

22nd November 1940

**THE  
LEGISLATIVE ASSEMBLY DEBATES**

**Volume V, 1940**

*(19th November to 27th November, 1940)*

---

**TWELFTH SESSION  
OF THE  
FIFTH LEGISLATIVE ASSEMBLY,  
1940**

14.11.94  
4-5-89  
164-83  
Library



**PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.  
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.  
1941.**

# Legislative Assembly.

## *President :*

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

## *Deputy President :*

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

## *Panel of Chairmen :*

DR. SIR ZIAUDDIN AHMAD, C.I.E., M.L.A.

MR. M. S. ANEY, M.L.A.

MR. L. C. BUSS, M.L.A.

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

## *Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

## *Assistants of the Secretary :*

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

KHAN BAHADUR S. G. HASNAIN.

## *Marshal :*

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

## *Committee on Petitions :*

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

SYED GHULAM BHIK NAIRANG, M.L.A.

MR. L. C. BUSS, M.L.A.

SIR ABDUL HALIM GHUZNAVI, M.L.A.

SIR H. P. MODY, K.B.E., M.L.A.

## CONTENTS.

VOLUME V.—19th November to 27th November, 1940.

	PAGES.		PAGES.
<b>TUESDAY, 19TH NOVEMBER, 1940,—</b>		<b>THURSDAY, 21ST NOVEMBER, 1940,—<i>contd.</i></b>	
Starred Questions and Answers . . . . .	765—84	Election of a Member on the Governing Body of the Indian Research Fund Association . . . . .	918
Motion for Adjournment <i>re</i> Alleged occupation of the Muslim <i>Jugh</i> at Burhanpur by the Military—Disallowed . . . . .	784—85	Election of three Members for the Standing Committee attached to the Department of Supply . . . . .	918—23
The Indian Finance (No. 2) Bill—Motion to consider negatived . . . . .	786—840	The Indian Railways (Amendment) Bill—Referred to Select Committee . . . . .	924—39
<b>WEDNESDAY, 20TH NOVEMBER, 1940,—</b>		The Berar Laws Bill—Referred to Select Committee . . . . .	939—49
Speech delivered to the Council of State and the Legislative Assembly by His Excellency the Viceroy . . . . .	841—48	The Indian Income-tax (Amendment) Bill—Passed as amended . . . . .	949—59
Starred Questions and Answers . . . . .	849—67	<b>FRIDAY, 22ND NOVEMBER, 1940,—</b>	
Unstarred Questions and Answers . . . . .	867—82	Starred Questions and Answers . . . . .	961—82
Message from H. E. the Viceroy . . . . .	882—83	Motion for Adjournment <i>re</i> closing of the Chandpur-Siau-Bijnor Section of the Gajraula Muazzampur Nairan Branch of the East Indian Railway—Negatived . . . . .	982—83, 996—1011
The Indian Finance (No. 2) Bill (As recommended)—Motion for leave to introduce negatived . . . . .	883—86	The Hindu Women's Rights to-Property (Amendment) Bill—Motion to refer to Select Committee negatived . . . . .	983—95
The Excess Profits Tax (Amendment) Bill—Referred to Select Committee . . . . .	886—90	The Land Acquisition (Amendment) Bill—Introduced . . . . .	995
The Indian Railways (Amendment) Bill—Discussion on the motions to refer to Select Committee and to circulate not concluded . . . . .	890—903	The Specific Relief (Amendment) Bill—Introduced . . . . .	995
<b>THURSDAY, 21ST NOVEMBER, 1940,—</b>		The Hindu Judicial Separation and Divorce Bill—Introduced . . . . .	995—96
Starred Questions and Answers . . . . .	905—17	The Hindu Married Women's Right to Separate Residence and Maintenance Bill—Introduced . . . . .	996
Motion for Adjournment <i>re</i> closing of the Chandpur-Siau-Bijnor Section of the Gajraula Muazzampur Nairan branch of the East Indian Railway—Postponed to next day . . . . .	917		

	PAGES.		PAGES.
<b>MONDAY, 25TH NOVEMBER, 1940,—</b>		<b>WEDNESDAY, 27TH NOVEMBER, 1940,—</b>	
Starred Questions and Answers . . . . .	1013—26	Starred Questions and Answers . . . . .	1097—1102
Motion for Adjournment <i>re</i> closing down of the Branch Line between Shoranur and Nilambur in the Malabar District—Withdrawn . . . . .	1026—27, 1080—95	Statement laid on the Table . . . . .	1103—09
Position of Nominated Members of the House . . . . .	1027—28	Motion for Adjournment <i>re</i> —	
Bills passed by the Council of State . . . . .	1028	Alleged embezzlement in the Multan Division of the North Western Railway—Ruled out . . . . .	1109—11
Draft Convention and Recommendations adopted by the International Labour Conference . . . . .	1028—59	Rustication of Mr. M. Farouqi and Mr. D. Sanghi from the University of Delhi—Leave refused . . . . .	1111—12
The Excess Profits Tax (Amendment) Bill—Presentation of the Report of the Select Committee . . . . .	1059—60	Banning by the Government of Bengal publication of news of hunger strikes in jail, etc.—Disallowed . . . . .	1112—13
The Indian Sale of Goods (Amendment) Bill—Passed . . . . .	1060—62	Election of a Member for the Governing Body of the Indian Research Fund Association . . . . .	1113
The New Delhi Mosque Bill Motion to consider not made . . . . .	1062	Election of Members to the Standing Committee for the Department of Supply . . . . .	1113
Report of the Public Accounts Committee . . . . .	102—75	Statement laid on the Table <i>re</i> lowest tenders not accepted by the High Commissioner for India in purchasing stores for the Government of India . . . . .	1113—15
Demands for Excess Grants for 1938-39 . . . . .	1076—79	The Excess Profits Tax (Amendment) Bill—Passed as amended . . . . .	1116—24

# LEGISLATIVE ASSEMBLY

Friday, 22nd November, 1940.

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.

#### DEPARTURES IN THE WORKING OF THE FINANCIAL ADJUSTMENT BETWEEN THE GOVERNMENT OF INDIA AND THE BRITISH GOVERNMENT.

217. \*Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Finance Member please lay on the table of the House a memorandum stating the departures in the working of the financial adjustment between Indian Government and the British Government from the statement he laid before the House in his Budget speech?

(b) Under what circumstances were these departures made?

**The Honourable Sir Jeremy Raisman:** (a) and (b). In so far as defence expenditure proper is concerned no departure has been made from the arrangements agreed upon in the settlement with His Majesty's Government referred to in my budget speech. There has, however, been a departure from the procedure outlined in that speech for recovering a share of the cost of the Supply Department from its overseas customers, which I have dealt with in my reply to a separate question on the subject.

**Dr. Sir Ziauddin Ahmad:** May I know if the previous arrangement was for all the purchases made by His Majesty's Government . . . . .

**The Honourable Sir Jeremy Raisman:** If the Honourable Member will go on to his next question, I shall give him a reply.

#### COMMISSION CHARGED BY THE GOVERNMENT OF INDIA ON ARTICLES PURCHASED BY HIS MAJESTY'S GOVERNMENT FOR THE MAINTENANCE OF THE SUPPLY DEPARTMENT.

218. \*Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Finance Member state whether the Government of India are now charging three per cent. commission on all articles purchased by His Majesty's Government for the maintenance of the Supply Department?

(b) In case the Finance Member has remitted the commission, will he please state when such remission was made, and why and under whose orders the remission was made?

**The Honourable Sir Jeremy Raisman:** (a) No.

(b) The recovery of departmental or agency charges on purchases of stores made for His Majesty's Government was discontinued under the

orders of the Government of India, with effect from the transactions recorded in the accounts of September, 1940, for the following reasons:

- (i) His Majesty's Government do not charge us any part of the cost of their corresponding organisation *vis.*, the War Office and the Ministry of Supply.
- (ii) In view of the greatly increased orders since placed on India by His Majesty's Government for industrial products of all sorts and the economic advantage accruing to India therefrom, it was considered that India could normally pay for the organisation which obtained and handled these orders.

**Dr. Sir Ziauddin Ahmad:** In view of the fact that it is desirable to separate the financial and other considerations, and in view of the fact that it is possible for us to contribute in lump sum any sum that we want to, may I ask the Honourable the Finance Member whether he should not follow the business proposition in this matter and charge proportionate expenditure for services rendered?

**The Honourable Sir Jeremy Raisman:** Well, Sir, that was the original idea but as I pointed out just now, His Majesty's Government who supply us with a large amount of equipment for war do not add anything on account of their agency work in supplying us, so that it is on the basis of reciprocity; also as I have given the second reason, it is a great advantage to India to obtain these orders, and just as we employ Trade Commissioners and so on in order to expand India's overseas market, so also it seemed reasonable that the Government of India should be prepared to bear the cost of enabling India to fulfil large orders abroad.

**Mr. N. M. Joshi:** Is it not a fact that the Government of India engages its Stores Staff to make purchases in Great Britain when the orders are given to Great Britain, and whether the Government of India do not propose to follow what they themselves do in the case of British purchases in India?

**The Honourable Sir Jeremy Raisman:** The main part of the agency expenditure incurred on obtaining war supplies in England is incurred by His Majesty's Government, and not by us. Our organization could not possibly deal in the present circumstances with the problems arising of obtaining war supplies.

**Mr. M. S. Aney:** Was it brought to the notice of His Majesty's Government that our agency in England will be in a position to deal with all the matters relating to the war supplies?

**The Honourable Sir Jeremy Raisman:** The fact is that that agency cannot possibly now secure war supplies. The problems which arise at the present time are much greater than could possibly be dealt with by the small agency that the Government of India have.

**Mr. M. S. Aney:** Was it not possible for the Government of India to add to its own agency for coping with the greater work?

**The Honourable Sir Jeremy Raisman:** It is not merely a matter of adding to the agency, but the machinery which deals with all munitions of war and war supplies in the United Kingdom is the only machinery which could also be employed for allocating part of its supplies to India.

**Sardar Sant Singh:** May I know, Sir, the percentage of orders carried out by the Supply Department on behalf of India in proportion to those received from His Majesty's Government in England?

**The Honourable Sir Jeremy Raisman:** I cannot state the exact percentage, but of course the Supply Department does minister very largely to our requirements for our own defence. That is one of its main functions, of course in addition to complying with orders from overseas. I cannot say the exact percentage.

**Dr. Sir Ziauddin Ahmad:** Is it not a fact that Australia and Canada charge a small percentage of commission for all the purchases they make on behalf of His Majesty's Government?

**The Honourable Sir Jeremy Raisman:** I have no official information on the subject, but my belief is that Australia is not charging anything.

**Dr. Sir Ziauddin Ahmad:** We ought to inquire as to what they are doing. Will the Honourable Member now make inquiries as to what the Dominions are doing in this matter?

**The Honourable Sir Jeremy Raisman:** It is a question of different Governments following different methods and acting on a reciprocal basis.

**Dr. Sir Ziauddin Ahmad:** Will the Honourable Member make inquiries as to what Canada and Australia are doing in this matter?

**The Honourable Sir Jeremy Raisman:** Yes, I will make inquiries.

**Dr. Sir Ziauddin Ahmad:** Are we charging any commission for the purchases made by Australia?

**The Honourable Sir Jeremy Raisman:** Yes, Sir, we are.

**Dr. Sir Ziauddin Ahmad:** Why then this differentiation?

**The Honourable Sir Jeremy Raisman:** As I said, I have no official information that Australia is not charging on supplies made by her.

#### COMMUNAL COMPOSITION OF INDIAN CIVIL SERVICE AND OTHER ALL-INDIA SERVICE OFFICERS BROUGHT ON TO THE GOVERNMENT OF INDIA SECRETARIAT.

219 \*Sardar Sant Singh: (a) With reference to the reply given to starred question No. 185 of the 26th February, 1940, will the Honourable the Home Member please state the number of Indian Civil Service and other All-India service Officers brought on to the Secretariat from 1st January, 1940 and how many of them are Muslims, Hindus, Indian Christians and Sikhs?

(b) What efforts were made to bring Sikh officers also on the same lines as members of other communities are being brought on to the Secretariat and its attached offices? If none, why not?

**The Honourable Sir Reginald Maxwell:** (a) During the period in question 18 members of the Indian Civil Service have been appointed to the Secretariat of the Government of India; of these eight are Europeans, seven Hindus and three Muslims.

(b) The attention of the Honourable Member is invited to part (e) of the reply to his starred question No. 185 which was answered on the 26th February, 1940. Officers are selected for the Secretariat of the Government of India on their merits and on consideration of their suitability for particular posts, not on a communal basis.

**Sardar Sant Singh:** May I know if any recommendations were ever made by any Provincial Government in regard to the transfer of Sikh I. C. S. Officers to the Government of India?

**The Honourable Sir Reginald Maxwell:** I do not understand what recommendations the Honourable Member is referring to.

**Mr. Lalchand Navalrai:** May I know if all these officers are from the Indian Civil Service, or they are also from other All-India Services?

**The Honourable Sir Reginald Maxwell:** The reply refers only to Indian Civil Service Officers. There were no officers of other All-India Service in Secretariat appointments.

**Sardar Sant Singh:** Has the Honourable Member ever inquired from the Provincial Governments whether any Sikh I. C. S. officer was available?

**The Honourable Sir Reginald Maxwell:** Does the Honourable Member mean to ask whether I have ever asked for the services of Sikh I. C. S. Officers?

**Sardar Sant Singh:** Yes, Sir.

**The Honourable Sir Reginald Maxwell:** The machinery for obtaining the services of officers from provinces is such as to secure the consideration of all suitable officers who are available for any of these appointments.

**Sardar Sant Singh:** Has it ever occurred to the Honourable Member that in order to restore the communal proportions, Sikh officers are also necessary in the Secretariat of the Government of India?

**The Honourable Sir Reginald Maxwell:** I have already said that appointments in the Secretariat are not made on a communal basis.

#### SIKHS TAKEN AS PEONS IN THE GOVERNMENT OF INDIA SECRETARIAT.

220. \***Sardar Sant Singh:** Will the Honourable the Home Member kindly place on the table a statement showing the number of permanent, temporary and officiating appointments of peons made in the Government of India Secretariat (including the Supply Department) since 1st January



1940 and state whether the requisite number of Sikhs was taken in such vacancies? If not, why not?

**The Honourable Sir Reginald Maxwell:** Government do not consider that the labour involved in the collection of the information will be commensurate with its utility. The communal percentages do not apply to posts of peons.

#### DEFENCE EXPENDITURE.

**221. \*Mr. Govind V. Deshmukh:** (a) Will the Defence Secretary please state how much the defence expenditure for this year is?

(b) What is the amount estimated to be spent on each of the forces, namely, the Army (the land), the Navy and the Air?

(c) In view of the importance of the Air Force, as demonstrated in this war, will more money be spent on Air Force than on the land force? If not, why not?

**Mr. C. M. G. Ogilvie:** (a) Defence expenditure to be borne by Indian revenues during the current year is estimated at 68 crores.

(b) and (c). It is not desirable in the public interest to answer these parts of the question.

#### HINDU AND MUSLIM STRENGTH OF THE INDIAN NAVY.

**222. \*Mr. Govind V. Deshmukh:** (a) Will the Defence Secretary please state the strength of the Indian Navy—rank and file and officers—in September 1939?

(b) Of these, how many were Hindus and how many Muslims?

(c) From which Provinces were they recruited and what were the recruiting centres?

(d) What was the strength of the navy—rank and file and officers—in September, 1940?

(e) Of these, how many were Hindus and how many Muslims?

(f) From which Province was the greatest number of recruits obtained?

(g) What was the number of recruits from the Bombay Presidency?

**Mr. C. M. G. Ogilvie:** (a) Officers—189.

Warrant Officers—99.

Ratings—2369.

(b) Hindus—186.

Muslims—1819.

(c) I lay on the table of the House a statement giving the required information.

(d) It is not in the public interest to furnish the information.

(e) Hindus—7 per cent. approximately.

Muslims—69 per cent. approximately.

(f) Punjab.

(g) 771.

*Provinces.*

Bombay, Punjab, Madras, Bengal, North West Frontier Province, United Provinces, Sind, Bihar, Orissa, Central Provinces.

*Recruiting Centres.*

Rawalpindi.  
Murree.  
Gujar Khan.  
Abbottabad.  
Hasan Abdal.  
Shadi Khan.  
Campbellpore.  
Pindigheb.  
Talagang.  
Chakwal.  
Jhelum.  
Gujrat.  
Harnai.  
Jaigarh.  
Poona.  
Bombay.  
Bankot.  
Saitavada.  
Alibag.  
Roha.  
Dapoli.  
Malvan.  
Baroli.  
Baldana.  
Ahmednager.  
Somanath.

Lahore.  
Jullundur.  
Delhi.  
Haripur.  
Choa Saidan Shah.  
Ambala.  
Ludhiana.  
Fateh Gang.  
Khed.  
Chiplun.  
Sangmeshwar.  
Ratnagiri.  
Dabhol.  
Satara.  
Sangli.  
Jath.  
Bijapur.  
Sholapur.  
Aurangabad.  
Akola.  
Malkapur.  
Basim.  
Amraoti.  
Ellichpur.  
Sawmans.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member, with reference to his reply to part (c), whether the list contains any people from Sind?

**Mr. C. M. G. Ogilvie:** I am afraid I have not got it here. I think so.

**Mr. M. S. Aney:** May I ask the Honourable Member, with reference to his reply to part (b), whether this serious disproportion between Hindus and Muslims in regard to the strength in the Indian Navy is due to the reluctance of the Hindus to go in for this service or to the policy of the Government not to recruit Hindus?

**Mr. C. M. G. Ogilvie:** I think it was due to reluctance, certainly not due to any desire of Government not to recruit them. I think that that reluctance is gradually yielding so that we are now getting a more ample supply.

**Mr. M. S. Aney:** Does the Honourable Member mean to say that this reluctance is disappearing with the declaration of the war?

**Mr. C. M. G. Ogilvie:** Yes.

**Mr. M. S. Aney:** May I ask whether the Honourable Member is prepared to place before the House a statement showing the number of Hindu applicants for this service and the number rejected?

**Mr. C. M. G. Ogilvie:** I think those figures are very difficult to get, if not impossible, but I can assure the Honourable Member that no suitable candidate is, has been, or will be rejected, because he is a Hindu.

**Mr. Govind V. Deshmukh:** May I ask if this shortage among Hindus is not due to the fact that the qualification required is that a candidate must know either the Urdu script or the Roman script and persons in other provinces do not know the Urdu script and therefore this difference arises?

**Mr. C. M. G. Ogilvie:** I have already answered questions in this Session on that subject.

#### ELIGIBILITY OF INDIANS FOR THE ROYAL AIR FORCE IN INDIA.

**223. \*Mr. Govind V. Deshmukh:** Will the Defence Secretary please state if Indians are admitted to the Royal Air Force in India? If not, what is the reason for not admitting them, when they are admitted now to the Royal Air Force in England?

**Mr. C. M. G. Ogilvie:** No, because it is more appropriate for Indians in India to enter the Indian Air Force just as they enter the Indian Army and not the British Army. In England there are no establishments of the Indian Air Force and, therefore, Indians there are admitted to the Royal Air Force, as also to the British Army and to the Royal Navy.

**Mr. Govind V. Deshmukh:** May I know the reasons which lead the Honourable Member to the conclusion that Indians are appropriate only for the Indian Force?

**Mr. C. M. G. Ogilvie:** When there is an Indian force, it is surely more appropriate for Indians to enter it.

**Mr. Govind V. Deshmukh:** I am asking for an explanation as to why he considers that it is appropriate?

**Mr. C. M. G. Ogilvie:** I should have thought that it was sufficiently obvious not to require any explanation.

**Mr. Lalchand Navalrai:** May I know if there is any actual prohibition against these Indians going into the Royal Force?

**Mr. C. M. G. Ogilvie:** No. The question has never arisen. There is here a very good Indian Air Force and at present we want the best pilots we can get for it. Vacancies in the British Air Force here are very small. No conditions of service are different and the question of posting Indians to it has not arisen.

#### ENCOURAGEMENT TO INDIAN ENTERPRISE FOR MANUFACTURING AIRCRAFTS, MOTORS OR FOR BUILDING SHIPS.

**224. \*Mr. Govind V. Deshmukh:** Will the Defence Secretary please state whether the Defence authorities have given any encouragement to any Indian enterprise started to manufacture aircrafts, motors or to build ships? If so what was its nature and extent?

**Mr. C. M. G. Ogilvie:** No. The administrative Departments, to which the Honourable Member should address any question concerning encouragement to Indian industries, are the Departments of Commerce and Supply.

**GERMAN AND ITALIAN DETENUS IN INDIA AND PUNJABEE DETENUS UNDER THE DEFENCE OF INDIA ACT.**

**225. \*Sardar Sant Singh** (on behalf of Sardar Mangal Singh): Will the Honourable the Home Member please state:

- (a) the total number of Germans and Italians detained in this country after the start of war;
- (b) the sanctioned scale of expenses per head per diem for the maintenance of a German prisoner, together with other amenities provided for him;
- (c) the total number of Punjabees detained without trial under the Defence of India Act; and
- (d) the sanctioned scale of expenses per head per diem for the maintenance of a Punjabee detenu, together with other amenities provided for him?

**The Honourable Sir Reginald Maxwell:** (a) The numbers of Germans (including Austrians) and Italians detained in India and now in the internment camp at Ahmednagar are 443 and 283 respectively.

(b) All internees are treated in accordance with the spirit of the Prisoners of War Convention, 1929. No specific scale of expenses has been laid down for them, but the following concessions are admissible to them:

- (i) free accommodation including lighting, water, fuel, conservancy, furniture and medical treatment;
- (ii) free rations on the scale issued to British Other Ranks in peace time;
- (iii) messing allowance at three and half annas per head per day; and
- (iv) personal allowance of Rs. 20 per head per month for the purchase and maintenance of articles required for personal use.

(c) and (d). The information has been called for and will be laid on the table of the House in due course.

**Sardar Sant Singh:** May I know if those against whom action has been taken under the Defence of India Rules, firstly, by mere detention, and, secondly, by prosecutions resulting in convictions, are treated on the same scale as the enemy detenus?

**The Honourable Sir Reginald Maxwell:** No. A scale has been laid down to deal with enemy internees according to the spirit of the Prisoners of War Convention.

**Sardar Sant Singh:** Why does not the Honourable Member take this into consideration that the cases are by analogy the same?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is arguing.

**Lieut.-Colonel Sir Henry Gidney:** Will the Honourable Member inform the House whether Government have under consideration the application of the Anderson Committee's report in England as regards the treatment of internees so far as those who have pro-British ideas and those who are in charge of educational institutions in India are concerned, and if so, will the Honourable Member be pleased to tell the House whether any action has been taken or is proposed to be taken in India?

**The Honourable Sir Reginald Maxwell:** I submit that it does not arise out of the present question.

**Mr. M. S. Aney:** May I ask the Honourable Member what is the difficulty for him in getting the information with regard to part (d) of the question, in time?

**The Honourable Sir Reginald Maxwell:** Information has to be obtained from the province as regards parts (c) and (d).

**MEMBERS OF THE CENTRAL AND PROVINCIAL LEGISLATURES DETAINED OR IMPRISONED SINCE THE WAR BEGAN.**

**226. \*Sardar Sant Singh** (on behalf of Sardar Mangal Singh): Will the Honourable the Home Member please state:

- (a) the total number of members of the Central and the Provincial Legislatures who have been detained or imprisoned since the War began in provinces excluding Bengal, Punjab, Assam and Sind;
- (b) similar information in regard to Bengal, Punjab, Assam and Sind when arrests were made under the orders of the Government of India;
- (c) the sanctioned scale of expenses for the maintenance of each one of them and other amenities provided for them;
- (d) which newspapers are given to them in jails; and
- (e) whether Government contemplate providing facilities for them to attend the sittings of their respective Legislative Assemblies whenever they are in Session?

**The Honourable Sir Reginald Maxwell:** (a) Members of the Central Legislature—Two. Members of Provincial Legislatures: Information has been called for and will be laid on the table of the House.

(b) There have been no such cases..

(c) and (d) . The Government of India have no information as these are matters that are primarily the concern of Provincial Governments.

(e) In so far as the Members of the Central Legislature are concerned the reply is in the negative. As regards members of the Provincial Legislatures the question is one for the Provincial Governments concerned.

**Sardar Sant Singh:** May I know if any directions have been issued to the Provincial Governments suggesting to them the manner in which these detenus who are members of the various Legislatures are to be treated?

The Honourable Sir Reginald Maxwell: I answered that question on the last question day.

**CERTAIN CONGRESS WORKERS ARRESTED IN DELHI UNDER THE UNITED PROVINCES GOONDA ACT.**

227. \*Sardar Sant Singh (on behalf of Sardar Mungal Singh): Will the Honourable the Home Member please state:

- (a) whether it is a fact that Sardars Beant Singh, Hari Singh, Niranjana Singh and Bhagat Singh have recently been arrested in Delhi under the United Provinces Goonda Act;
- (b) the definition of a *goonda*;
- (c) whether he is prepared to lay on the table of the House the charges brought against each of them;
- (d) whether it is a fact that these gentlemen had been taking active part in national public activities, including that of the Congress;
- (e) whether it is a fact that these gentlemen were convicted under section 17 of the Indian Criminal Law Amendment Act in 1930 and 1932 in connection with the civil disobedience movement; and
- (f) whether Government are satisfied that the use of the United Provinces Goonda Act in their case is justified at all?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) The term is defined in the Act as including a hooligan, bully, rogue or *badmash*.

(c) Copies of the charges, as supplied to the person arrested, are laid on the table. The essence of the charges in each case is that the person is a *goonda* in the sense of the definition quoted.

(d) I have no information on this point, but the fact of their having taken part in "public activities" cannot in any case indemnify them from proceedings under the Act, if it is established that they are hooligans and bullies.

(e) The past convictions of the four men are set out in the charges. The circumstances surrounding these convictions will doubtless be investigated by the advising judges.

(f) The advising judges are still considering the cases, and in such circumstances it would clearly be inappropriate for me to express any opinion.

**BEANT SINGH.**

*Heads of charges.*

1. He is a member of a gang or body of goondas including Niranjana Singh, Akali, Hari Singh and Bhagat Singh Kirti, engaged in habitually committing offences involving a breach of the peace and criminal intimidation.
2. In April, 1927 he was convicted u/s 32 of the Police Act, 1861, for infringing conditions of a processional license and sentenced to pay a fine of Rs. 100.

3. In November, 1930 he was convicted u/s 17 of the Indian Criminal Law Amendment Act, 1908 and sentenced to undergo 3 months' rigorous imprisonment and also to pay a fine of Rs. 50.
4. In February, 1932 he was arrested as a suspect in the case known as the Lothian train bomb case.
5. On or about the 28th of July, 1937 he along with others including Niranjn Singh and Hari Singh took deceitful possession of a Hindu Dharamshalla in Mohalla Kundewalan Delhi.
6. In 1938 he along with Hari Singh and Niranjn Singh forcibly encroached upon Government land around Mata Sundri Gurdwara, New Delhi and threatened those who agreed to take the land on lease from Government.
7. On various occasions during June to October, 1938, he criminally intimidated Khushal Singh manager of Sisganj Gurdwara, Delhi and on 15th December 1939, on the Guru Tegh Bahadur Martyrdom day made no secret of his intention that he and his men had decided to murder S. S. Ranjit Singh, Deputy Superintendent of Police and S. S. Sunder Singh Dhupia in case there was a riot that day.
8. On 6th May 1939 in a Sikh Dewan in Gurdwara Sisganj, he exhorted Sikhs to wreak vengeance on Government officials responsible for firing on Sisganj Gurdwara in 1930.
9. Has been responsible for creating trouble and gravely endangering public peace on the occasion of Guru Tegh Bahadur Martyrdom day procession for the last three years.

#### HARI SINGH.

##### *Heads of charges.*

1. In 1927 and again, in 1930 he was convicted u/s 32 of the Police Act, 1861.
2. On 15th March, 1932 he was convicted u/s 17-A of the Indian Criminal Law Amendment Act of 1908.
3. On or about the 28th of July, 1937 he along with others including Beant Singh and Niranjn Singh took deceitful possession of a Hindu shrine in Mohalla Kundewalan, Delhi.
4. In 1938 he along with Beant Singh and Niranjn Singh forcibly encroached upon Government land around Mata Sundri Gurdwara, New Delhi and threatened those who agreed to take the land on lease from Government.
5. On various occasions during June to October, 1937 he criminally intimidated Khushal Singh, manager of Sisganj Gurdwara, Delhi.
6. On 6th May, 1939 in a Sikh Dewan in Sisganj Gurdwara he exhorted Sikhs to wreak vengeance on Government officials responsible for firing on Sisganj Gurdwara in 1930.
7. Has been responsible for creating trouble gravely endangering public peace on the occasion of Guru Tegh Bahadur martyrdom day annual procession for the last three years.

#### NIRANJAN SINGH.

##### *Heads of charges.*

1. Is a member of a gang or body of goondas including Beant Singh, Hari Singh, and Bhagat Singh Kirti, engaged in habitually committing offences involving a breach of the peace and criminal intimidation.
2. On or about the 28th of July, 1937, he along with others including Beant Singh and Hari Singh, took deceitful possession of a Hindu Dharamshala in Mohalla Kundewalan, Delhi.
3. In 1938 he along with Hari Singi and Beant Singh forcibly encroached upon Government land around Mata Sundri Gurdwara, New Delhi and threatened those who agreed to take the land on lease from Government.

4. On various occasions during June to October 1938, he criminally intimidated Khushal Singh, Manager of Sisganj Gurdwara, Delhi.
5. Has been responsible for creating trouble and gravely endangering public peace on the occasion of Guru Tegh Bahadur martyrdom day anniversary procession for the last two years.

**BHAGAT SINGH.**

*Heads of charges.*

1. Is a member of a gang or body of goondas including Niranjan Singh, Beant Singh and Hari Singh engaged in habitually committing offences involving a breach of the peace and criminal intimidation.
2. In 1930 he was sentenced to six months' rigorous imprisonment.
3. On 8th December, 1931 the District Magistrate, Meerut, served him with a notice u/s 144 Cr. P. C. prohibiting him from delivering a speech in a public meeting for two months.
4. On 11th February, 1932 at Delhi, he was arrested under section 3 of the Emergency Powers Ordinance 1932, detained for two months and then expelled from Delhi on 10th April 1932.
5. Has been responsible for creating trouble gravely endangering public peace on the occasion of annual procession in connection with the martyrdom day of Guru Tegh Bahadur—the 9th Sikh Guru, for the last two years.

**Sardar Sant Singh:** May I request the Honourable Member to tell me if the principle underlying the Goonda Act was not applicable for the purpose of applying it upon those who took part in political or religious activities?

**The Honourable Sir Reginald Maxwell:** No, Sir.

**Sardar Sant Singh:** Does the Honourable Member mean to tell us that in the case of religious activities where honest differences of opinion exist between the various sections in the committees governing those religious institutions the Goonda Act will apply? Is that his contention?

**The Honourable Sir Reginald Maxwell:** The Act applies to Goondas.

**Sardar Sant Singh:** The charges which have been laid down are before me at this time. I am asking the Honourable Member whether the Goonda Act will apply in the case of a religious institution where honest differences of opinions were shown among various sections in connection with the Gurdwara Committees?

**The Honourable Sir Reginald Maxwell:** The Honourable Member will be able to get all the details from the charges against these persons, which I have laid on the table.

**Lieut.-Colonel Sir Henry Gidney:** Will the Honourable Member inform this House whom the Government embrace under the word "badmash"?

**The Honourable Sir Reginald Maxwell:** It might be invidious to mention all the persons regarded in that light.

**Sardar Sant Singh:** May I ask the Honourable Member one question as regards Beant Singh. Charge No. 8 says: On the 6th May 1939 in a Sikh Dewan in Gurdwara Sisganj, he exhorted Sikhs to wreak vengeance on Government officials responsible for firing on Sisganj Gurdwara in 1930.

Was he prosecuted on this charge in a court of law?



**The Honourable Sir Reginald Maxwell:** That was one of the heads of charges and the advising judges will be able to find out whether it is true or not.

**Sardar Sant Singh:** I am not asking about the truth. May I ask whether the Goonda Act can apply in a case which is strictly religious?

**Mr. President (The Honourable Sir Abdur Rahim):** That is a question of opinion.

#### PROSECUTION OF PANDIT JAWAHAR LAL NEHRU.

**223. \*Sardar Sant Singh** (on behalf of Sardar Mangal Singh): Will the Honourable the Home Member please state:

- (a) whether the Governor General was consulted before the prosecution of Pandit Jawahar Lal Nehru was sanctioned by the United Provinces Government; and
- (b) what diet and other amenities are provided to Pandit Jawahar Lal Nehru in jail?

**The Honourable Sir Reginald Maxwell:** (a) The Governor General was made aware of the intention of the Government of the United Provinces to arrest Pandit Jawahar Lal Nehru.

(b) The Government of India understand that he is an A class prisoner and that the Provincial Government has also granted him certain additional concessions.

**Lieut.-Colonel Sir Henry Gidney:** Will the Government of India please inform this House whether they are prepared to issue orders to give similar generous treatment to other prisoners so convicted under the Defence of India Act?

**The Honourable Sir Reginald Maxwell:** No general orders are necessary. All persons arrested or detained are treated in accordance with their personal status and mode of living.

**Lieut.-Colonel Sir Henry Gidney:** Is it according to the status of the prisoners or according to the act committed?

**The Honourable Sir Reginald Maxwell:** According to prisoners.

**Mr. Akhil Chandra Datta:** Was the Governor General or the Government of India consulted as regards the sentence to be pronounced upon him?

**The Honourable Sir Reginald Maxwell:** No.

**Dr. Sir Ziauddin Ahmad:** Is it not a fact that the sons of the members of the Legislature, if they are detained under this clause, will be given A class? Is this not the rule?

**The Honourable Sir Reginald Maxwell:** I am not prepared to hold out inducements to the members of the Legislatures.

**Dr. Sir Ziauddin Ahmad:** It is a fact that the son of a Member of the Central Legislature has been detained. I want to know whether he will be given A class or B class.

**The Honourable Sir Reginald Maxwell:** I shall require notice of that.

**Sardar Sant Singh:** May I know why the Government of India is making a departure in the case of Indians when they say that the treatment is given according to the status of the prisoner and not according to the act committed by him when the same distinction is not made in the case of the enemy personnel who are detained under the Convention mentioned by him in answer to my previous question?

**The Honourable Sir Reginald Maxwell:** I have already stated that the status of enemy internees is that of a prisoner of war.

#### PERSONS PROSECUTED OR DETAINED UNDER THE DEFENCE OF INDIA ACT AND RULES.

**229. \*Sardar Sant Singh** (on behalf of Sardar Mangal Singh): Will the Honourable the Home Member please state:

- (a) the total number of persons who have so far been prosecuted under the Defence of India Act and the Rules framed thereunder; and
- (b) how many of them have been detained without trial; giving the figures Provincewise?

**The Honourable Sir Reginald Maxwell:** (a) The Government of India do not maintain Statistics of all persons prosecuted under the Defence of India Rules; but the information has been called for and will be laid on the table of the House in due course.

(b) The Honourable Member is referred to the answer given to part (a) of Sardar Sant Singh's question No. 216 on the 21st November.

#### BURGLARIES AND DACOITIES IN NEW DELHI.

**230. \*Mr. M. S. Aney:** (a) Will the Honourable the Home Member please state if he is aware that a feeling of great insecurity prevails among the clerks and assistants in the Government of India and attached offices owing to the frequent burglaries and dacoities that have taken place in New Delhi during the past year or so?

(b) Have any steps been taken to allay the present panicky feeling among the residents of New Delhi? If so, what?

(c) Is it a fact that accounts of thefts and burglaries in and around New Delhi appear almost daily in the local press?

(d) In how many cases have complaints been registered with the police?

(e) In how many cases have the culprits been traced, or has stolen property been restored to the owners?

(f) Was there recently a case of burglary in the locality of Barakhamba Road, in which the servant left in the house was murdered and all the property burgled?

(g) Has the murderer or murders, referred to above been traced and tried?

**The Honourable Sir Reginald Maxwell:** With your permission, Sir, I will answer questions Nos. 230 and 231 together. The information has been called for from the Chief Commissioner, Delhi, and will be laid on the table of the house in due course.

**Mr. Lalchand Navalrai:** Does the Honourable Member know the fact that there has been an increase in burglaries? Does he know that fact or not?

**The Honourable Sir Reginald Maxwell:** I cannot say until I have seen the Chief Commissioner's report.

#### BURGLARIES AND DACOTTIES IN NEW DELHI.

†231. \***Mr. M. S. Aney:** Will the Honourable the Home Member please state:

- (a) whether he is aware that clerks and assistants of the Government offices living in New Delhi cannot go out even for a walk at any time of the day or in the evenings with their family and children, for fear that thieves may break into the house in their absence;
- (b) whether there have been instances in which tenants left their quarters vacant for very short periods of time, and those quarters were burgled in that short space of time;
- (c) whether Government are prepared to post additional police or patrols to tour round the affected areas, *vis.*, the Minto Road area and the squares and streets round the Gole Market and other places, if necessary withdrawing some of the numerous policemen posted in the Assembly building and such like places;
- (d) whether Pathans or persons from other Provinces have been involved or suspected to be involved in cases of burglaries in and around New Delhi;
- (e) whether Pathans with long staffs and other bad characters from the city of Delhi proper, too are always prowling round the various localities in New Delhi during the day time;
- (f) whether the police have any list of bad characters or *goondas* in the Province of Delhi, and whether the movements of the vagabonds and suspicious characters are being regularly watched by them;
- (g) whether Government are prepared to consider the advisability of summarily deporting the bad characters or suspects on the police list who may be prowling in the streets of New Delhi; and
- (h) whether Government propose to treat this matter as a very urgent one, calling for speedy remedial measures?

†For answer to this question, see answer to question No. 230.

**EMERGENCY COMMISSION IN THE LAND AND AIR FORCES OF HIS MAJESTY'S GOVERNMENT IN INDIA.**

382. \*Maulvi Muhammad Abdul Ghani: Will the Defence Secretary please state:

- (a) the names of various units or districts in India where primary selection is made for the grant of Emergency Commissions in the Land and Air Forces of His Majesty's Government;
- (b) the total number of candidates selected by every unit up till now and recommended to the Central Selection Board;
- (c) the number of candidates of every unit rejected by the Central Selection Board up till now;
- (d) the number of (i) Anglo-Indians, (ii) Domiciled Europeans and (iii) Muslims, selected by various units and rejected by the Central Selection Board up till now; and
- (e) the number of non-Matriculates, Matriculates, Intermediate in Arts and Bachelor of Arts among (i) the Anglo-Indians, (ii) Domiciled Europeans, and (iii) Muslims, selected by each unit, and the Central Selection Board up till now?

**Mr. C. M. G. Ogilvie:** (a) A list of military districts and areas where primary selection for emergency commissions to the Army is made has been laid on the table. Primary selection for emergency commissions in the Indian Medical Service is made by the Principal Administrative Medical Officer in each Province. Until the present, selection for the Indian Air Force has for the most part been made by a central board.

(b) and (c). In respect of the Army, information is available only for the last three selection boards. A statement is laid on the table. 200 candidates for the Indian Air Force have so far been rejected by the central interview Board.

(d) The papers of rejected candidates for the Army were destroyed and it is not known to what communities they belonged.

A statement giving the figures for the Indian Air Force is laid on the table.

(e) This information is not retained after the time of selection and it has only been possible to collect it in respect of those now under training. A statement regarding these cadets is laid on the table.

*Statements.*

*Part (a).*—Statement showing military districts and areas where primary selection is made for emergency commissions.

Peshawar District.  
 Kohat District.  
 Waziristan District.  
 Rawalpindi District.  
 Lahore District.  
 Meerut District.  
 Lucknow District.  
 Presidency and Assam District.  
 Western (Independent) District.  
 Bombay District.  
 Deccan District.  
 Madras District.  
 Delhi Area.  
 Sind Area.  
 Jubbulpore (Independent) Area.

Part (b) and (c). Statement showing by districts and areas the numbers of candidates (a) recommended from the districts to the Central Interview Board and (b) selected and (c) rejected by the Central Interview Boards held in May, July and October 1940.

District/Area.	Nos. recom- mended by Districts to the Central Interview Board.	Nos. select- ed by the Central Interview Board.	Nos. reject- ed by the Central Interview Board.
Peshawar . . . . .	57	25	32
Kohat . . . . .	18	8	10
Waziristan . . . . .	5	2	3
Rawalpindi . . . . .	43	23	20
Lahore . . . . .	53	31	22
Meerut . . . . .	27	13	14
Lucknow . . . . .	60	33	27
Presidency and Assam . . . . .	53	44	9
Western (Independent) . . . . .	26	..	26
Bombay . . . . .	116	39	77
Deccan . . . . .	48	22	26
Madras . . . . .	42	20	22
Delhi Area . . . . .	33	18	15
Sind Area . . . . .	12	6	6
Jubbulpore (Independent) Area . . . . .	24	12	12
Overseas, e.g., Burma, Malaya . . . . .	17	11	6
	<hr/> 634	<hr/> 307	<hr/> 327

N. B.—The Central Interview Board also interviewed candidates in February 1940. It is regretted that information in regard to the numbers actually recommended by Districts for that interview is not available. The quota allotted to each District was 15. Of those interviewed by the board, the following were selected :—

Peshawar . . . . .	2
Kohat . . . . .	3
Waziristan . . . . .	..
Rawalpindi . . . . .	1
Lahore . . . . .	5
Meerut . . . . .	3
Lucknow . . . . .	6
Presidency and Assam . . . . .	3
Western (Independent) . . . . .	2
Bombay . . . . .	3
Deccan . . . . .	2
Madras . . . . .	3
Delhi Area . . . . .	3
Sind Area . . . . .	1
Jubbulpore (Independent) Area . . . . .	3
Overseas, e.g., Burma, Malaya . . . . .	..
	<hr/> 40

Statement showing the number of candidates from each Province selected by Principal Medical Administrative Officer and rejected by the Central Interview Board.

Provinces.	Selected by P. M. A. O.	Rejected by Central selection Boards.
Assam . . . . .	7	} Nil.
Bengal . . . . .	107	
Bihar . . . . .	36	
Bombay . . . . .	48	
Central Provinces . . . . .	16	
Madras . . . . .	131	
North-West Frontier Province . . . . .	12	
Orissa . . . . .	6	
Punjab . . . . .	120	
Sind . . . . .	5	
United Provinces . . . . .	42	
Burma . . . . .	4	
Other areas including States . . . . .	57	
	591	

Part (d).—Statement showing the number of (i) Anglo-Indians, (ii) Domiciled Europeans and (iii) Muslims who were selected and rejected for emergency commissions in the Indian Air Force.

	Selected.	Rejected.
(i) Anglo-Indians . . . . .	1	4
(ii) Domiciled Europeans . . . . .	Nil	Nil
(iii) Muslims . . . . .	33	40

Part (e)—(i).—Statement showing the numbers of (i) Anglo-Indians, (ii) Domiciled Europeans and (iii) Muslims selected for emergency commissions in the Army by the Central Interview Boards in July and October, 1940, with their academic qualifications.

(i) *Anglo-Indians*—

(1) Non-Matriculates . . . . .	3
(2) Matriculates . . . . .	2
(3) Intermediate in Arts and Science . . . . .	7
(4) Senior Cambridge . . . . .	7
(5) B.A., B.Sc. and B.A., LL.B. . . . .	18
(6) M.A. and M. Sc. . . . .	4
Total . . . . .	41

(ii) *Domiciled Europeans*—

(1) Intermediate in Science . . . . .	1
(2) Senior Cambridge . . . . .	1
(3) B.A. . . . .	2
Total . . . . .	4

**(ii) Muslims—**

(1) Non-Matriculates . . . . .	4
(2) Matriculates . . . . .	12
(3) Intermediate in Arts and Science . . . . .	9
(4) Senior Cambridge . . . . .	4
(5) M.A. . . . .	7
(6) B.A., B.Sc., and B.A., LL.B. . . . .	30
	<hr/>
	66

Part (e)—(ii). Statement showing the number of (i) Anglo-Indians, (ii) Domiciled Europeans and (iii) Muslims selected for emergency commissions in the Indian Air Force who were non-matriculates, Matriculates, Intermediates in Arts or Bachelors of Arts.

**(i) Anglo-Indians—**

Intermediate in Arts . . . . .	1
--------------------------------	---

**(ii) Domiciled Europeans—**

*Nil.*

**(iii) Muslims—**

Non-Matriculate . . . . .	1
Matriculates . . . . .	11
Intermediate in Arts . . . . .	15

---

**MOVE OF THE ARMY HEADQUARTERS TO SIMLA AND BACK.**

**233. \*Mr. Muhammad Ashar Ali:** (a) With reference to the reply to starred question No. 187 on the 26th February, 1940, will the Defence Secretary please state the present total strength of each of the Branches of the Army Headquarters?

(b) How many persons have not moved down from Simla from each of the Branches?

(c) Is it proposed to curtail, or stop altogether, the move of the Army Headquarters to Simla and back? If so, when? If not, why not?

**Mr. O. M. G. Ogilvie:** (a) and (b). A statement is laid on the table.

(c) No, Sir, for the reasons given in reply to starred question No. 1676, asked by Mr. S. Satyamurti on the 1st December, 1938 and the supplementary questions arising therefrom.

---

*Statement.*

(a) The present total strength of Branches of Army Headquarters, etc., is as follows :

	Officers.	Clerks.
General Staff Branch . . . . .	123	303
Adjutant General's Branch (including Medical Directorate) . . . . .	70	314
Quartermaster General's Branch . . . . .	49	149
Master General of Ordnance Branch (including D. D. O. S. P.) . . . . .	70	474
Engineer-in-Chief's Branch . . . . .	31	153
Military Secretary's Branch . . . . .	12	77
Headquarters, Air Forces in India . . . . .	44	126

(b) The number of persons from each Branch of Army Headquarters who have not moved down from Simla is as follows :

	Officers,	Clerks.
General Staff Branch . . . . .	10	59
Adjutant General's Branch . . . . .	4	10
Quartermaster General's Branch . . . . .	4	9
Master General of Ordnance Branch . . . . .	..	1
Engineer-in-Chief's Branch . . . . .	3	15
Military Secretary's Branch . . . . .	..	1
Headquarters, Air Forces in India . . . . .	..	..

#### BURGLARIES AND DACOTIES IN NEW DELHI.

234. \*Mr. Muhammad Azhar Ali: (a) Will the Honourable the Home Member please state whether Government are aware that there has been an increase in crimes in Delhi during the last two years? If so, what are the reasons?

(b) Will Government please state the number of burglaries and thefts which occurred from 1st January, 1939 to 1st October, 1940, and the total value of property stolen?

(c) Was any of this property recovered by police? If so, of what value?

(d) Is it a fact that in June 1938, a big gang of criminals called Bauriyas, was arrested in Delhi? If so, what was the number of men in the gang?

(e) Is it a fact that some members of this gang were responsible for several thefts in 1937?

(f) Under what guise was this gang operating in Delhi? Were the statements of all the men of the gang fully verified in that connection?

(g) How many cases of theft were traced to this gang?

(h) Was any property recovered from these men? If so, of what valuation?

(i) Was any consolidated list of untraced cases of theft for the period the gang operated in Delhi prepared?

**The Honourable Sir Reginald Maxwell:** I will with your permission, Sir, answer questions Nos. 234, 235, 236 and 237 together. The information has been called for from the Chief Commissioner, Delhi, and will be laid on the table of the House in due course.

**Mr. M. S. Aney:** What is the distance between the Government of India Secretariat and the Chief Commissioner's office in Delhi?

**The Honourable Sir Reginald Maxwell:** About five miles.

**Mr. M. S. Aney:** Does it take more than ten days to get the information from that office?

**The Honourable Sir Reginald Maxwell:** I did not have ten days' notice.

**Mr. Govind V. Deshmukh:** Was there not sufficient time between the time when the question was given notice of and now for the particulars to be obtained?



**The Honourable Sir Reginald Maxwell:** The question asked for very detailed information and it has not yet been obtained.

**ARREST OF A GANG OF THIEVES OF BAURIYA CRIMINAL TRIBE.**

†235. \***Mr. Muhammad Azhar Ali:** (a) With reference to the arrest of a gang of thieves belonging to the criminal tribe called Bauriyas, in June 1938, will the Honourable the Home Member please state whether every member of the gang was interrogated in respect of each untraced case of theft?

(b) Was the staff and the time at the disposal of the investigating officers sufficient enough for individual interrogation?

(c) Did the Officer-in-charge of investigation put up a report that the staff and the time both were insufficient for a thorough investigation? If so, what action was taken on that report?

(d) Is it a fact that the gang was interrogated specially in respect of New Delhi cases only? If so, why?

**INFORMATION GIVEN TO THE KAROL BAGH POLICE STATION, DELHI, ABOUT THE PRESENCE OF A GANG OF CRIMINALS CALLED BAURIYAS.**

†236. \***Mr. Muhammad Azhar Ali:** Will the Honourable the Home Member please state whether it is a fact that in the middle of May, 1939, a police agent gave information to the Karol Bagh Police Station about the presence in the vicinity of a part of a gang of criminals called Bauriyas with stolen property in their possession?

**STEPS TO REDUCE THE NUMBER OF THEFTS AND OTHER CRIMES IN DELHI.**

†237. \***Mr. Muhammad Azhar Ali:** Will the Honourable the Home Member please state whether the Government of India or the Local Government have taken or are taking any action to reduce thefts and other crimes in Delhi? If so, what? If none, why not?

**SINKING OF THE STEAMER "KEMENDINE."**

238. \***Mr. Lalchand Navalrai:** (a) Will the Honourable the Home Member be pleased to state if the steamer "Kemendine" was sunk? If so, where and how?

(b) Is it a fact that the Government of India issued a notification by about 30th August, 1940, giving the names of some of the Sindhis who were on board the vessel, having got on from Gibraltar?

(c) Have Government since then got further information about this steamer and the casualties, and will the Honourable Member be pleased to place a statement on the table giving the names of all Indians, including Sindhis, who were on board and who were saved, also giving their present whereabouts?

**The Honourable Sir Reginald Maxwell:** (a) The S. S. "Kemendine" is presumed to have been sunk. She is reported to have left Gibraltar for the East via the Cape early in June last, since when nothing has been heard of her.

(b) No notification was issued by the Government of India; but the names of the Indian passengers, who were all Sindhis, were furnished to the Government of Sind on August 26th, 1940, in order that the next of kin might be informed. The names were also published in the Press.

(c) Government have no further information. A statement giving the names of the Indian passengers who embarked on the vessel is laid on the table.

---

*Statement showing the names of the Indian passengers who embarked on the S. S. "Kemmendine" which left Gibraltar on the 8th June, 1940.*

K. Bulchand, wife, three daughters and two sons.  
 L. Hasaaran.  
 S. J. Choolani.  
 K. G. Chandiramani.  
 H. Khemchand and wife.  
 Param Advani.  
 S. Doulatram.  
 P. X. Nanwani.  
 K. R. Nawalrai.  
 S. Valiram.  
 T. Rewachand.  
 Mrs. S. Tarachand, daughter, son and infant.  
 Tarachand Veroomal.  
 K. Barsati.  
 V. Valiram.  
 D. Daloomal.

---

**Mr. Lalchand Navalrai:** May I know from the Honourable Member if there were any survivors, and at what place was the steamer sunk?

**The Honourable Sir Reginald Maxwell:** I have said that nothing further was heard of this steamer.

---

#### MOTION FOR ADJOURNMENT.

CLOSING OF THE CHANDPUR-SIAU-BIJNOR SECTION OF THE GAJRAULA MUAZZAMPUR NARAIN BRANCH OF THE EAST INDIAN RAILWAY.

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. With regard to the adjournment motion which the Honourable Member Sir Syed Raza Ali wanted to move yesterday, I would ask the Honourable Member Sir Andrew Clow if he has got any information and if he has any objection to the motion.

**The Honourable Sir Andrew Clow** (Member for Railways and Communications): I have no objection to the motion, Sir; but I take it the concluding lines will be deleted. I would only call your attention to the fact that I have received notice of another motion raising precisely similar issues on a different line. The considerations in both cases are similar

and, if it would suit the convenience of the House and of the Honourable Members who have tabled the motions, I suggest that both might be taken up together.

**Mr. President** (The Honourable Sir Abdur Rahim): It relates to the closing of another line?

**The Honourable Sir Andrew Olow**: Yes, Sir; that relates to a different Railway. The reasons which have led to the action are practically the same in both cases; and if there is no objection under the rules, we can discuss them jointly.

**Mr. President** (The Honourable Sir Abdur Rahim): I cannot allow that, as they are two distinct matters but of course the Honourable Member, Mr. Essak Sait, if he is satisfied with the result of the first motion or the facts disclosed in the debate on the first motion may or may not desire to move it.

**Mr. H. A. Sathar H. Essak Sait** (West Coast and Nilgiris: Muhammadan): Sir, if I am allowed to speak on the subject-matter of my motion on Sir Raza Ali's adjournment motion and if the Honourable the Railway Member deals with my motion also when replying to Sir Raza Ali, I will have no objection.

**Mr. President** (The Honourable Sir Abdur Rahim): No, no, I cannot allow that. The motion will be taken up at 4 O'clock unless the Member in charge and the House agree that it should be taken up earlier if the business on the agenda is finished earlier.

**The Honourable Sir Andrew Olow**: I am quite willing if you wish to take it up as soon as the business is finished. Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): Is that the general desire of the House?

(Voices: Yes, yes.)

**Mr. President** (The Honourable Sir Abdur Rahim): Very well.

---

#### THE HINDU WOMEN'S RIGHTS TO PROPERTY (AMENDMENT) BILL.

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I do not move my motion No. 1 but I should like to move No. 2. Sir, I move:

"That the Bill further to amend the Hindu Women's Rights to Property Act, 1937, be referred to a Select Committee consisting of the Honourable Sir Muhammad Zafrullah Khan, The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar, Mr. M. S. Aney, Lieut.-Colonel Sir Henry Gidney, Syed Ghulam Bhik Nairang, Pandit Lakshmi Kanta Maitra, Raja Bahadur Kushalpal Singh, Shams-ul-Ulema Kamaluddin Ahmed, Bhai Parma Nand, Mr. J. Ramsay Scott, Mr. Umar Aly Shah 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 relates to the right of inheritance of Hindu daughters. I am anxious to state at the very outset that this Bill does not propose to give

[Mr. Akhil Chandra Datta.]

any new rights to the Hindu daughters. They had a right under the Hindu law which they enjoyed from time immemorial about inheritance. That right has been taken away by the recent Act of 1937, or rather the Act of 1937 as amended by the Act of 1938. My Bill really does not seek to amend any provision of Hindu law at all, nor does it seek to amend the Hindu Women's Rights to Property (Amendment) Act of 1937 but what is really sought to be amended is the Act of 1938 amending the Act of 1937.

Now, Sir, in order to explain my contention that it does not give any new rights at all to the Hindu daughters but to restore them to their former position, a position which they have occupied since time immemorial, I would like to explain what the law was before and what changes have been made by these two Acts—one of 1937 and the other of 1938. As regards the position of Hindu daughters in the order of succession and inheritance, there is no controversy about that. Their place in the order of succession was this. When a Hindu dies, first of all comes the son, the grand-son, the great-grand-son, and then next comes the widow, and after the widow comes the daughter. We need not go further below for the purpose of this Bill, so that the Hindu daughter occupied the fifth place in one sense and the third place in the order of succession in another sense. That was the position of the Hindu daughters. The position is so uncontroversial that I should not like to take up the time of the House by reference to any text-books or any other law.

Then let us come to the Act of 1937. Now, that Act was intended to give better rights to Hindu women, and in fact better rights have been given. Now, Sir, that was done in a two-fold manner. It improved the position of some female heirs and it gave new rights altogether to some other female heirs who had no such rights before. Now, the Act of 1937 improved the position of the widow and improved the position of the daughter also but gave absolutely new rights to a class of females who had no right of inheritance under Hindu law previously,—I mean the daughters-in-law, the granddaughters-in-law and the great granddaughters-in-law; except under the Bombay school, a daughter-in-law has no place at all in the list of succession. As regards the widow and the daughter, their position was distinctly improved by the Act of 1937. So far as the widow is concerned, under the law her position was this. She had no right at all if a son or grandson or great grandson was alive. She could come only in their absence. Not only that but she could come in and claim her share in the property of her husband only in the event of a partition between the sons. That was her position. But by the Act of 1937, she was given a share equal to that of a son and along with the son in the very first instance. That was how the position was improved. Similarly, the position of the daughter was also improved. The daughter, as I said, occupied the fifth place according to the Hindu Law but under the Act of 1937 she came along with the son and the widow and she need not wait till the death of sons or the widow under the Act of 1937. She was to receive her share in the whole property under the Dayabhaga school and the separate property under the Mitakshra school. According to the former school, the whole property on the death of a man would devolve upon his widow along with his lineal descendants. The words 'lineal descendants', including male and female, the daughter came in along with the

sons and the widow. Thus, she was promoted from the fifth place to the first place, so that the position and status of the daughter was immensely improved by the Act of 1937. Then, came the Act of 1938 almost immediately after it. This Act was the result of a Government Bill, whereas the Act of 1937 was the result of a private Bill. As regards the Act of 1938, I will quote a passage from the speech of the Honourable the Law Member when he moved that Bill. This is what he said :

"The object of this Bill, as appears from the Statement of Objects and Reasons, is not either to widen the scope of the original Bill or to limit it in any way, but to correct a mistake made. The language was very unhappy when we used the words 'along with lineal descendants'. It was pointed out by many of the law journals in Calcutta including the *Calcutta Weekly Notes* that it is quite capable of the construction that we are giving rights to all lineal descendants,—that is to say, the daughter's daughter, the daughter's son, the daughter's daughter's son, and so forth,—that they are all going to get a share as a result of the enactment of this measure. That of course was not the intention, but the language employed has been very unhappy. It was pointed out in the *Calcutta Weekly Notes* and also in the *Bombay and Madras Law Journals*, and we are trying to correct that."

That was the object, and because the words 'lineal descendants' were used it was apprehended that it may give a share to the daughter's descendants. Therefore, in the Act of 1938, the expression 'lineal descendants' was omitted, and in its place the word used was 'son'. The result was this: The object was to exclude daughter's son, daughter's daughter and daughter's daughter's son and so on, but in doing so the daughter herself was excluded. I do not know how it was done, probably by some inadvertence. The daughter was excluded and a new class of heirs were introduced between the widow and the daughter. The original law was that after the widow came the daughter, but now, as a result of the amendment of 1938, between the widow and the daughter a new class of heirs were introduced, namely, the daughters-in-law. The result was that under the Act of 1938 the daughter was ousted even from her original position, which was fifth before the Act of 1937. In other words, the daughter was sacrificed in 1938 to the daughter-in-law. She was ousted from her original position and on the top of her head a class of females were introduced who had no right of inheritance at all under the Hindu law. That is how the daughter was affected by the Act of 1938. The Act of 1937 improved her position and the Act of 1938 not only took away her improved position but also removed her from her original position. I do not think I need take the time of the House by quoting authorities on the point as to what was the effect of the changes made by these two Acts. I shall content myself by reading a paragraph from Mayne's Hindu Law. This paragraph was written after those two Acts had been passed.

"Quite recently the Hindu Women's Rights to Property Act, 1937 was passed to amend the Hindu Law of all the schools so as materially to confer greater rights on women than they had. The Act effects revolutionary changes in Hindu law, more particularly in the Mitakshara law."

Revolutionary changes were effected not only about the detailed provisions, but about the very foundation and the structure of the system of Hindu law. To all these changes the Government were a party. So far as the earlier Act is concerned, although it was a private Bill, it had the blessings of the Government. In fact although there was some opposition in some quarters, it was passed with the support of the Government. As regards the Act of 1938, that was a Government measure. So, Sir, the Government is responsible for these revolutionary changes. I shall show

[Mr. Akhil Chandra Datta.]

later on that my Bill does not propose anything revolutionary or radical. The above paragraph in the Mayne's Hindu Law proceeds:

"It affects the law of the coparcenary, partition and alienation. It will also affect the topics of inheritance and adoption. It confers upon the widow of a man, whether governed by the Mitakshara or the Dayabhaga law, rights of inheritance to his property even when he leaves male issue. Similar rights are conferred upon the widows of his predeceased son. In a Mitakshara undivided family, the widow of a deceased coparcener takes his interest. In all cases, the widows are entitled to claim partition, but they take only the limited interest of a Hindu woman. Where a coparcener leaves a widow, the rule of survivorship no longer takes effect."

In another place it is said:

"The Act replaces the rule of Hindu law recognised in all the provinces except in Madras where it has become obsolete, that a widow was entitled to a share when her sons or her step-sons actually divided the estate between themselves. Now in all the provinces including Madras, the Act vests in her on her husband's death the right to the same share as a son along with her sons or step-sons independent of any partition which may or may not be entered into by them. In Madras of course the change effected by the Act is much greater. What is more, it repeals in all the provinces the older rule according to which a widow succeeds only on failure of male issue. For instance, even where her husband leaves an only son and there can be no question of partition, she succeeds along with him for the share of a son.....While the object of the Act is to confer new rights of succession upon the widows mentioned in it, it not only alters the order of succession, but involves far-reaching consequences in many departments of Hindu law, particularly in the law relating to a Mitakshara coparcenary."

Later on it is said:

"By far the most important alteration in the fundamental principles of Hindu law is that introduced by sub-section (2) to section 3. In a Mitakshara undivided family, the widow of a deceased coparcener will have in the joint family property "the same interest as he himself had". This devolution of his interest on her abrogates the rule of survivorship and makes the undivided interest of a coparcener pass to his widow, even when he leaves male issue."

I must confess I am not concerned in this Bill with the changes made about the status and the position of widows. My point is only to show the revolutionary character of the changes which Government have made in the Hindu law. That being the position, I shall now come to my Bill. Whatever improvements may have been made in the position of widows and daughters-in-law, my Bill does not touch it. It should not be understood from my remarks that I am at all sorry for the improvement made in the position of the widow. I am glad that such improvements have been made. My complaint is only this, that while the status of the widow has been improved, the status of the daughter-in-law has been improved, but the daughter has been sacrificed. Therefore, my Bill provides:

"Provided further that in the *absence* of a widow or a son or a son's son or a son's son's son of the intestate, the property of the deceased shall devolve on his daughters, subject to the limitations and in the order provided by the Hindu Law in this behalf:

Provided also that in the last mentioned case if there is a widow of a predeceased son existing with one or more maiden daughters, she shall inherit as a maiden daughter and if there is no maiden daughter but one or more married daughters having a son or sons the predeceased son's widow shall inherit as one of such daughters and if the daughter dies leaving a son or sons, the son or sons shall inherit, their mother's share along with the son's widow or son's son's widow or son's son's sons."

That is all what I want to do in this Bill. Now, Sir, it will be perfectly clear that in claiming for the daughter a share in the absence of the widow or the son or the son's son or the son's son's son, I do not claim anything new for her. I want only to restore to her the position which she occupied ever since from the beginning of the Hindu law. That being so, I claim that I am not introducing anything new. The Bill was circulated for opinion. Opinions have been received. After going very carefully into the whole body of opinion, I feel that I am entitled to say this. I do not think any Bill was ever so fortunate or so lucky as to have such a large measure of support from all possible quarters. So far as the principle of the Bill is concerned, so far as its merits are concerned, I mean the daughter's right to inherit are concerned, on that point the Bill has been approved by the Provincial Governments, by the Hindus who are mainly concerned, by the Hindu Mahasabha, by lawyers specially Government pleaders—I find that a very large number of Government pleaders have given most enthusiastic support to the provisions of the Bill. We have got some opinions of some Advocates. We have also got the opinions of some High Court Judges. As regards the High Court Judges the position is this. Some High Court Judges do not give any opinion on the ground that it is not their practice to give any opinion on social legislation. But those of the High Court Judges who have given opinion—most of them,—have favoured the provisions of the Bill. As regards Districts Judges most of them have supported the provisions of the Bill. Most of the Bar Associations have also approved. I think, Sir, I can correctly say this, as regards the principle of the Bill or as regards the merits of the claims of the daughter, there is no opposition at all. But there is some adverse criticism. That adverse criticism is not on this particular Bill. Some people think,—and I admit their opinion is entitled to great weight,—that such piecemeal legislation as regards Hindu law is not quite desirable. They think that there are other matters which also require reform and legislation and they recommend a comprehensive legislation dealing with all these matters instead of this legislation on one isolated point. On that point, Sir, my humble reply is this. I do not want to make any piecemeal legislation. What after all is the object of my Bill? Some piecemeal legislation has been made through the instrumentality and through the help of Government and I only want to undo the effect of that piecemeal legislation. Along with others I regret this piecemeal legislation of 1938. I not only regret it but I resent it: and from the volume of opinion it will be clear how that Act is resented throughout the country by the Hindus. But I do not wish that our regret and our resentment should be confined to mere pious wishes. I want to undo the mischief which has resulted from that piecemeal legislation of 1938. Let that Act of 1938 be repealed and I shall at once withdraw my Bill. I shall have no more grievance in that case. It is this piecemeal legislation of 1938 which has done this injustice to the daughter's claim and I only want to remove the mischief of that legislation. Of course comprehensive legislation on Hindu law is bound to be a question of time; but I ask what would happen to the thousands and millions of Hindu daughters who would be deprived of their right of inheritance to their fathers' estate in the meantime? Therefore my submission is that having once committed the mistake of piecemeal legislation and with its help taken away the rights of the Hindu daughters, the result of that ought to be undone until a comprehensive legislation is enacted. That is only fair to the Hindu daughters.

[Mr. Akhil Chandra Datta.]

The principle of the Bill being accepted all over the country, I claim that there is a very strong case for its reference to a Select Committee. According to the written and unwritten rules of this House when the principle of a bill is accepted it should be considered by the Select Committee. There is only one complaint made and that is that the drafting is not very happy. Let me concede for argument's sake that the draft is artistic. But thereon you can condemn me and cannot condemn the Hindu daughters because of my bad drafting. And assuming for argument's sake that the drafting is bad, that is no reason why you should visit the sin of the author of the draft upon the Hindu daughters. I therefore, submit, Sir, that a very strong case has now been made on the basis of the opinions received for reference of the Bill to a Select Committee. This Bill deals with a very large class of people; in fact, it relates to the right of inheritance of half the Hindu population. That is the importance of the matter. Sir, I move for reference of the Bill to a Select Committee.

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

"That the Bill further to amend the Hindu Women's Rights to Property Act, 1937, be referred to a Select Committee consisting of the Honourable Sir Muhammad Zafrullah Khan, The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar, Mr. M. S. Aney, Lieut.-Colonel Sir Henry Gidney, Syed Ghulam Bhik Nairang, Pandit Lakshmi Kantha Maitra, Raja Bahadur Kushalpal Singh, Shams-ul-Ulema Kamaluddin Ahmed, Bhai Parma Nand, Mr. J. Ramsay Scott, Mr. Umar Aly Shah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I rise to support this motion and in doing so I shall make a few brief observations. Under the Hindu law as it existed from the very earliest times until the year 1937 the daughter had a right of inheritance next to four other persons, viz., the son, the son's son, the son's grandson and the widow. So she occupied the fifth place in the order of inheritance. In 1937 Dr. Deshmukh got a Bill passed the object of which was to amend the Hindu law "to give better rights to women in respect of property", and that Act gave greater rights to the daughters. In fact the daughters were now promoted to the very first place. Dr. Deshmukh's object was to give the widow a share of the property and at the same time to improve the position of the daughter. But it was held by competent authorities that the wording of this Act was defective and, therefore, in the following year the then Law Member, Sir Nripendra Sircar brought forward another Bill the object of which was to amend the Act of 1937. In this Bill he used the words:

"When a Hindu governed by the Dayabhag school \* \* \* his widow shall be entitled in respect of property in respect of which he dies intestate, to the same share as the son."

As under the term "widow" was included also the son's widow, the son's son's widow, and the grandson's son's widow, the result was that the daughter was postponed till after all these persons that is, the daughter was given the 9th or 10th place in the order of inheritance. The consequence of this is that the daughter's right of inheritance is practically taken away, because it is not expected that the daughter



would survive not only the son and the grandson, the grandson's son and the widow, but also the son's widow, the grandson's widow and the grandson's son's widow. For all practical purposes, therefore, the daughter is deprived of any share to the property of her father. Mr. Datta's Bill seeks to restore the daughter to the position which she occupied till the year 1937, that is to say, the 5th place. As regards the estate, he does not wish to make any amendment. The daughter's estate would remain the same as the estate under the old Hindu law, that is to say, the daughter would take only a life interest, but the daughter's son would inherit later on. This is a very reasonable demand that Mr. Datta makes and it is entirely in consonance with the spirit of the Hindu law . . .

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Is it under the Dayabhaga only?

**Dr. P. N. Banerjee:** Both Dayabhaga and Mitakshara.

**Mr. Akhil Chandra Datta:** There is no difference between the two schools about the place of the daughter.

**Dr. P. N. Banerjee:** As regards the opinions of Hindus, this Bill was circulated for eliciting opinion thereon and a large number of views has been received. I have looked through these opinions and I have found that in principle there is very little objection to the Bill: in fact there is a very large measure of support to this Bill. There are some objections from certain quarters, but these objections are mainly based on the policy of not taking up piecemeal legislation. There is some force in that I admit; but as against that view it may be urged that it was piecemeal legislation which was responsible for taking away the right of the daughter, and unless another piecemeal legislation is introduced, this right cannot be restored. Therefore, piecemeal legislation, although not justified in ordinary circumstances, has justification in the present case. I, therefore, hope, that this Bill will, in principle, be acceptable to Government and that it will be referred to a Select Committee. If there are any defects in the wording of the Bill, those defects may be removed in the Select Committee, so that we may have before us ultimately a good Bill, the object of which will be to maintain the law as it stood till the year 1937.

**Mr. M. S. Aney** (Berar: Non-Muhammadan): Sir, as has been very rightly pointed out by the Mover of this Bill, it is intended to remove a kind of injustice done to the daughter on account of the Bill of 1938, which amended the Act of 1937. That is true. So far as that particular object is concerned, no Hindu, none who is conversant with the state of Hindu law can take any reasonable objection to the Bill at all. I only want to say that this Bill is incomplete in itself. If we once concede, as we must concede, that the Act of 1938 has done injustice to daughters, we have also to contemplate the fact that there may be cases pending before courts at present and there must be some provisions added to this Bill in order to see that, if this is going to be enacted as a law of this House, this law will have retrospective effect, so that those women whose cases are being decided in accordance with the principle laid down by the amending Act of 1938 will be in a position to get the

[Mr. M. S. Aney.]

advantage of this Bill. Some cases might be pending in appeal before the High Courts and some may be pending before the Sessions Judges being decided under the Act of 1938. Some provisions have to be introduced in this law to give or extend the justice to all those who have been adversely affected on account of the amendment made by the Act of 1938 . . .

**Mr. Akhil Chandra Datta:** May I invite the attention of my Honourable friend, Mr. Aney, to clause 1 (2) where I have said that "it will have retrospective effect from the 14th April, 1937", that is, the date on which the Governor General gave assent to that Act.

**Mr. M. S. Aney:** I am afraid I did not notice that sub-section. That was the main point, and I made these observations on that account. I personally think that we shall have to consider the language of the Bill in Select Committee; but the main point which the Bill is intended to serve is one to which this House at this stage cannot take any reasonable objection at all. On that point, all those who are competent to pronounce opinions and all those whose interests are vitally concerned have already expressed opinions in favour of the Bill and the body of opinion recorded goes to show that the Bill has the support of the Hindu community as a whole. I, therefore, support the motion.

**Syed Ghulam Bhik Nairang** (East Punjab: Muhammadan): Sir, I rise to support the motion moved by my Honourable friend, Mr. Akhil Chandra Datta. I take it that the object of the present Bill is not to affect the position of the daughter as an heir as provided in the Act of 1937—Dr. Deshmukh's Act, but to remove certain misapprehensions or rather prevent certain misconstructions arising from the amending Act of 1938, which was passed on the motion of Sir Nripendra Sircar. It appears from the facts stated by Mr. Datta that the daughter had had a very favourable position as an heir in Hindu law prior to the passing of the Act of 1937, and that she was fifth in the order of heirs. The Act of 1937 had the effect of improving her position and making her rank as an heir equal to a son and a widow. Now, it appears that while attempting to prevent certain misconstructions of the Act of 1937 which would have given rise to a state of things never contemplated by that Act, another mistake was committed and a number of heirs who would otherwise have no status under Hindu law were admitted to the status of heirs to the prejudice of the daughter. Taking that to be the position, Sir, and taking also into consideration the fact that the Bill when circulated for eliciting opinions has been favourably received by the majority of those who were interested in this measure, I mean responsible members of the Hindu community, I think it is my duty to accord the support of my Party to this motion. All along this has been the line of action we have taken with regard to legislation affecting the social rights of the Hindu community. We have always taken this to be the test that if the entire body of Honourable Hindu Members in this House or a preponderating majority of them are in favour of a Bill of that kind we have always felt bound to accord our support, and except under very rare circumstances the Muslim Members have never objected to any such measure, but have always consistently given their support. So on

that principle, Sir, I submit that this Bill should be referred to a Select Committee, and as has been rightly pointed out by my friend, Mr. Aney, any defects in drafting, can be easily removed in the Select Committee. In a matter in which an entire community feel united and give unstinted support to a measure like this, I trust the Government will at least not oppose the motion for reference to Select Committee. With these words, Sir, I support the motion.

**The Honourable Sir Reginald Maxwell** (Home Member): Sir, this Bill raises a question of very great interest and importance to those in this country who are governed by Hindu law. I do not pretend myself to be able to form a personal opinion on the merits of a measure affecting the Hindu family system, but I propose to address myself mainly to the question of what would be a safe and cautious course to adopt in the light of the opinions which we have received.

The House is aware of the main principles which govern the attitude of Government towards measures of social legislation. In the first place, before supporting such measures they must be satisfied that they have the overwhelming support of the community or communities which they affect, and secondly,—and this is an important point,—they must be satisfied that the enactment of the measures or the drafting of them is such that it will not introduce complications which would be likely to lead to confusion and uncertainty and unproductive litigation. Considering the matter from this aspect, the Government would possibly have been justified in opposing further legislation at present in the light of the opinions received. Very few of the Provincial Governments are in favour of this measure, and even where there is a certain amount of sympathy for the principle underlying the Bill, a strong feeling is manifest that piecemeal legislation of this kind is undesirable, and that, in fact, constant tinkering with the law can only lead to confusion unless undertaken in a systematic manner under the supervision of an expert Committee. This is also evidently the opinion of the High Courts, except one, which have given any measure of support to the principle of the Bill; while other High Courts which have expressed an opinion have emphasised the uncertainty and confusion in which the introduction of a new principle of inheritance at this stage would be likely to result. While I admit that among the other judicial authorities and public bodies consulted there is a certain measure of support for the Bill, the great mass of opinion expressed against it must be regarded at least as a warning that the time has not yet come when a measure of this kind can be regarded as altogether plain sailing. From the opinions received, therefore, as I said, the Government might have felt justified in opposing further legislation at present. But since those opinions were received, I have met in March last a deputation of Members of various Groups in this House who explained the objects of the Bill further to me, and as a result of that meeting, I caused the Bill to be further examined. From this fresh examination it does appear that there is some reason to suppose that the Act of 1937, as amended by the Act of 1938, has had effects on the position of daughters which were not intended by the Legislature. At any rate, it is apparent that the principal Act as now amended leaves room for much uncertainty.

I understand, broadly speaking, that the object of Mr. Datta's Bill is to restore the position of the daughter to that which she was intended

[Sir Reginald Maxwell.]

to occupy before the Act of 1937 was amended. That is the general result of the further examination to which I referred, and Government recognise that, in so far as that is the case, the object of this Bill is a laudable one, and it is agreed that the difficulties which have been pointed out are such as cannot be ignored for an indefinite time. In fact the whole law on this subject has now reached a stage at which it requires some kind of amendment, and notwithstanding the opinions which have been expressed against proceeding with further legislation on this subject at the present time, I think it cannot be presumed that if a measure were devised having the object which I have described it would in any way be repugnant to Hindu opinion. But, at the same time, the previous history of this legislation is a warning not to proceed to legislate rashly. It is already apparent that certain things were overlooked when the amending Act of 1938 was passed in spite of the fact that that Act was devised by a Select Committee. The examination which has now been made of the Bill before the House shows that it is badly drawn and that it is defective in many respects. In fact, before there could be any hope of passing legislation to achieve the objects which the Honourable the Mover has in view, it would be essential to recast the measure entirely and to enlarge it in many respects. That is not a simple task. We have tried to see whether that could be done by Government and what probable form such a measure would take. The result is such as to show the difficulty of being certain that the measure is properly devised. We drafted a trial measure to take the place of this Bill and it runs into six additional clauses and, many additional sub-clauses and it shows most clearly the complicated nature of the considerations which would have to be gone into before a measure of this kind could be regarded as properly devised and safe. It might have been possible to tackle the matter in the Select Committee and, afterwards, to re-circulate the measure so devised, but where the object is to secure not only the intentions of the present Bill but to clarify and amend the whole of the principal Act, one must, I think, feel, that a Select Committee is not the best means of achieving such an object. As I have said, the efforts of the Select Committee on a previous occasion have failed to leave us with a measure effecting what was then intended, and more particularly when a considerable number of legislators who might have been at our disposal have now chosen to extinguish themselves from the proceedings of the House, we have less advice in proceeding with such a measure than would otherwise have been obtainable from the ranks of this House. In fact, the Select Committee procedure is not really intended to devise entirely new measures or to do research work where the spade work has not already been done by the person promoting the measure. This House, in applying its ordinary procedure to measures of social legislation, is entitled to expect that the persons interested in the promotion of the measure will themselves have taken the best advice available, that they will themselves have consulted expert opinion and that before they bring a measure before the House it will be so nearly watertight that a Select Committee will only have to address itself to matters of detail and not to the consideration of an entirely new measure. From that point of view the Honourable the Mover's plea that the sins of his draft should not be visited on the daughters is not entirely justifiable, because it was to be expected that if he was

keen on improving the position of daughters he would himself have done the work which he now wishes to leave entirely to Government and to a Select Committee.

**Mr. Akhil Chandra Datta:** I only conceded for argument's sake that the draft was not free from defect.

**The Honourable Sir Reginald Maxwell:** The Honourable Member did not then appreciate the defects of his own Bill, and, therefore, that is the more reason for supposing that even in a Select Committee he would not be able to help us to evolve a measure which would really be fit for legislation.

**Mr. M. S. Aney:** That is rather a far-fetched inference.

**The Honourable Sir Reginald Maxwell:** We will not argue that matter, Sir, but the position is this. As I have explained, Government recognise that there is a clear need for the clarification of the existing legislation and they are entirely in sympathy with the object of the Honourable Member. The only question which we have to consider is what is to be done next, what is the best way of going about it? Is the Select Committee really going to put this law on a satisfactory footing, or are there other ways of doing it better? And since the Honourable the Mover has not himself done the spade work which I contemplate as necessary in regard to such a piece of legislation, I propose that instead of putting this measure to a Select Committee now, the Government should get together and appoint a small committee of eminent Hindu lawyers to advise how the existing legislation should be clarified and the object desired by the Honourable Member should be secured. If, therefore, this House decides not to send this measure to a Select Committee at once, Government will undertake to do their best to set up such a committee and to get the measure recast in a form which can suitably be commended to this House.

**Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban):** May I ask one question? Will this committee, which the Government intend to set up take up only the question of property and inheritance, or will it also go into residence and maintenance of women and divorce? I should be very thankful if the Honourable Member could include that also.

**The Honourable Sir Reginald Maxwell:** The committee of which I am speaking at the moment would be one which is to deal entirely with the subject of this particular Bill. I cannot say whether if we manage to get such a committee its functions may not be extended in the future to take up other measures. That would depend on the nature of the committee and what amount of time could be spared by its members, but for the moment there is this particular piece of Hindu law which requires to be examined and recast and the committee would be appointed for that purpose.

**Dr. G. V. Deshmukh:** Just one more point. May I know the time about which this committee is likely to function?

**The Honourable Sir Reginald Maxwell:** As soon as possible, and in that I should expect the aid of Honourable Members who are interested in promoting this measure. On the last occasion when we decided to set up a committee in accordance with a Resolution of this House to deal with questions of residence and maintenance, so much difficulty was experienced in obtaining suitable gentlemen to serve on it that ultimately the matter had to be postponed.

**Mr. M. S. Aney:** I hope it has not yet been abandoned, it is only postponed?

**The Honourable Sir Reginald Maxwell:** It is only postponed and not abandoned at all. I think we shall have to ask for the help of Honourable Members who are interested in these matters in getting, as I say, persons of suitable attainments to help us and to serve in the interests of Hindu law generally. Therefore, as I have said, it is only with the object of setting up such a committee in regard to this particular measure that Government would oppose reference at the present moment to a Select Committee.

**Dr. P. N. Banerjea:** Quite satisfactory.

**Mr. Akhil Chandra Datta:** I am glad that the Government recognise that the object of the Bill is laudable. The Government also recognise that there were serious defects in the Act of 1938. That was a Government Bill. Therefore, it is admitted that Government are responsible for the injustice that has been done under the Act of 1938 to the Hindu daughter. Suppose a Hindu daughter approaches the Honourable the Home Member and says this: "You Government have taken away my rights. I ask you to repair the wrong".

**The Honourable Sir Reginald Maxwell:** The Bill was passed by this House.

**Mr. Akhil Chandra Datta:** That is no doubt true. After all, apart from jokes, the Government must admit and recognise that it is a Government Bill for amending the Act of 1937 which has committed this mistake and which has resulted in grievous injustice to the rights of a very large section of the people in this country and, therefore, it is for the Government to make amends. Objection has been raised that this is a very complicated question. Who is responsible for this complication, please? If the Government is responsible for bringing about this complicated position, it is for the Government to face the position and to remove the complication. Merely because a measure is complicated, is that a reason to reject it? Then it is said that the Select Committee is not the proper place for improving the position. The principle of the Bill has been admitted and the whole point is a very short one, namely, the place of the Hindu daughter in the order of succession. Where does the complication come in? Therefore my submission is that upon the facts admitted on behalf of the Government it is only proper that this Bill should go to the Select Committee. Of course I know the strength of the Government today. Even if the two parties combine, the result is a foregone conclusion. In view of that position, I have to rest content with the small mercy of a committee that has been proposed.

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

"That the Bill further to amend the Hindu Women's Rights to Property Act, 1937, be referred to a Select Committee consisting of the Honourable Sir Muhammad Zafrullah Khan, The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar, Mr. M. S. Aney, Lieut.-Colonel Sir Henry Gidney, Syed Ghulam Bhik Nairang, Pandit Lakshmi Kanta Maitra, Raja Bahadur Kushalpal Singh, Shams-ul-Ulema Kamaluddin Ahmed, Bhai Parma Nand, Mr. J. Ramsay Scott, Mr. Umar Aly Shah 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 negatived.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

#### THE LAND ACQUISITION (AMENDMENT) BILL.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Land Acquisition Act, 1894.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill further to amend the Land Acquisition Act, 1894."

The motion was adopted.

**Mr. Lalchand Navalrai**: Sir, I introduce the Bill.

#### THE SPECIFIC RELIEF (AMENDMENT) BILL.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Specific Relief Act, 1877.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill further to amend the Specific Relief Act, 1877."

The motion was adopted.

**Mr. Lalchand Navalrai**: Sir, I introduce the Bill.

#### THE HINDU JUDICIAL SEPARATION AND DIVORCE BILL.

**Dr. G. V. Deshmukh** (Bombay City: Non-Muhammadan Urban): Sir, I move for leave to introduce a Bill to provide for Judicial Separation and Divorce amongst the Hindus.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The question is:

"That leave be granted to introduce a Bill to provide for Judicial Separation and Divorce amongst the Hindus."

The motion was adopted.

**Dr. G. V. Deshmukh:** Sir, I introduce the Bill.

THE HINDU MARRIED WOMEN'S RIGHT TO SEPARATE  
RESIDENCE AND MAINTENANCE BILL.

**Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban):** Sir, I move for leave to introduce a Bill to give Hindu married women a right to separate residence and maintenance under certain circumstances.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The question is:

"That leave be granted to introduce a Bill to give Hindu married women a right to separate residence and maintenance under certain circumstances."

The motion was adopted.

**Dr. G. V. Deshmukh:** Sir, I introduce the Bill.

MOTION FOR ADJOURNMENT.

CLOSING OF THE CHANDPUR-SIAU-BIJNOR SECTION OF THE GAJRAULA  
MUZZAMPUR NARAIN BRANCH OF THE EAST INDIAN RAILWAY.

**Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban):** Mr. Deputy President, I move:

"That the Assembly do now adjourn to discuss a specific matter of immediate public importance. . . . ."

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The subject need not be mentioned; that is a matter of form.

**Sir Syed Raza Ali:** I believe, Sir, the form which I propose to take is the form that is adopted in parliamentary procedure and that is the reason why I move it in that manner; at any rate there is nothing against it in the rules . . . . .

**Mr. Deputy President (Mr. Akhil Chandra Datta):** So far as that is concerned, the precise form of the motion laid down by the Standing Order is: "That the Assembly do adjourn". The Honourable Member need not read out the subject.

**Sir Syed Raza Ali:** I have already moved it. I move again:

"That the House do adjourn."

Now, the position is this. In the Western part of the United Provinces we have the old Oudh and Rohilkund Railway main line which ran at that time between Moghal Serai and Saharanpur and is now managed by the East Indian Railway. This line is in the north. In the south we have the branch line which runs between Moradabad and Delhi. This branch line was opened to traffic in the year 1908. For some years it was



felt that it would be in the interest of the Railway Administration and it would be more profitable if these two lines were linked up—the one going towards the north and the other towards the south. The proposition was very carefully considered and some years ago these two lines were linked up by building a branch line starting from Gajraula to join at the main line at Muazzampur-Narain. This line has been running for many years. So far as I know, this branch is quite remunerative to the East Indian Railway. Now, it appears that all of a sudden somebody woke up and discovered that it was high time that a part of this line should be closed. This branch line between Gajraula and Bijnor is forty-five miles. What is proposed now is that a section of this line which joins up these two lines, viz., the one in the north and the other in the south, should be discontinued over a distance of twenty-two miles. The proposal is that a section of this branch line between Gajraula and Bijnor should be closed. I only came to know of that yesterday when I read my *Hindustan Times* in which I found a notice to that effect over the signature of the General Manager. I tabled a motion and I was not astonished to find that my Honourable friend, the Railway Member, did not know about the closing of this line. In fairness to the Railway Member I must point out that so many lines have been closed in recent months that one can easily understand if the Railway Member did not know whether this line was also going to be closed in the near future.

**The Honourable Sir Andrew Clow** (Member for Railways and Communications): I may explain the point. The point of which I was ignorant was the fact that a notice had been issued to the public; that was kindly brought to my notice by my Honourable friend, Sir Raza Ali.

**Sir Syed Raza Ali:** I see my Honourable friend's grievance, namely, that a notice had been issued to the public.

Now, Sir, the position is this. I would like to know why this line is to be closed on the 1st of December, 1940? What are the reasons for closing it? I can understand that if any railway or any section or branch of a railway ceases to be profitable and remunerative, it is open to the Government, and sometimes it is the duty of the Government, to close that section or branch. But that is not the case with the section proposed to be closed. Non-official Members are always handicapped by not having that detailed information which in the case of more advanced countries is available to the public. Now, I do not really know what is the income that the Government derives from this section of 22 miles that it proposes to close. But I have some information, and I would like to put it before my Honourable friend, the Railway Member, so that if his attention has not been drawn to this aspect of the question, he might be in a position to appreciate the position better in the light of these facts.

Sir, I find that there are five stations on the line proposed to be closed. Take one of these stations which is a small station and which is only a halt station, Amhera Halt. I understand that the monthly income that the Railway derives from this station is somewhere in the neighbourhood of Rs. 1,500. Take another station, Sisauna. This station brings a monthly income to the Railway of Rs. 1,000. Take another station, Jhalu. This station, I am told, is responsible for putting into the pockets of the Railway Administration something like Rs. 3,000 a month. My Honourable friend will find this mentioned as the last station in the cutting I handed him over yesterday.

**The Honourable Sir Andrew Clow:** The name of the station is Khari Jhalu.

**Sir Syed Raza Ali:** Yes, that is the full name. Now, Haldaur (next station) is really a very important station and it is in the centre of the area which produces wheat, sugar-cane and barley on a very large scale. The income that must be going into the pockets of the Railway Administration from this station alone is somewhere in the neighbourhood of Rs. 30,000 a month. Take the terminus station on the other side, namely, Chandpur-Siau. This station is not going to be closed because the line between Gajraula and Chandpur will still remain open for traffic. But let me assure my Honourable friend, the Railway Member, that the importance of Chandpur-Siau station lies in the fact that it is an important station for sending goods on one side to Gajraula and on the other side to Bijnor, Najibabad and Saharanpur. Now, you propose to take away the line that enables Chandpur to serve Najibabad, Muazzampur Narain and Saharanpur. The result is that if you carry out this intention of yours, you will be reducing the income of Chandpur station by more than 50 per cent. The present income from this railway station is believed to be something like Rs. 40,000 a month. But I have not the least doubt in my mind that if this line is closed and if there is no traffic between Chandpur and Bijnor, the revenue receipts from this station will be reduced by more than 50 per cent. That is the position so far as the financial aspect is concerned.

Now, let us see what can be the other possible causes which could have induced the Government to decide upon the closing of this line. Before I deal with this question, may I ask the Railway Member what authority suggested the closing of this line? The plain fact is that the Railway Board is—though it ought not to be—a very irresponsible body in the sense that it takes decisions and executes them without consulting anybody. May I ask the Railway Member who was responsible for the original decision? Who gave the inspiration? Who thought of closing this line? Was it the Divisional Superintendent or was it any higher official of the East Indian Railway? If so, who was that official? When was the advice given? When did the Railway Board consult their own officials? Was the Provincial Government consulted? Was even the Governor consulted as the head of the Administration?

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The Honourable Member has only one minute more.

**Sir Syed Raza Ali:** Thank you very much, Sir.

Now, Sir, I have a few more points to mention but I do not think I need mention them. I will content myself by saying that in the United Provinces five or six sections of the Railways have been closed without anybody being consulted. That is causing a great inconvenience. What are the Railway Board doing? They decide upon something, which, if done, would cause a great loss to them on the one hand and inconvenience to the public on the other. So, Sir, the case is a very plain case and I should sum it up by saying that a part of the area through which traffic from Chandpur-Siau to Bijnor passes is a rich sugar-cane growing area.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The Honourable Member's time is up.

**Sir Syed Raza Ali:** Sir, I do not think I need say more. It is for my Honourable friend, the Railway Member, to prove his case. Sir, I move.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** Motion moved:

"That the Assembly do now adjourn."

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, we have been listening this Session to all arbitrary decisions of the Government of India. I consider this decision of the Government of India also to be of the same nature. The fact remains that the Government of India do not care a bit for the convenience and the proper arrangements of the passengers in India. They do not want that Indians should have any convenience. The Government come forward with Bills and Resolutions of such a nature that they cause the maximum inconvenience to the public. This ought not to be at a time when a great war is going on in Europe. This puts the Indians to a mentality which perhaps I am sure the Government themselves do not realise. As my Honourable friend, Sir Syed Raza Ali, said, this line may not bring as much revenue as the Government want, but it brings at least Rs. 40,000 monthly to the Government. What is the intention of the Government in closing down this line? Do they want to take away the rails and all iron scrap for war purposes. If that is so, I would not say anything. If that is not so, then where is the sense in not consulting the public about the closing of this line. The Government if they want to demolish a whole section of railway disregarding the convenience of the passengers and dislocating the trade, the Government ought at least to have given notice to the public. Even in the case of small Bills when they come before the Assembly they are circulated for public opinion. The present matter is of such great importance that the Governor of the Province ought to have been consulted. No such arbitrary orders ought to have been passed. I think the Government ought not to do such things at the present moment.

As regards the timings of the railways, there also there is room for complaint. The Government never consult the public. They never try to connect small sections with big sections or the branches with main lines. We are really very much handicapped when we are disregarded in every matter that comes before the Government of India in these days. I do not think it is in any way wise on the part of the Government of India to enrich their coffers without looking to the convenience of the public. The matter is not a small one. It is a matter of 22 miles. The Honourable Member ought to have seen to it that the Railways published a notification announcing their intention to close the line and should have invited opinions thereon. In the absence of any such notification, my Honourable friend, Sir Syed Raza Ali, has been obliged to bring in the adjournment motion in the House bringing to the notice of the House that such and such a thing is happening in the United Provinces. These are matters which should be looked into by the Government. I would ask the Government to reconsider their position especially in these days. They should not sit quietly on the Treasury Benches disregarding the convenience and comfort of the public and also dislocating the business interests of the country. For as has been pointed out this railway line passes through sugarcane area and the closing down of this line will also entail loss of revenue to Government in the shape of sugar excise. I hope Government will give up their callous attitude and yield to the just demands of the public. With these remarks, I support the motion for adjournment.

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): Sir, the Railway Department, as we know, is the only department which is rolling in riches, and it is the only department which subsidises other departments and large sums of money are earmarked through the generosity of the Railway Department for developing other resources of the country. Now, we are told that money is required for the successful prosecution of the war and that all avenues of income are to be explored. Is it not rank folly on the part of the Government at a time when we are scraping together as much money as we can for the successful prosecution of the war to close down a railway line which was bringing thousands and thousands of rupees. So, the Defence of India Act which is so universal in its application ought to be applied to the Railway Member and he must be arrested at once for putting obstacles in the way of the successful prosecution of the war by closing down this railway line which was bringing in so much revenue. Sir, there was very little time at the disposal of my Honourable friend, Sir Syed Raza Ali, when he was speaking in support of his motion to refer to sugar plantations. This railway line passes through sugar cane plantation area. It is a fertile area. There is *gur*, and there is sugar to be exported from this area to other parts of the country. Who will export them now? Only the bullock carts, instead of railways.

**Mr. M. S. Aney:** Why not motor lorries?

**Sir Syed Raza Ali:** There is no good road from this place so that motor lorries can pass.

**Maulana Zafar Ali Khan:** Then the position is much worse. Only the bullock carts can be used and these bullock carts too, in times of rain, get stuck up due to mud.

**Mr. M. S. Aney:** What about village uplift?

**Maulana Zafar Ali Khan:** The village people only talk and talk and do nothing useful. The Railway Department has been subject to much criticism by the Opposition all these days so that there is very little room left for further criticism. But, unfortunately, we are placed in a very quizzical position. I have on various occasions referred to the painful fact that our friends of the Congress have committed the blunder of their life by walking out of this Assembly leaving these seats vacant and reducing the strength of the Opposition to a few Members of the Muslim League and a few Members of the Congress Nationalist Party. Here, we are about 20 or 25 people shouting at the top of our voice but we can do nothing. We may have stentorian lungs but the all-powerful Treasury Benches only laugh at us. But he laughs long who laughs last. It is in your own interest that we want you to take certain measures; but you are blind and deaf and nothing will move you. These are the ways of the bureaucrat. In today's *Statesman* you will find that your own kith and kin say that you are sun-dried bureaucrats. They say that for the past 150 years you have not been responsible to any one but to yourselves. The Secretary of State and the Governor General,—both are living in a fool's paradise.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Member for Commerce and Labour): The Governor General should not be mentioned.

**The Honourable Sir Andrew Olow:** Sir, I submit this is not in order.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** There should be no such remark about the Governor General.

**Maulana Zafar Ali Khan:** I was referring to the Governor General in Council. I will say, the Government of India.

Sir, I was referring to the leading article in the *Statesman* of today in which the leader-writer draws your attention to the fact that you have not done what you should have done to bring victory to England. Eden was thrown overboard because he drew your attention to the unpreparedness of England. Hore-Belisha had to go . . . . .

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The Honourable Member had better speak on the present motion.

**Maulana Zafar Ali Khan:** Here you have got the railways in your hands . . . . .

**The Honourable Sir Andrew Olow:** The Honourable Member might address the Chair and not me.

**Maulana Zafar Ali Khan:** The source of wealth is in your hands and you do not utilise that. You have closed the door even where you could keep it open.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The Honourable Member should address the Chair.

**Maulana Zafar Ali Khan:** I was addressing them through you and thus making an acute angle.

Sir, it pains one to find that although those who are in power are in a position to utilise the resources of the country to their utmost they are not doing it and then they are blaming us for it. And they put their hands in the poor man's pockets and ask him to pay. They have money themselves but they do not use it. Sir, I support this motion strongly and ask Government to see that this position is given up and revoked and the line should go on merrily.

**Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan):** Sir, it has been asserted on several occasions that the railways here are commercial concerns but is this the way in which commercial concerns look to their interests? Line after line is opened; experts are there on fat salaries, and if any one speaks to the contrary the experts' opinions prevail. After some years these so-called experts are found to be wrong and a pretext is offered that the lines are unproductive. On reference to the records you will find that during the last quarter of a century several lines have been closed down and the public have to bear the burden of all this. The liabilities are carried from year to year and interest is charged although the lines are closed down. Why should not these experts who claim supremacy for their opinions be taken to task when their opinion has been found to be erroneous. The duty of a business concern is to look carefully to its losses. The other day legislation was sought to be made to the effect that people irrespective of their

[Maulvi Muhammad Abdul Ghani.]

position should be sent to jail up to a maximum of one year for travelling without tickets. Why should not these experts be sent to jail after committing such criminal errors and why should not legislation be passed to that effect? They are paid fat salaries for their expert knowledge and if their expert knowledge is found to be faulty they should be taken to task through legislation and ample punishment should be awarded to them.

On strategic lines we are incurring losses amounting to more than a crore. The Financial Review prepared by the Financial Commissioner for Railways will show what large sums of money are wasted like water on the railways. No plans are made and no estimates are prepared and the money is spent in advance. I was under the impression that it is only in the Military Department that money is spent without any consideration but I now find that it is the Railway Department where money is wasted much. Water has some price, but money has no value for them. There is the Railway Board and there are the various Railway Administrations. But what is being done? Every year our liability is increased. There are other departments under the Government of India, but they are not going on in the way the railway concerns are going. This is the time to sound a note of warning that the Railway Board should be alert, and in opening lines they should take the utmost care that the public money is not wasted like this; and if the experts first say that a line is productive and afterwards it is found to be unproductive, the loss should be recovered from the experts. I know there are cases in which the Provincial Government has urged for the opening of certain lines, but the Railway Board and the Government of India say that they are not going to open those lines unless the Provincial Governments should give a guarantee and take the responsibility: but when they are pressed that the Provincial Governments are ready to undertake the guarantee, provided they are given certain share in the profit they are told the Provincial Governments will not get anything. Is this the way to proceed with a concern which is called a business concern? With these words I support the motion.

**Sardar Sant Singh** (West Punjab: Sikh): Sir, I rise to ask a few questions as a matter of information upon the policy underlying the closing of railway lines. The first point which I want to ask is this: why are not such matters placed either before the Standing Finance Committee for Railways or before the Railway Advisory Council before action is taken? I think there are two committees of this House which meet to discuss such matters and so far as I am aware it is but right that the matter should be placed before one of these committees in order that they may discuss the advisability or otherwise and gauge the opinion of the Members of this House on the action desired to be taken.

The second point which I want to ask is this: more than one line has been closed recently by the Railway Department including the branch line between Jaranwala and Lyalpur. I was informed that the railway track is being removed by the military authorities. I could not find out what connection there was between closing the line on account of its probably being uneconomic and the track being handed over to the military authorities for removal. I would like the Honourable Member to throw some light on this question. I know that that line was

considered to be uneconomic and I can understand the policy that uneconomic lines should be closed. But there are other matters which ought to be taken into consideration and which were not, when that line was closed. It was closed on the 6th November. Only about a week later there was a big Nankana fair due to take place which used to bring thousands of rupees to the railway on that section, but they did not wait for a week to earn that money and closed it a week earlier in spite of protests made to the North Western Railway authorities. So my point is that if these things are placed before the Railway Advisory Committee or the Railway Standing Finance Committee, certainly the Members who are in touch with such lines can give good advice as to when they should be removed or whether they should be removed at all or not. I am not in a position to say anything about the economic conditions of this railway which is the subject matter of the adjournment motion at present. My friend, Sir Syed Raza Ali, has told us that economically it was not a bad proposition. If that is so, it becomes still a dilemma why the line has been removed. If the railway is doing it in the interests of the successful prosecution of the war, they should take this House into confidence, so that we may judge whether the railway concern is run as a commercial concern or whether it is as a matter of fact indirectly subsidising the war effort. These are the points which I would like the Honourable Member to throw light upon.

**Mr. M. S. Aney** (Berar: Non-Muhammadan): Sir, it was with a good deal of relief that some of us at least could hear a very important observation made by one of the responsible Members of the Government Benches that Government have long ears. Most of us were under the impression that they were deaf, but we are assured: "No, they are not deaf, they have long ears." I do not know whether they, with long ears, deserve to be here or somewhere else . . . . .

**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): It was Mr. James who said it.

**Mr. M. S. Aney:** I do not want to say who said it: it is enough for our purpose that they have ears and they are long ears. But the question is this: whether the gift of long ears will enable us to get our work intelligently done by them or not. That creates further trouble. However, the proposition before the House which my Honourable friend, Sir Syed Raza Ali, has raised by means of his adjournment motion is very important. It raises a question of policy, and I believe the Members on the Government Benches should have by this time indicated to this House at least some of the grounds which led them to take a drastic decision of this nature. Formerly, at least some years ago, whenever an important discussion was taking place in this House, the general policy on behalf of the Government was this: one of the secretaries belonging to the department used to intervene in the debate at an early stage and give us an indication as to the view which the Government took of the particular motion before the House. Of course, the last statement was made by the Member in charge by way of reply, but they were not keeping the House in the dark all along while the debate was going along. Members after Members are standing and making the same complaint. They say it was a remunerative line and there is no reason why it is being scrapped. One Member

3 P.M.

[Mr. M. S. Aney.]

repeats what another Member said in regard to some other line; others come back to the same line and the thing goes on like that and the debate becomes absolutely desultory because the Members are not able to gauge the particular point of view of the Government on which the action taken by the Government can be justified or not . . . . .

**Mr. N. M. Joshi** (Nominated Non-Official): There is no debate.

**Mr. M. S. Aney:** It is no debate at all; it is an *ex parte* cry going on on one side. My object in getting up this time was just to inform the House and also the Government Members that some time back there used to exist this practice—this salutary practice, from which a departure seems to have been made of late.

Now, I come to the merits of the particular proposition before the House. My Honourable friend, Sir Syed Raza Ali, has shown that there are three or four stations on this distance of 22 miles of line which it is the intention of the Government to close from the 1st December; and he has given us the figures of monthly income derived from traffic carried on at these four stations. Judged from the point of view of those figures, I believe there is very little ground to suppose that this section of 22 miles is altogether unremunerative and that, therefore, it deserves to be scrapped.

Then the second thing in that connection is this. The Government in considering the question of maintenance or of closing down a particular line must bear in mind two things. We have for a certain number of years been used to a certain kind of convenience, and unless there is an effective substitute to take the place of that convenience, you should think twice before removing the existing convenience. I am told in reply to an interruption by Sir Raza Ali that there is no proper road by which traffic could be easily carried by motor lorries if this railway line is removed. It means they will have to fall back upon the old old bullock cart traffic, which in view of the growing cultivation of cane and the growing importance of the sugar industry in that tract, will not be able to cope with, and, therefore, the people who will be carrying cane will not only be put to considerable inconvenience, but even to a loss, because they will not be able to take their things to the market in proper time. It is not merely from their own point of view that the Railway has to look at the question, but also from the point of view of those who have hitherto been served by them. Now, if it is not a remunerative line, and if you are going to take it away without providing a suitable and effective substitute for it, then people will be put to considerable inconvenience and economic loss also. These are matters of serious importance. I think a decision of such importance should not be taken by the Railway Board without taking into confidence the members of the Central Advisory Council which they have appointed from among the Members of the two Houses of the Central Legislature. What do they exist for? If matters affecting the happiness and convenience of people are not to be placed before them for consideration, then what is the use of the Central Advisory Council or any other Council that may be set up? Probably this subject might not be a proper one for the consideration of the Standing Finance Committee before which only questions of finance go, but this is a question of policy. It is true at one time it was said



that the policy laid down was that branch lines or narrow gauge lines of an unremunerative nature should be closed down if necessary. But here we are dealing with a different case altogether, and even that policy will not help the Government to justify their action in the present case. If they have taken this step in the interest of defence, then they ought to have stated that fact very clearly and informed this House that exigencies of military defence required them to take a particular step. I am referring to this fact, because my friend, Sardar Sant Singh, also referred to the closing down of a small line on this ground. I do not know what the reasons were which prompted the Government to take that step in that case, but I think my friend, Sir Raza Ali, has done a service to this House and to the public outside by bringing to the notice of this House and of the Government the importance of the question which arises on account of the notification published in the newspapers to the effect that a section of 22 miles of that line will be closed from the 1st December next.

**The Honourable Sir Andrew Clow:** Sir, so far from having a grievance, I am grateful to my Honourable friend, Sir Raza Ali, for giving me an opportunity of explaining the position, for, as a number of Honourable Members are aware, this is not the only case which has troubled the public. Sardar Sant Singh referred to another. Another was the subject of a further notice of adjournment, and there are several others in different parts of the country. I will, however, in view of the ruling the President gave this morning, confine my attention at present to this particular line.

I would only say that as regards the branch lines generally. I was told not very long ago in connection with another matter that Railways were getting obsolete, and there is a certain element of truth in it. Maulvi Muhammad Abdul Ghani referred to the fact that Railways were first built but later on when it was found that they were unremunerative, they were closed down, and, therefore, he suggested that some condign punishment should be given to those who framed the estimates.....

**Maulvi Muhammad Abdul Ghani:** I did not say the estimates, but those who gave the opinion.

**The Honourable Sir Andrew Clow:** That is based on estimates of traffic and cost. But the point is that the whole position has changed in recent years. Those who framed the estimates did not foresee and could not have foreseen two factors: first, the great development in the use of motors on the roads, and, secondly, the efforts which we have made and are making to expand our road system. It is these in most cases which have upset entirely the original calculations, and I do not doubt that these have contributed to render these lines unremunerative. Unfortunately, this is not a line for which we have separate accounts, so it is very difficult to show by figures that this particular section is unremunerative. But the Railway Board had no doubt in their mind even four years ago about this; and there is a further development coming which will make it even a greater liability than it is at present.....

**Sir Syed Raza Ali:** What reason had the Railway Board to take that view? Has my friend got the revenue receipts in respect of the section between Gajraula and Moradabad?

**The Honourable Sir Andrew Clow:** You cannot judge merely by the revenue receipts. Another point my friend overlooked.....

(Sir Syed Raza Ali attempted to interrupt.)

**The Honourable Sir Andrew Clow:** I really cannot answer questions: I have got only 15 minutes. Another point that my Honourable friend overlooked, is this. We do not lose all that traffic necessarily. It goes to the stations; every part of this area will be within fairly close range of a station, even if those lines are pulled up. Thus it does not follow that the traffic receipts from these stations will entirely disappear. Now, in selecting these branches for closing, we took into consideration not merely the traffic considerations, though these of course must be the first thing that we have to look to, but also alternative facilities. The rail facility, even if this is pulled up in this area, will be quite good. My friend, Sir Raza Ali, is fully familiar with this, and he knows that Bijnor will still be connected with the main line on the north. Chandpur, the next most important place, will still be connected with Gajraula on the south.....

**Sir Syed Raza Ali:** No, my friend is wrong. If you close this line, there will be no connection between Bijnor in the north and Chandpur-Siau in the south.

**The Honourable Sir Andrew Clow:** I said, that Chandpur would be connected with Gajraula in the south. What I said was quite correct. In addition there are no less than three parallel level roads leading from this line to the main line which lies further east. But there is a further important development for, a metalled road is being built which will connect Moradabad with Bijnor through Amroha. When this road was proposed the Railway Board considered the case some years ago and recognised that that would practically destroy any prospect of this line ever becoming a remunerative proposition. So the area will be well served on the whole. Actually this new road will run,—and a considerable amount of it is already built,—this new road will run very closely it meets the road from Bijnor to Nagina, and the average distance is parallel to the present existing railway line. From Amroha in the north about six miles from the railway line. I believe it is actually nearest to the railway line, opposite to the section which is being taken out.

Now, Sir, one point on which I feel that the public here have a sense of grievance which is justified is the very short notice that has been given. And I was a little surprised that Honourable Members did not refer to that because that is the point on which I have the greatest sympathy with them. So far from desiring, as my Honourable friend, Mr. Azhar Ali, suggested to give them as much inconvenience as possible, we desire to meet the convenience of the public in every possible way, and I deeply regret that it should have been necessary to give such short notice. Although I believe that actually this railway would have had to be demolished in a fairly short time for the reasons that I have given, we have a special reason for urgency and that is that the rails both here and in the other sections we are demolishing, are wanted for urgent war needs. That I think must be my reply to Maulana Zafar Ali who suggested that I ought to be placed under arrest for hampering the war effort.

**Maulana Zafar Ali Khan:** If the contemplated demolition of other lines due to the fact that the number of locomotives running on the railway lines is being reduced and are.....

**The Honourable Sir Andrew Clow:** Our locomotives are adequate for the traffic. We have not taken that into consideration. That is why, as I very much regret, we have had to give such short notice. I should not have dreamt of agreeing to do so in other circumstances. While I have not been able to take the public into our confidence more fully, I recognise the force of what my Honourable friend, Mr. Aney, said as regards consulting the Central Advisory Council. But, I think he will appreciate the fact that we could not place them in possession of all the facts that are in our possession, and that we had not the time to consult them before these orders were issued. I would make it clear, however, in response to what my Honourable friend, Sir Syed Raza Ali, said, that this action was taken after consulting the Provincial Government and they had no objection to offer. I will, however, bear the suggestion in mind of consulting the Central Advisory Council, and if we find it possible to convene a meeting of the Council in this Session, I shall do so and place them in possession of fuller particulars than it is possible for me to do on this occasion.

**Sir Syed Raza Ali:** Except the last minute or two for which my Honourable friend, the Communications Member spoke, most of the arguments that he has used consisted of presumptions, guesses, far-fetched inferences and conclusions,—no facts. I did not want to interrupt him, that is not my way. Surely, he should have told me what the three parallel roads were that served this area. Has he got the facts? Can he tell me now?

**The Honourable Sir Andrew Clow:** Certainly I can. Connecting the line close to the Ganges with the main line which runs down from Saharanpur to Moradabad, I was referring to the road from Bijnor to Nagina, the road from Chandpur to Seohara, and the road which connects Gajraula with Moradabad. Those are the three parallel roads, each roughly about 20 miles apart.

**Sir Syed Raza Ali:** I am very glad that the Honourable Sir Andrew Clow has been pleased to give me this information. The road from Gajraula to Moradabad is a part of the road from Delhi to Bareilly. That is a metalled road, the other two roads if I heard him correctly are kutcha roads, not an inch has been metalled. I was wondering what he meant. I had made enquiries before I decided to give notice of this adjournment motion. What are the facts? He does not even know what is the financial position of this section of the line. Surely, if these are the arguments and if the Honourable the Communications Member wants to convince this House by these arguments as to the necessity for the demolition of this line, I believe he has demolished his own case, for the arguments he has adduced consist of a long chain of want of arguments. He does not know the financial position, he does not know what we will be losing if we close the line running for a distance of 22 miles. He does not challenge the figures I have given—for which I do not claim perfect accuracy for the simple reason that they have not been taken from any Government report. But the resources of my Honourable friend as a member of Government are very great, in fact, the resources of every Government are very great.

[Sir Syed Raza Ali.]

So far as the Communications Department is concerned, my Honourable friend has huge resources at his disposal. So far as the finances are concerned, he has not been able to controvert or rebut by facts such figures as I have given him. So far as financial considerations are concerned, there is every reason to believe that this branch line is a remunerative line and no action should be taken. So far as the roads are concerned, I have already mentioned what they are. My Honourable friend who is a civilian of the United Provinces,—I suppose he knows something about the geography of this province. The metalled road from Gajraula to Moradabad has nothing to do with Bijnor. My Honourable friend ought to know that there is no metalled road between Moradabad and Bijnor on the one hand, though we have nothing to do with Moradabad.

**The Honourable Sir Andrew Olow:** I said that that was under construction.

**Sir Syed Raza Ali:** Sir, I have been hearing that for the last ten years, literally. I think the first time I heard about the proposal to metal this road from Moradabad to Bijnor was at least ten years ago. Nothing has been done during these ten years.

**The Honourable Sir Andrew Olow:** I have not been there myself, but I think the Consulting Engineer for Roads told me that four lakhs of rupees has already been spent and the work has been going on for about two years. My other information was also derived from the Road Engineer.

**Sir Syed Raza Ali:** May be it has been spent on building some bridge somewhere, because you have to build more than one bridge. To begin with, you have to put up a bridge across the Ramganga. I repeat I have been hearing that for the past ten years. May I put it to the Honourable the Communications Member, does he seriously contend that he will be able to find money for the building of this road in spite of the war, in spite of the fact that we do not know how far the war is going to last?

**The Honourable Sir Andrew Olow:** The money has been provided.

**Sir Syed Raza Ali:** May I know how much money has been provided, if he could give me the figures?

**The Honourable Sir Andrew Olow:** If the Honourable Member tables questions on these matters I should be very glad to answer them, but this is not relevant in view of the consideration I gave for pulling up this line.

**Sir Syed Raza Ali:** I should have thought the question arose directly out of the argument used by my Honourable friend. He says there is going to be a road. I just want to know,—I have been hearing about it for the last ten years—what is the distance, what money have you provided? Are these not relevant questions? These are not merely relevant questions, but these are most important questions that arise out of the arguments of my Honourable friend. It is a very peculiar position. Then I asked him, "did you consult your railway authorities"? If I followed my Honourable friend correctly, I believe he did not say that he had consulted any one of the railway authorities.

**The Honourable Sir Andrew Olow:** I did not say whom I consulted, but naturally the advice of the General Manager was taken on the subject.

**Sir Syed Raza Ali:** I believe I mentioned some other officers too. I think I started by mentioning the Divisional Superintendent. Then I went higher up. Well, anyway, I do not know what advice the General Manager gave. That advice was never disclosed to the public. Now, may I know: is this the way in which this House should be treated and even the public of India should be treated? You put up a notice on the 21st of November in a newspaper, informing the public at large that this section is going to be closed on the 1st of December. Only a notice of nine days is given. Now, is it fair to the public? Is it fair to those who have occasion either to use this line for traffic purposes or for sending their goods to give them no more than nine days notice? My Honourable friend said that the Local Government was consulted. I did not follow him to say that the Local Government agreed with the proposal to close this line. I understood my Honourable friend to say that the Local Government were consulted but I do not know what advice the Local Government gave.

**The Honourable Sir Andrew Olow:** I said that the Local Government had no objection to it.

**Sir Syed Raza Ali:** I am thankful to my Honourable friend. That is a point in his favour. I do not think the Local Government agreed to the line being closed on the 1st December or to no more than nine days notice being given to the public. Was this proposal ever put to the Local Government? Really my Honourable friend's arguments are dead arguments, lifeless arguments. None of them will make any impression on a much less intelligent audience than this Honourable House.

Now, I come to the last argument used by my Honourable friend. He was keeping it up his sleeve and sprang that as a surprise upon us. That was clever advocacy, I admit. Let us examine that argument for what it is worth. It has been said that the line is being closed for defence purposes. That is again a very very difficult point. No doubt it is a weak point but it is a very ticklish and difficult point. None of us has any knowledge as to what rails are required, what purpose they are going to serve and if the field of choice lies between 20 lines, why should you start with dismantling a line which is bringing money to you. Why do you start with killing the goose that lays the golden eggs? I am not here to save my own skin at the expense of my neighbour. I could mention more than a dozen branch lines which are not remunerative and which he should in all fairness, in all justice, have dismantled before he touched this line. As I said, I do not think it is my duty to save my own skin by imperilling others. I do not think it is a right course, but may I put one question to my Honourable friend? He does not say that this line is unremunerative. Is he sure that there are any lines in India which are working at a loss and which are unremunerative.

**The Honourable Sir Andrew Olow:** We are certainly dismantling other lines.

**Sir Syed Raza Ali:** I am very glad. I am thankful for the information.

**An Honourable Member:** Will you pull up strategic lines?

**Sir Syed Raza Ali:** I am not talking of strategic lines. The rails that are being taken away will be used for constructing other strategic lines. That is what will happen. My point is—why does not my Honourable friend begin with dismantling those—the number of which is very large—which are unremunerative.

**The Honourable Sir Andrew Clow:** That is what I said we were doing. If they are unremunerative, we are dismantling them.

**Sir Syed Raza Ali:** I am glad to hear that but that is no reply to my point. Why don't you start with them?

**The Honourable Sir Andrew Clow:** We have started with them.

**Sir Syed Raza Ali:** Am I to understand that there is no unprofitable, unremunerative section or branch of a railway left in India, which has not been dismantled? I just want a reply.

**The Honourable Sir Andrew Clow:** I do not think I can keep on answering the Honourable Member's questions. He should have raised these points when he first made his speech. I shall merely point out that we have taken up first those that are most clearly unremunerative. We are examining others.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The Honourable Member has three minutes more.

**Sir Syed Raza Ali:** We are arguing in a circle. He has not produced any figures to show that the running of this section of the line is unremunerative. It is a vicious circle. I really do not know how to get out of this vicious circle.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

I do not propose to deal with the other aspects of the case. There are no data in connection with which I can make a reply. If there is an absence of arguments, data, facts and figures, what am I to do. Surely in a case like this, it is for the Government to prove that the line is unremunerative. My Honourable friend hints at that without bringing forward any facts in support of his main argument. I now come to my last point.

**Mr. President (The Honourable Sir Abdur Rahim):** The Honourable Member has one minute more.

**Sir Syed Raza Ali:** There are a number of lines required to be pulled up for defence purposes. My reply to that is simply this. Munich took place in September, 1938. The invasion of Abyssinia took place in October, 1935. Every one who had eyes to see knew that we were sitting on the top of a volcano. What were the Government of India doing to get the necessary railway material? They ought to have kept a good reserve stock. They were doing absolutely nothing. If the people of this area

are going to be sacrificed in the name of strengthening the defence policy of India, I am sure they will not be convinced and this House will not be convinced. They will simply take the view that it is due to the sheer neglect and negligence of the Government of India that their interests are being sacrificed and this line is being pulled up, though it is a remunerative line, in preference to those which are working at a loss and should be entirely dismantled from end to end before Government decide to touch any line which is running profitably and remuneratively.

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

“That the House do now adjourn.”

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Monday, the 25th November, 1940.