the Bengal Regiment in the last War?

(c) Will the papers relating to the arrest of Messrs. Hemanta Kumar Bose and Pannalal Mitter be placed before any tribunal?

The Honourable Sir Reginald Maxwell: (a) I have seen the Press reports of the arrest of these persons. I am not aware of the reasons for the arrests, which were made under the orders of the Provincial Government, but I understand that Hemanta Kumar Bose has since been released.

(b) Yes.

(c) The matter is one for the consideration of the Provincial Government.

Pandit Lakshmi Kanta Maitra: Am I to understand that these arrests were made by the Provincial Governments and not by the Central Government?

The Honourable Sir Reginald Maxwell: That is what I said, Sir.

Lieut.-Colonel Sir Henry Gidney: Is it or is it not a fact that the Forward Block has had dealings with the enemy?

The Honourable Sir Reginald Maxwell: I do not think that arises out of this particular question.

RELEASE OF DETENUS AND NON-VIOLENT POLITICAL PRISONERS.

34. *Mr. Lalchand Navarai: (a) Will the Honourable the Home Member be pleased to state how many members of the All-India Congress Committee are still in prison and what are the reasons for not releasing them yet?

(b) Do Government propose to release the detenus and other non-violent political prisoners? If not, why not?

(c) How many detenus and non-violent prisoners are now in jail and in which prisons?

(d) Have any of them been repatriated to their own Provinces? If so, which? If not, why not yet?

The Honourable Sir Reginald Maxwell: (a) Government are not in possession of any list of members of the All-India Congress Committee and so cannot answer this question. There is no reason to believe that anyone (whether a member of the All-India Congress Committee or not) who came within the terms of the Press Communique of December 4th regarding the release of Satyagraha prisoners is still in jail.

(b) No further general release is contemplated either of convicted prisoners or persons detained without trial. But both the Government and also Provincial Governments are engaged, or will shortly be engaged, in a review of the cases of persons detained without trial in the course of which these prisoners will have an opportunity of making such representations as they wish.

(c) The number of detenus or security prisoners in jail on the 1st January, 1942, was, 1,025. I am unable to give details of the jails in which they are detained. If by non-violent prisoners the Honourable Member means Satyagraha prisoners, I can assure him that the policy laid down in the Government of India's communique, dated December the 4th, 1941, has been carried out.

(d) All the security prisoners who were in custody in the Deoli Detention Camp have been returned to their respective Provinces.

Mr. Lalchand Navarai: Is the Honourable Member unable to know that there are Congress members in jails? Is he not able to know that from the jails?

The Honourable Sir Reginald Maxwell: I did not say that there were no Congress members in jail, that is to say, if the Honourable Member means members of the Congress. I said I could not give information about the members of the All-India Congress Committee.

Mr. Lalchand Navarai: I am asking about the members of the All-India Congress Committee. I want to know whether there are certain All-India Congress Committee members in the jails and whether the Honourable Member can give me their number?

The Honourable Sir Reginald Maxwell: The question referred to the members of the All-India Congress Committee.

Mr. Lalchand Navarai: I am only asking how many members of the All-India Congress Committee are in jail?

Mr. President (The Honourable Sir Abdur Rahim): He is unable to give the answer because he is not in possession of any list of members of the All-India Congress Committee. If the Honourable Member wants to put a new question, he can do so.

UNSTARRED QUESTIONS AND ANSWERS.

1941 CENSUS OF INDIA REPORTS.

11. **Mr. N. M. Joshi:** Will the Honourable the Home Member be pleased to state:

- (a) when the volumes for 1941 Census of India will be published;
- (b) whether there are any changes in the nature of the contents of the volumes and, if so, what they are;
- (c) how the religions, castes and tribes are sub-divided, and whether he will place on the table of the House the lists of sub-divisions;

- (d) how the various languages are sub-divided, and whether he will place on the table of the House the lists of the sub-divisions; and
- (e) whether the administrative parts of the Census Reports are made available to the students of Census, and if so, how and where?

The Honourable Sir Reginald Maxwell: (a) The material for the Provincial tables is in the Press and that for the All-India tables will shortly be sent to it but, owing to other urgent demands on the Press connected with the war, it is not possible to give a date by which these volumes will be published.

(b) The Honourable Member is referred to the reply given to the Honourable Mr. M. N. Dalal in the Council of State on the 11th November, 1941, to clause (b) of Question 53.

(c) There will be no tabulation by religion or caste but tables giving population by community will be published. In the latter, figures for the tribal community as a whole will appear. The question of sub-division, therefore, does not arise.

(d) There will be no tabulation by languages.

(e) No.

DEFECTIVE ENUMERATION IN THE CENTRAL PROVINCES AND BOMBAY PRESIDENCY.

12. Mr. N. M. Joshi: Will the Honourable the Home Member be pleased to state:

- (a) whether it is a fact that in the Central Provinces there were not printed enumeration slips sufficient enough to meet the need and consequently blank papers were supplied;
- (b) whether in the Bombay Presidency only three days were given for the work of enumeration and that the enumeration has been found defective; and
- (c) whether suggestions regarding the carrying out of the enumeration by increasing the number of enumerators were received from any quarter and what happened to these suggestions?

The Honourable Sir Reginald Maxwell: (a) No such defect has come to the notice of Government.

(b) The answer to the first part of the question is in the affirmative and to the latter, in the negative.

(c) All suggestions received were duly considered but to ascertain whether this particular suggestion was received or not would involve time and labour out of proportion to its utility.

MOTIONS FOR ADJOURNMENT.

BANNING OF THE HINDU MAHASABHA SESSION AT BHAGALPUR.

Mr. President (The Honourable Sir Abdur Rahim): The first motion for adjournment which is to be dealt with now is one standing in the name of

Mr. Akhil Chandra Datta. Has the Honourable Member obtained the consent of the Governor General?

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): I have received a reply that the consent has not been granted.

Mr. President (The Honourable Sir Abdur Rahim): So, this motion cannot be moved.

ARMY COMMISSIONS TO AUSTRALIANS.

Mr. President (The Honourable Sir Abdur Rahim): The next motion for adjournment is in the name of Mr. Deshmukh. He wishes to discuss a definite matter of urgent public importance, namely, "the continuation by the Government of India of its policy to give Commissions to Australians in the Indian Army irrespective of protests raised by Indians". The Honourable Member himself is perfectly aware that this is not a question which is urgent within the meaning of the Rules. This very question was raised in the last Session and if it was considered to be a matter for a motion for adjourning the business of the House, it ought to have been moved then.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): No, Sir, the number of persons who were given commissions in the army was said to be merely eight as if it was mentioned to be the excuse.

Mr. President (The Honourable Sir Abdur Rahim): Order, Order, I rule that the motion is out of order.

URGING ALLIED NATIONS FOR DECLARATION OF POLITICAL AND SOCIAL EQUALITY OF WHITE AND COLOURED RACES.

Mr. President (The Honourable Sir Abdur Rahim): The next motion for adjournment is also in the name of Mr. Deshmukh. It suggests that "Sir Girja Shankar Bajpai should be instructed as Agent General for India in the United States of America and who is one of the signatories to the joint declaration signed by twenty-six nations on the 1st of January, 1942, at Washington, to press these nations for an immediate declaration of the political and social equality of white and coloured races as one of the best means to fight and end war". I am afraid questions of this character have led to war.

Mr. Govind V. Deshmukh: Are you disallowing this motion?

Mr. President (The Honourable Sir Abdur Rahim): You want to know the reason why it was disallowed by the Governor General?

Mr. Govind V. Deshmukh: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The ground given is that the motion cannot be moved without detriment to public interest.

BANNING OF THE HINDU MAHASABHA SESSION AT BHAGALPUR.

Mr. President (The Honourable Sir Abdur Rahim): The next motion for adjournment relates to the ban on Hindu Sabha Conference at Bhagalpur. The consent of the Governor General has been refused for this motion.

INADEQUATE ACTION AS REGARDS RELEASE OF POLITICAL PRISONERS.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is in the name of Mr. Joshi. He wants to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, "the unsatisfactory and inadequate action taken by Government as regards the release of political prisoners as a result of the discussion that took place in the Legislative Assembly at the end of the last Session". The Honourable Member does not say how it is unsatisfactory or inadequate at all. He has left it very vague.

Mr. N. M. Joshi (Nominated Non-Official): My point is this. I have suggested that all the political prisoners be released.

Mr. President (The Honourable Sir Abdur Rahim): Why did not the Honourable Member say so in this motion, that all have not been released.

Mr. N. M. Joshi: I said that action taken was inadequate and unsatisfactory.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member knows, the question to be discussed on an adjournment motion has to be definite. However, has the Government got any objection to this motion being moved?

The Honourable Mr. M. S. Aney (Leader of the House): Honourable Members must have known of the action the Government wanted to take. There was a statement with regard to the action taken by Government made in this House, and if that is the subject of a motion for adjournment, then I submit it is too late for him now.

Mr. N. M. Joshi: The Honourable Member is not right. The statement was not made in the House. The statement was published after my Resolution was withdrawn. That is the fact. A communiqué was issued on the 3rd or 4th December, not on the day on which the Resolution was discussed.

The Honourable Sir Reginald Maxwell (Home Member): We have no objection to the motion, but I would point out that there is a Resolution down for discussion on the same subject on another day.

Mr. N. M. Joshi: I have not balloted any Resolution in my name.

Mr. President (The Honourable Sir Abdur Rahim): There is a Resolution in the name of Mr. Akhil Chandra Datta. The position is this that it will be about the second Resolution for that day. The first Resolution

is by Sir Abdul Halim Ghuznavi relating to income-tax which has been discussed partly the other day and it is not likely to take very much more time.

The next Resolution relates to the disturbance in Delhi in which some Sikh processions were stopped by the police. That Resolution is in the name of Mr. Govind V. Deshmukh.

The next Resolution is in the name of Mr. Akhil Chandra Datta and it asks for the immediate and unconditional release of all political prisoners and detenus. It seems to me that there is a fair chance of this Resolution being taken up for discussion on that day.

Mr. N. M. Joshi: Sir, I may point out that it really comes within the scope of the ruling which my Honourable friend, Sardar Sant Singh, quoted the other day, that one cannot be sure about a Resolution coming up for discussion on any particular day. The Resolution relating to Income-tax is of very great interest to this House and I am sure it will take a very long time. The second Resolution relating to Sikh disturbance may also take some time. Under the circumstances, I am not sure whether the third Resolution will be reached that day.

Mr. President (The Honourable Sir Abdur Rahim): No one can be certain about it, but I should think it is likely to be reached.

Mr. N. M. Joshi: I submit, Sir, the subject matter of my motion is of very great importance, and Government have no objection.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable the Home Member has raised a point of order. Rule 12(iv) of the Indian Legislative Rules requires me to consider whether a similar motion on the same subject has not been put down for discussion. Rule 12(iv) lays down:

"the motion must not anticipate,—
it is very imperative,—

"a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given."

Notice has certainly been given and it has also been balloted for the next Resolution day.

Sardar Sant Singh (West Punjab: Sikh): May I submit for the consideration of the Chair the ruling given in 1928 in connection with Mr. Jinnah's motion. That ruling covers the present motion.

Mr. President (The Honourable Sir Abdur Rahim): I have considered that ruling. Rule 12(iv) of the Indian Legislative Rules seems to me to be quite clear that the motion must not anticipate a matter with reference to which notice has been given.

Sardar Sant Singh: I wish to draw your attention, Sir, to this ruling given on 10th March, 1928. The relevant portion reads:

"It might be argued, though it has not been argued, that Mr. Jinnah might put down a motion even now on the army estimates, but the answer to that argument is that no one could say with any degree of certainty that the motion would be reached. [It may or may not be that if a notice of motion is given by Mr. Jinnah it will be reached] either on Thursday or on Friday or will be reached at all. There is no

[Sardar Sant Singh.]

reason why the Honourable Member should take any risk. In this view I am not prepared to hold that the motion is barred by anticipation."

Mr. President (The Honourable Sir Abdur Rahim): I remember that. But the facts of that case were very different from this. As a matter of fact in this case notice has been given and the Resolution has been drawn by ballot. Of course, no one can be certain but there is a probability that it may be reached. I, therefore, disallow the motion as being out of order.

DELAY IN GIVING RELIEF TO SHORT-STAPLE COTTON GROWERS.

Mr. President (The Honourable Sir Abdur Rahim): The next adjournment motion is in the name of Mr. Govind V. Deshmukh who wants to discuss a definite matter of urgent public importance, namely, "the harmful delay that is being made by the Government of India to give effective and immediate relief to the short-staple cotton growers in this cotton season of 1941-42". How long has this delay been going on?

Mr. Govind V. Deshmukh: It has been going on for the last two months, and I can only bring it up now.

Mr. President (The Honourable Sir Abdur Rahim): Was not there a Resolution about it in the last Session?

Mr. Govind V. Deshmukh: At that time it was November and December and the crop starts

Mr. President (The Honourable Sir Abdur Rahim): The motion is clearly out of order. It is neither urgent nor of recent occurrence within the meaning of the rule.

EXPENDITURE FROM INDIAN REVENUES ON MILITARY TRAINING OF AUSTRALIANS.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is in the name of the same Honourable Member who wishes to discuss a definite matter of urgent public importance, namely, "the expenditure of Indian revenues on the military training of Australians to be appointed as military officers in the Indian army". When did this expenditure take place? Was not this question raised in the last Session?

Mr. Govind V. Deshmukh: No, Sir. In the last Session all that was asked by me was as to how many Australians were given emergency commissions, and they said there were only eight. To my question whether Indian money was spent on their education they replied in the negative. Now they are being given emergency commissions and trained in some of the centres in India and attached to certain units.

Mr. President (The Honourable Sir Abdur Rahim): Did not the Honourable Member have information before, that any money was being spent on Australians here?

Mr. Govind V. Deshmukh: No, Sir.

Sir Guranath Bewoor (Government of India: Nominated Official): Sir, in reply to a supplementary question asked by Sir Henry Gidney I mentioned that no expenditure had been incurred on the training of these Australians because they had already been trained at various other training centres.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable the Mover says that since then Indian money is being spent in training these Australians.

Sir Guranath Bewoor: That is not true. No Australian has been or is being trained *at present* at any of the officers' training institutions in India.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable the Mover should be satisfied with that statement. The motion is out of order as it is based on a misconception of facts.

LOOTING OF HILL PEOPLE OF ALMORAH DISTRICT BY THE KAZAKS.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is in the name of Bhai Parma Nand who wishes to discuss a definite matter of urgent public importance, namely, "the inroad and looting of the hill people of the Almorah District by the Kazaks (numbering about three thousand) who were in possession of arms and weapons". When did this take place?

Bhai Parma Nand (West Punjab: Non-Muhammadian): It was two or three months ago. But we have got this information only just now.

Mr. O. K. Caroe (Secretary, External Affairs Department): Sir, I have no objection to this motion but I submit that it is based on a misconception of fact. The Almorah district, as the House is aware, is one of the hill districts of the United Provinces and the motion is so put as to give the impression that these Kazaks made an inroad into the United Provinces. That is entirely incorrect. They were in Tibet near about Mansarowar and Kailas, and certain Indian traders allege that they suffered losses at their hands. It did not occur in the United Provinces at all nor in British territory. They subsequently came into Kashmir but they never entered British India or the United Provinces at all.

Mr. President (The Honourable Sir Abdur Rahim): In that case the motion is out of order.

Bhai Parma Nand: The Kazaks are fed by money supplied by the Indian Government and the people looted are traders who trade between Tibet and these hills.

Mr. President (The Honourable Sir Abdur Rahim): But the incident took place in Tibet and not in British India. The Honourable Member has other means of raising the question but it cannot be done on an adjournment motion.

LATHI CHARGE BY POLICE ON MOHURRUUM PROCESSION AT AKOLA.

Mr. President (The Honourable Sir Abdur Rahim): The next motion stands in the name of Nawab Siddique Ali Khan who wants to discuss a definite matter of urgent public importance, namely, "the lathi charge by the city police at Akola on a peaceful Mohurruum procession on the 29th January, 1942, as a result of which about 200 persons were injured, some seriously, and the 'Tazias' and 'Sawaris' were abandoned and thus a very serious situation has been created there". As it occurred in Berar, has the Honourable Member obtained the consent of the Governor General to this motion? Has he applied for his consent?

Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadan): No, Sir. The constitution is suspended there and I can only move it here.

Mr. President (The Honourable Sir Abdur Rahim): But it cannot be moved here without the Governor General's consent. The motion is not in order.

Nawab Siddique Ali Khan: Can I apply for sanction now?

Mr. President (The Honourable Sir Abdur Rahim): It is too late now. The rule is that in an adjournment motion the question of urgency is very important and whenever there has been an occurrence before the Session commences and an adjournment motion is sought to be moved with reference to that occurrence, it must be put down for the very first day. That is a well established rule.

SENDING OF INDIAN MILITARY FORCES AND MATERIALS OVERSEAS.

Mr. President (The Honourable Sir Abdur Rahim): The next motion stands in the name of Qazi Muhammad Ahmad Kazmi who wants to discuss a definite matter of urgent public importance, namely, "the action of the Government of India in sending Indian military forces and materials overseas leaving the actual gates and frontiers of India unprovided for with proper military defences and depending merely on A. R. P. work". This has been disallowed by the Governor General on the ground that it cannot be moved without detriment to the public interest.

I find that the Honourable Member has combined three motions under one notice. This should not be done, there should be three separate notices.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Very well, Sir. I will follow it in future.

FAILURE TO RELEASE POLITICAL PRISONERS AND DETENUS.

Mr. President (The Honourable Sir Abdur Rahim): The next adjournment motion is also in the name of Qazi Muhammad Ahmad Kazmi. He wishes to discuss a definite matter of urgent public importance, namely, "the failure of the Government of India to take steps, in consultation with Provincial Governments, for the immediate release of all political

prisoners and detenus as a measure of reconciliation and for consolidating the Indian opinion for the defence of India, which is extremely important in view of the war having reached the very borders of India".

It is open to the same objection, as the motion of Mr. Joshi, that it anticipates another motion which has been put down in the form of a Resolution. It is, therefore, disallowed.

Mr. President (The Honourable Sir Abdur Rahim): The next motion* is also in the name of Qazi Muhammad Ahmad Kazmi.

Qazi Muhammad Ahmad Kazmi: Sir, I do not wish to move it.

ARRESTS OF AND LATHI CHARGE ON TRADERS AGITATING AGAINST THE PUNJAB
SALES TAX ACT.

Mr. President (The Honourable Sir Abdur Rahim): The next one is in the name of Sardar Sant Singh. He has moved for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, "the misuse of the provisions of the Defence of India Act in arresting and charging with lathis the peaceful traders for carrying on an agitation against the Punjab Sales Tax Act".

The Honourable Member ought to have given some idea of the nature of the occurrence.

Sardar Sant Singh: The idea is that the Defence of India Act was never intended to be

Mr. President (The Honourable Sir Abdur Rahim): I want to know what was the misuse of the Defence of India Act. When did this take place, and what took place?

Sardar Sant Singh: They have stopped under the Defence of India Act

Mr. President (The Honourable Sir Abdur Rahim): When was this?

Sardar Sant Singh: It was only recently—about a month back.

Mr. President (The Honourable Sir Abdur Rahim): What were they doing?

Sardar Sant Singh: They were observing hartal and they took out processions which were broken and lathi charge was made on the peaceful traders who were expressing their

*"That the House now do adjourn to discuss a definite matter of urgent public importance, viz., the failure of Government of India to provide protection for the life and property of unarmed Indians in Northern India against the armed hordes of Kazaks as reported in the *Hindustan Times*, dated 22nd January, 1942."

Mr. President (The Honourable Sir Abdur Rahim): When did they attempt to take out a procession?

Sardar Sant Singh: Several processions were attempted and several times lathi charges have been made.

Mr. President (The Honourable Sir Abdur Rahim): Where?

Sardar Sant Singh: In Lahore and Lahore Cantonment.

Mr. President (The Honourable Sir Abdur Rahim): You ought to have mentioned dates, otherwise how are the Government going to meet an allegation like this?

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): On the 8th, 9th and 10th of February.

Sardar Sant Singh: I am not concerned with dates on which lathi charge was made. I am concerned with the abuse of the power given to the Government under the Defence of India Act.

Mr. President (The Honourable Sir Abdur Rahim): It must be a definite matter. The Honourable Member knows that.

Sardar Sant Singh: The matter is definite.

Mr. President (The Honourable Sir Abdur Rahim): What was the nature of the abuse of power that you complain of?

Sardar Sant Singh: Processions were stopped and when they were taken out against a local legislation with which the Defence of India Act had nothing to do, the processionists were arrested under the Defence of India Act and they were charged with lathis.

Mr. President (The Honourable Sir Abdur Rahim): Is the Police empowered to take any action under that?

Sardar Sant Singh: They were empowered under the Provincial Government's notification issued under the Defence of India Act that no procession will be taken out in some towns and when the processions were taken out in some towns, traders were arrested and lathi-charged. My point is that the Defence of India Act was never intended for this purpose.

Mr. President (The Honourable Sir Abdur Rahim): What do you mean by 'lathi charge'?

Sardar Sant Singh: Lathis were used by the Police and the people were dispersed.

Mr. President (The Honourable Sir Abdur Rahim): Were any heads broken?

Sardar Sant Singh: Many. Several persons were sent to the hospital for injuries.

Mr. Govind V. Deshmukh: Some ladies received injuries too.

Sardar Sant Singh: What I want to censure the Government of India for is for permitting the use of the Defence of India Act which was never intended for this purpose. The Defence of India Act seems to have repealed the whole of the Penal Code.

Mr. President (The Honourable Sir Abdur Rahim): I must hold that this motion is not in order. It is an action taken by the Police in the discharge of their ordinary duties

Sardar Sant Singh: It is not ordinary duty.

Mr. President (The Honourable Sir Abdur Rahim): . . . under the Defence of India Act. And that being so, the matter is on all fours with similar cases laying down that an action taken in the course of the ordinary administration of law cannot be the subject matter of a motion of adjournment. I, therefore, disallow it.

Mr. President (The Honourable Sir Abdur Rahim): The next one is in the name of Babu Baijnath Bajoria. He wishes to discuss

An Honourable Member: He is not present.

NECESSITY OF GOVERNMENT STATEMENT FOR ALLAYING PUBLIC APPREHENSIONS
ABOUT DEFENCE OF INDIA.

Mr. President (The Honourable Sir Abdur Rahim): Then there is one in the name of Mr. Deshmukh. He wishes to discuss a definite matter of urgent public importance, namely, "the urgent necessity of a statement by the Government to allay the growing apprehensions of the public about the defence of India consequent on the recent deterioration of the situation in the Far East and Burma and the mysterious visit of the Chinese Generalissimo, Chiang-Kai-Shek, to India's frontiers".

I must say that this is a novel sort of motion for adjournment. At any rate, I have not come across a motion of this character before

Mr. Govind V. Deshmukh: It is not meant to censure the Government

Mr. President (The Honourable Sir Abdur Rahim): I understand that because the Government did not make the statement, the Honourable Member desires, the business of the House should be adjourned. Did the Honourable Member ask the Government to make any statement?

Mr. Govind V. Deshmukh: I am asking now.

Mr. President (The Honourable Sir Abdur Rahim): You cannot do so by means of a motion of adjournment. The business of the House cannot be put off by a motion of this sort. I disallow the motion.

DISPENSING WITH THE QUESTION HOUR ON THE GENERAL - BUDGET PRESENTATION DAY.

Mr. President (The Honourable Sir Abdur Rahim): I should like to take this opportunity to explain to the House, as usual, how it is that no allotment has been made for questions at the meeting fixed for the evening of the 28th February. This year no official meeting, apart from the presentation of Budget at 5 p.m., has been fixed for that day. It has always been the practice in the past years to dispense with questions on such occasions, although our Standing Order 10 lays down that the first hour of every meeting shall be available for asking and answering questions.

Under the present procedure for dealing with questions and answers, the Chair is required, long before the commencement of each Session, to allot the time available for answering questions to the different Departments of the Government. In accordance, therefore, with our usual practice no allotment as regards questions was made in respect of the evening meeting for the 28th February fixed by His Excellency the Governor General under section 67A(1) in the Ninth Schedule of the Government of India Act, 1935, and Rule 43 of the Indian Legislative Rules. There will, therefore, be no questions on that day.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 4.)

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I move:
12 Noon.

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 4*), be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Khan Bahadur Sir Abdul Hamid, Mr. Muhammad Azhar Ali, Sir Syed Raza Ali, Qazi Muhammad Ahmad Kazmi, Sardar Sant Singh, Pandit Lakshmi Kanta Maitra, Mr. P. J. Griffiths, Raja T. Manavedan, Mr. Muhammad Muazzam Sahib Bahadur and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this Bill of mine has been pending for a very long time,—in fact it has been pending for a few years, and, at last, it was allowed by the Government to be sent for circulation. Opinions on this Bill have now been collected and they are now before the House. I am glad that the stage has now arrived when this Bill can be expeditiously passed, and I trust it will not take an unduly long time to the House to commit it to a Select Committee.

Now, Sir, it can straightaway be said that this Bill of mine which wants to amend section 4 of the Criminal Procedure Code pertains to the domain of the legal profession. It affects the legal profession, in particular, as it seeks to improve the condition of the legal profession and also of the litigants; it also helps the courts to lay down as to who should follow the legal profession and who are to be authorised by any law to follow this noble and learned profession. Sir, before I read the section which I want to amend, I should like to point out that the present time is such that we can get qualified and learned men from amongst qualified lawyers to follow the noble profession of law, and, therefore, the appearance of persons in criminal courts should be restricted only to those who

are fully qualified. What the enactment which I want to amend points out is that apart from the qualified members, Honourable members of the legal profession

Mr. Husenbhai Abdullabhai Laljee (Bombay Central Division: Muhammadan Rural): Honourable members!

Mr. Lalchand Navarai: Yes, Honourable members; it is an honourable profession; if any one doubts it, then I can say that he does not really mean to doubt it. Therefore, what I want to achieve by my Bill is to improve the purity of the pleadings before the courts, to have qualified persons to appear in courts, persons who can put cases before the courts in a fair and just manner, and not unqualified persons who have not even the modicum of academic education or are half-educated persons, or persons who merely enjoy the favour or patronage of some of the magistrates.

I think the point involved in this Bill is so simple that I do not think it will need a lengthy speech from me. I shall, therefore, merely read the section which I want to amend and explain briefly what portions of it should be eliminated to give effect to the Bill I have placed before the House. That section is section 4 and it refers to persons who can appear in courts, and that section has a definition about pleader. A pleader is a person who passes higher examinations, and then goes through legal learning, and then after passing certain legal examinations, he is enrolled as an advocate; only then such a person can appear in court on behalf of the accused, and it is anomalous that unqualified persons, persons who have no stake, who are not authorised by or responsible under any law should be allowed to practise in courts. Section 4 of the Criminal Procedure Code refers to definitions which have been provided for in the Code itself in order to enable the provisions of the Criminal Procedure Code to be used, and in that there is a clause (r) to section 4 which reads thus:

“Pleader” used with reference to any proceeding in any court means a pleader or a muktear under any law”—*this is important to note*—“for the time being in force to practise in such court”—*and the word includes*—“an advocate, a vakil, and an attorney of a High Court so authorised.”

Then it is said, (2)—“any other person appointed with the permission of the Court to act in such proceeding”.

Therefore, this definition allows with the permission of the Magistrate of the Court any person to appear, and it is really very curious that when the definition provides that the pleader, muktear or vakil or even an attorney of a High Court has also to be authorised by law to practise in a Court, the Magistrates should allow, in this 20th century, people from the streets as it were, people without any legal learning or training, people who merely wait upon the magistrates and curry their favour, to appear in courts. Such a procedure is really an abuse of the provisions. Sir, in former times there was a class of muktears, but they were not authorised then, but they were permitted by courts to appear on behalf of their clients. It meant that mukhtars of that kind and any other person, with the permission of the court, could appear on behalf of the accused. In 1928, the Legislature considered that that course was not proper and not suited to the times. At that time their attention seems to have been drawn only to the question of mukhtars who were then causing a very great nuisance. Therefore, the words “mukhtar or” in the Act were deleted, leaving the words “any other person appointed with the permission of the Court to

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act in such proceeding". On that occasion the controversy seems to have been with respect to mukhtars only. In olden days, which I may call ancient days, the mukhtars made it a regular profession and, therefore, in 1923 it was considered that they were no more required, and hence they were removed. I think it is but common sense that no other person should be authorised in the present condition of the legal profession than the advocates and lawyers who

The Honourable Mr. M. S. Aney (Leader of the House): The Government are not opposing your motion.

Mr. Lalchand Navalrai: I am just going to finish, I will not take a long time. This is the main portion of my Bill, besides a few drafting changes like the change of this bracket, and that. My main point is that the words "and any other person appointed with the permission of the Court to act in such proceedings" should be deleted. With regard to this I have given the reasons in the Statement of Objects and Reasons. In the Statement of Objects and Reasons

Mr. President (The Honourable Sir Abdur Rahim): The Government are not going to oppose the motion.

Mr. Lalchand Navalrai: This might help the Select Committee. I will not take long, but I will say a few words. If Members will kindly look at the Statement of Objects and Reasons—I will not read it—they will be convinced that there are qualified persons who are available now .

Mr. President (The Honourable Sir Abdur Rahim). I think the Honourable Member has said that more than once.

Mr. Lalchand Navalrai: I am saying with regard to the lawyers. However, as I shall be on the Select Committee, I shall not worry you any more over this point. I submit that the House will send the Bill to the Select Committee.

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

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 4*), be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Khan Bahadur Sir Abdul Hamid, Mr. Muhammad Azhar Ali, Sir Syed Raza Ali, Qazi Muhammad Ahmad Kazmi, Sardar Sant Singh, Pandit Lakshmi Kanta Maitra, Mr. P. J. Griffiths, Raja T. Manavedan, Mr. Muhammad Muazzam Sahib Bahadur and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Huseinbhai Abdullahbhai Laljee: My rising at this stage might be surprising to many Honourable Members here, but I rise to oppose the motion that has been made by my Honourable friend, Mr. Lalchand Navalrai. My Honourable friend, Mr. Lalchand Navalrai, relies upon the Statement of Objects and Reasons, but I find that those objects and reasons provide to the ordinary man sufficient reasons to oppose the Bill. I have a very great regard for the legal profession. I know that throughout the country we consider lawyers to be the intelligentsia of the country. We also desire that the lawyers should lead us to do all they can for the good of the country.

Let us see what is really intended by this Bill. A large number of young people who have taken to the law profession do not find sufficient livelihood to maintain themselves, and in order to help them some few persons who are doing some work in the districts are to be replaced according to this Bill. It is the vested interest of the lawyer which has promoted the Mover to bring this measure. We, businessmen, have always been abused, a great deal has been said against us, as being dishonest, as cunning, and what not. High Government Officials have never been spared from being called corrupt or otherwise. Is the profession of law and all the lawyers so honourable that we do not hear anything said about them in this House? But I can say this in all seriousness that all sane and elderly people in the country, even the good women folk, advise their young people to keep away from the lawyers and the law courts.

An Honourable Member: What do you do yourself?

Mr. Husenbhai Abdullabhai Laljee: I am an unfortunate man who has got to go to the lawyers. It cannot be denied that many of them are prospering on the ruins of many of other professions. The difficulty in getting justice is laid at the door of the lawyers.

It is a well known fact that we pride ourselves that we can get good justice now but at what cost? Many people have not got resources to go there. A large number of people cannot get advantage of this justice and even those we can afford to go to these courts are not going, because it is very long and costly before they can get any justice. For this reason, many people of the mercantile community and other social bodies have started arbitration boards. Village panchayats had been going on formerly and again have been started and I, therefore, do wish and pray that many of our young men, intelligent and good, do some constructive work in the country, instead of being parasites on society and making their livelihood only on litigation. I ask is this fair, is it just?

Mr. Lalchand Navalrai: On a point of order. Is this relevant to my Bill?

Mr. President (The Honourable Sir Abdur Rahim): It may or may not be in good taste but it is relevant.

Mr. Husenbhai Abdullabhai Laljee: I know very well, Sir, that truth frankly spoken is not in good taste often to interested parties. Businessmen are called all sorts of names although they carry on trade and commerce of the country. Even when the question of price control comes, it is the businessmen who are called by lawyers all sorts of names although it is on the earning of businessmen that they prosper. I want to say that many of my young people should be kept away from the law courts as also my countrymen should be kept away from the law courts. I would much prefer to have common law given by our own people in a small *Majlis* or small meeting, or by arbitration.

Sardar Sant Singh (West Punjab: Sikh): This Bill does not deal with it.

Mr. Husenbhai Abdullahai Laljee: Look at the statement of Objects and Reasons and what my friend says there. He says: 'Members of the Bar whose field is now overcrowded are at a great disadvantage'. So, overcrowding of the profession is the whole cause. Every now and then in this House we hear of all kinds of vested interests. I do not want to go into all that now. It is said that the lawyers' profession is a very very honourable profession. No doubt it is an honourable profession, if honestly carried out. But what does my friend here say? He says that the discretion vested in the magistrates and judges is responsible for creation of many an objectionable man enjoying the patronage of the magistrates and judges. What is the meaning? He says that magistrates go out of their way to pick up men in the streets who beg of them to appear before them. These are the gentlemen who are lawyers and who administer justice. It is said that they simply get hold of people in the streets who are beggars and give them patronage. Here is an indictment by the Honourable Member himself of this honourable profession. To tell you frankly, there is a check against everybody but as far as lawyers are concerned, there is no check, regularly and strictly observed, in their activities whatsoever. It is said that there is a Bar Council and all that.

I will tell you, honestly and sincerely, that we do feel and many regret that nowadays a large number of all kinds of lawyers have been doing their work, to say the least, in a wonderful way. They get hold of some person creating in them all sorts of hope and take out of them all what he or she has got. He tries to find out what property or asset they have and the first thing that is thereafter done is to establish as is the practice in the law courts, that is, that the lawyer has got the first lien for carrying on or for creating litigation on the property and assets before anybody else. All other creditors, the maintenance of the widows, the orphans and even charities and so on take a secondary place. The first thing he does is to get hold of all papers he can. Is this honourable and fair? Is it equitable and justice? Another thing is that they can with impunity appear in any cause, whether it is a good or a bad one. The greatest rogue and litigant in the city or town can get the greatest man among them. Eighty per cent. of the counsels, solicitors and pleaders know persons who are well-known litigants and also great rogues. Still, if the fees are forthcoming the solicitors and pleaders will get respectable gentlemen of this honourable profession, readily take up a case and get some one to appear for him and argue his case and no one is there to ask him as to why he had been taking such cases and matters. Many times on pledge of security of various kind these respectable gentlemen take up case and honest people are puzzled how well-known litigants and *badmashes*, hirlings, succeed and can manage to obtain service of lawyers who say they belong to the honourable profession and how can these people conscientiously come forward to plead that he is innocent.

Sardar Sant Singh: Innocent of that crime.

Mr. Husenbhai Abdullahai Laljee: In spite of this position of lawyers these people call businessmen blackguards, and wish to call themselves honourable. They are doing much worse than could be ever alleged against we businessmen and still pass on or are taken as reliable and honourable in courts.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is going a bit too far. The object of the Bill is that some persons who are not qualified as lawyers should not be allowed to plead in courts. What the Honourable Member is arguing is that the profession of law should be abolished.

Mr. Husenbhai Abdullahbai Laljee: It may come even to that. It is getting, Sir, so intolerable.

Mr. President (The Honourable Sir Abdur Rahim): When it comes to that, the Honourable Member can discuss the question. The Honourable Member can very well argue on this motion that persons who are not qualified in law should be allowed to plead. The Honourable Member's argument now is that even professional men are not to be allowed.

Mr. Lalchand Navalrai: May I ask if the Honourable Member's son is a Barrister or not.

Mr. President (The Honourable Sir Abdur Rahim): That does not arise. Order. order.

Mr. Husenbhai Abdullahbai Laljee: The reason why I am saying this is that if we must have only lawyers then it has been and will be very costly.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has dealt with it already. He will now deal with the Bill.

Mr. Husenbhai Abdullahbai Laljee: My point is this. If you prevent people of this type from appearing even in small cases before magistrates, it is going to be a very costly affair for these poor people (Interruption). My Honourable friend is only giving me more points for my arguments. The opinions on which he says he relies are, Sir, all those of the lawyers. In small cases it is much better to employ these cheap people. In serious cases like murder cases and so on, which come before the learned Judges of the High Court, your suggestion may be reasonable but why in ordinary cases should justice for the poor man even be made costly. I entirely disagree with the argument that our young man should stoop so low as to do this sort of work and waste five or seven years as he says in law courts, before earning anything. The right thing would be that these young men should also do some constructive good work in the courts, and only such who can do honourably this profession and can afford to do should take this profession as some of our great lawyers have been and are doing.

Even in the interests of the lawyers' sons and the young generation, I submit, these small things may not be given as a bait. If it is found that in the interests of justice, the magistrates or the courts do feel that some of these illiterate people do not properly represent, they have power and then they can take such steps as they think fit. Above these Magistrates are the Judges of the High Courts and the Chief Justice and these persons, able as they are, ought to watch proceedings in courts including High Court as they can certainly call for the records of the lower

[Mr. Husenbhai Abdullabhai Laljee.]

courts and avoid unnecessary litigation and ruin of people. There are so many eminent lawyers in the country and, surely, my Honourable friend does not mean to suggest that really because of these, people cannot find lawyers any more if they chose to employ them to plead their cases. That is not so. Therefore, my own position is that we should not try to make justice costly, and encourage litigation for the benefit of lawyers and that the present practice in the mofassil courts should continue as far as possible in the interest of poor men and in small matters.

The Honourable Sir Sultan Ahmed (Law Member): Sir, it is just as well to make the position of the Government quite clear at this stage. The position that we take up is that of benevolent neutrality. All that can be said for the Bill itself has been said and perhaps more than that by the Mover himself. All that can be said against it and even what could not be said against it has been said by my friend, Mr. Husenbhai Laljee. As the Bill stands and if no modifications are made, Government would be compelled to oppose it; but one feels that it is possible to modify the proposals in the Select Committee in such a way as to allow people whose presence may be absolutely essential to appear for the defence of certain classes of cases, and, therefore, we will not oppose the reference to the Select Committee. There are cases in which perhaps it may be imperative that some provision should be made to allow outsiders to come in, though they may not be lawyers. As an illustration, I may mention cases of charities where benevolent societies take up the cause of the defence in certain cases through their own men. There seems to be no reason whatsoever why they should not be allowed to be represented by non-lawyers. There are also cases in backward tracts, such as, north of Madras, Orissa, some places in the Central Provinces and some other places in India, where lawyers may not be available at all and it would be exceedingly hard if those cases are not dealt with separately. There may be another class of cases, for example, defence of Government servants. Departmental officers may be deputed to defend those officers who may be in difficulty and there is no reason why lawyers should necessarily be requisitioned in such cases. Under these circumstances, Government will leave the Bill to the free vote of the House to decide whether it should be referred to the Select Committee or not. Government will remain neutral. If the House decides to send the Bill to the Select Committee, then we propose certain modifications which, I am sure, would satisfy the sponsor of the Bill as well as those who may be opposed to it as it stands and yet may accept it with reasonable modifications. It is very difficult, of course, to satisfy Mr. Husenbhai Laljee. But apart from him, it is possible to improve the Bill in the Select Committee by modification which may be acceptable to the House. We leave the matter entirely to the House.

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

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 4*), be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Khan Bahadur Sir Abdul Hamid, Mr. Muhammad Azhar Ali, Sir Syed Raza Ali, Qazi Muhammad Ahmad Kazmi, Sardar Sant Singh, Pandit Lakshmi Kanta Maitra, Mr. P. J. Griffiths, Raja T. Manavedan, Mr. Muhammad Musamam Sahib Bahadur and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION (AMENDMENT) BILL.

Qazi Muhammad Ahmad Kasmi (Meerut Division: Muhammadan Rural): Sir, I move:

"That the Bill to amend the Muslim Personal Law (*Shariat*) Application Act, 1937, be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Mr. Muhammad Muazzam Sahib Bahadur, Kunwar Hajee Ismaiel Ali Khan, Syed Ghulam Bhik Nairang, Maulvi Syed Murtuza Sahib Bahadur, Maulana Zafar Ali Khan, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Shams-ul-Ulema Kamaluddin Ahmed, Mr. J. Ramsay Scott, Mr. C. P. Lawson, Sardar Sant Singh, Bhai Parma Nand and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

This Bill was circulated for eliciting opinion thereon in the last Session and on that occasion I made my point clear that there were certain mistakes in the Bill which were sought to be corrected by this amending Bill. I need not say anything more at this stage. All the opinions that have been received are in favour of this amendment and I hope the House will accept it.

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

"That the Bill to amend the Muslim Personal Law (*Shariat*) Application Act, 1937, be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Mr. Muhammad Muazzam Sahib Bahadur, Kunwar Hajee Ismaiel Ali Khan, Syed Ghulam Bhik Nairang, Maulvi Syed Murtuza Sahib Bahadur, Maulana Zafar Ali Khan, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Shams-ul-Ulema Kamaluddin Ahmed, Mr. J. Ramsay Scott, Mr. C. P. Lawson, Sardar Sant Singh, Bhai Parma Nand and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Honourable Sir Sultan Ahmed (Law Member): Sir, there has been a general support to the Bill in the opinions received and we, therefore, support its reference to the Select Committee.

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

"That the Bill to amend the Muslim Personal Law (*Shariat*) Application Act, 1937, be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Mr. Muhammad Muazzam Sahib Bahadur, Kunwar Hajee Ismaiel Ali Khan, Syed Ghulam Bhik Nairang, Maulvi Syed Murtuza Sahib Bahadur, Maulana Zafar Ali Khan, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Shams-ul-Ulema Kamaluddin Ahmed, Mr. J. Ramsay Scott, Mr. C. P. Lawson, Sardar Sant Singh, Bhai Parma Nand and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

Qazi Muhammad Ahmad Kasmi (Meerut Division: Muhammadan Rural): Sir, I move:

"That the Bill further to amend the Indian Penal Code for a certain purpose, be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

This Bill seeks to amend sections 497 and 406 of the Indian Penal Code. I have dealt in the Statement of Objects and Reasons with the whole object of this Bill which is mainly to avoid a large number of crimes that are being committed on account of some laxity in these two sections.

Sir, I move.

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

"That the Bill further to amend the Indian Penal Code for a certain purpose, be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

The Honourable Sir Sultan Ahmed (Law Member): Sir, there is no objection to the circulation of the Bill.

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

"That the Bill further to amend the Indian Penal Code for a certain purpose, be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

The motion was adopted.

THE FEDERAL COURT (SUPPLEMENTAL POWERS) BILL.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): Sir, I move:

"That the Bill to confer supplemental powers on the Federal Court be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Sir Syed Raza Ali, Nawabzada Muhammad Liaquat Ali Khan, Mr. Lalchand Navalrai, Mr. Govind V. Deshmukh, Mr. P. J. Griffiths, Sir F. E. James, Rao Sahib N. Sivaraj, Major Nawab Sir Ahmad Nawaz Khan, Mr. N. M. Dumasia and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this is a short Bill and it contains only two provisions. The first relates to the power of delegation of duties by the Federal Court to its officers. The Federal Court has, by Order VIII, rule 1, provided for the exercise by the Registrar of certain powers of the Court. The question is whether the Federal Court possesses authority to delegate its duties to any of its officers. Section 214(1) of the Government of India Act gives the Federal Court the power to make rules of court. That section says:

"The Federal Court may from time to time with the approval of the Governor General in his discretion make rules of court for regulating the general practice and procedure of the court including rules as to the persons practising. . . ."

The power of delegation is not mentioned here specifically. Now, the question is: Is a specific mention of such a power necessary? It was held by the Madras High Court and also by the Calcutta High Court that, in the absence of a specific provision of law, a delegation of duties by any of the High Courts was illegal. To meet this difficulty section 128, sub-section (2), clause (1) of the Civil Procedure Code was inserted. This clause now empowers the High Courts to frame rules for "the delegation to any Registrar, Prothonotary, or Master, or other official of the Court of any judicial, quasi-judicial, and non-judicial duties". I may be permitted to mention here that section 99 of the Judicature Act of England, 1925, although it contains general provisions empowering the Supreme Court to regulate its procedure, contains also a specific provision about the delegation of judicial functions to the officers of Supreme Court. Thus, it appears that a general provision about procedure cannot be held to cover the delegation of judicial functions. Therefore, it seems to me desirable to settle the matter beyond all doubt. In my opinion statutory authority should be given to the Federal Court to delegate its duties to its officers. I also wish to provide that retrospective effect should be given to this provision.

Now, Sir, the question may be asked: Is this Assembly entitled to deal with this matter? My answer is, Yes. Section 215 of the Government of India Act empowers the Federal Legislature to make provision by Act for conferring upon the Federal Court supplemental powers. I rely on this for my Bill.

There is another provision in this Bill. The second provision seeks to remove the anomaly in the existing procedure—an anomaly which may sometimes lead to very serious consequences. In the case *United Provinces Government versus Atiqu Begum* before the Federal Court, the Chief Justice, Sir Maurice Gwyer, stated that under the law as it stands today, "private persons can by a private settlement of the dispute, or even by collusion, prevent a Provincial Government from obtaining a decision of the Federal Court on issues of the highest importance". He recommended that necessary legislation be undertaken by the Central Legislature. That is the object of the second provision of my Bill.

In conclusion, I wish to make it clear that my Bill does not seek to extend the jurisdiction of the Federal Court in any way. Sir, I move.

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

"That the Bill to confer supplemental powers on the Federal Court be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Sir Syed Raza Ali, Nawabzada Muhammad Liaquat Ali Khan, Mr. Lalchand Navalrai, Mr. Govind V. Deshmukh, Mr. P. J. Griffiths, Sir F. E. James, Rao Sahib N. Sivaraj, Major Nawab Sir Ahmad Nawaz Khan, Mr. N. M. Dumasia and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Honourable Sir Sultan Ahmed (Law Member): Sir, the Bill seeks to make provision for two matters, firstly, for empowering the Federal Court to delegate to the Registrar or any other officer of the Court, judicial, quasi-judicial and non-judicial duties, etc., and, secondly, for an amendment of Order I, Rule 10 of the Code of Civil Procedure. I feel sure that the Honourable the Mover of the Bill would recognise the disparity of these two provisions. Government consider that it would be exceedingly desirable to separate these two provisions. The Government are prepared to promote a Bill with respect to the matter mentioned in clause 3, separately, and they will bring an official Bill for the consideration of the House. As regards clause 2, with the elimination of the provision for retrospective effect, Government would make a few drafting revision in the Select Committee. In the circumstances, if the Honourable the Mover of the Bill would accept the suggestions that I have made, we will support the reference to the Select Committee.

Dr. P. N. Banerjee: I have no objection.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian): If these are necessary amendments to an important piece of legislation, how is it it never struck the Government before and it was left to a non-official Member to bring in a Bill? They are important or they are not important. If they are important, then the Government ought to have done it long ago. If they are not important, it is not worth bothering now about.

The Honourable Sir Sultan Ahmed: They are important.

Sir Gowanji Jehangir: How is it you forgot?

The Honourable Sir Sultan Ahmed: It did not strike us.

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

"That the Bill to confer supplemental powers on the Federal Court be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Sir Syed Raza Ali, Nawabzada Muhammad Liaquat Ali Khan, Mr. Lalchand Navalrai, Mr. Govind V. Deshmukh, Mr. P. J. Griffiths, Sir F. E. James, Raza Sahib N. Sivaraj, Major Nawab Sir Ahmad Nawaz Khan, Mr. N. M. Dumasia and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 162, 488 AND 496.)

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, for certain purposes (*Amendment of sections 162 488 and 496*), be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

The reasons for the Bill are fully given in the Statement of Objects and Reasons and I think Government are not opposed to circulation. Sir, I move.

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

"That the Bill further to amend the Code of Criminal Procedure, 1898, for certain purposes (*Amendment of sections 162 488 and 496*), be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

The Honourable Sir Sultan Ahmed (Law Member): Sir, we do not oppose the circulation.

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

"That the Bill further to amend the Code of Criminal Procedure, 1898, for certain purposes (*Amendment of sections 162 488 and 496*), be circulated for the purpose of eliciting opinion thereon by the 31st August, 1942."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for the abolition of Sessions trials with the aid of assessors.

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

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for the abolition of Sessions trials with the aid of assessors."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi: Sir, I introduce the Bill.

THE MUSLIM PERSONAL LAW (*SHARIAT*) APPLICATION (SECOND AMENDMENT) BILL.

Qazi Muhammad Ahmad Kazmi (Meerut Division : Muhammadan Rural) : Sir, I beg to move for leave to introduce a Bill further to amend the Muslim Personal Law (*Shariat*) Application Act, 1937 (*Second Amendment*).

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

"That leave be granted to introduce a Bill further to amend the Muslim Personal Law (*Shariat*) Application Act, 1937 (*Second Amendment*)."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi : Sir, I introduce the Bill.

THE USURIOUS LOANS (AMENDMENT) BILL.

Qazi Muhammad Ahmad Kazmi (Meerut Division : Muhammadan Rural) : Sir, I beg to move for leave to introduce a Bill to limit rates of interest and for that purpose further to amend the Usurious Loans Act, 1918.

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

"That leave be granted to introduce a Bill to limit rates of interest and for that purpose further to amend the Usurious Loans Act, 1918."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi : Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 16th February, 1942.