

24th February 1942

THE

LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume I, 1942

(11th February to 10th March, 1942)

FIFTEENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
1942



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CORRIGENDA

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

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

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

LEGISLATIVE ASSEMBLY.

President:

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

Deputy President:

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

Panel of Chairmen:

SYED GHULAM BHIK NAIRANG, M.L.A.

Lieut.-Colonel Sir HENRY GIDNEY, M.L.A.

Sir HENRY RICHARDSON, M.L.A.

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

● *Secretary:*

Mian MUHAMMAD RAFI, Barrister-at-Law.

Assistants of the Secretary:

Mr. M. N. KAUL, Barrister-at-Law.

Khan Bahadur S. G. HASNAIN.

Marshal:

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

Committee on Petitions:

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

Sir ABDUL HALIM GHUREKAVI M.L.A.

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

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LEGISLATIVE ASSEMBLY

Tuesday, 24th February, 1942.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

OBSTRUCTION TO THE ENTRY OF ANOTHER PASSENGER TO HIS COMPARTMENT BY MR. FORBES.

77. *Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state:

- (a) if he is aware that one Mr. Forbes, a military officer, travelling in a second class compartment on 18th January, 1942, refused admission in that compartment to a second class passenger, though there was room in it—an incident published in the *Hindustan Times* of the 21st January, 1942;
- (b) if this Mr. Forbes was or is to be prosecuted for refusing entrance into the compartment to the passenger under section 109 of the Railways Act; if not, why not; and
- (c) why no action was taken by the railway authorities against Mr. Forbes for causing unjustified and unnecessary delay to the train and inconvenience to other passengers?

The Honourable Sir Andrew Olow: (a) Yes.

(b) and (c). I am informed that the incident was due to a misunderstanding of the rule that a passenger is only allotted a berth to provide sleeping accommodation at night and that during day time, room must be made for other passengers up to the seating capacity of the compartment. When this was explained to the objector he withdrew his objection and tendered an apology which was accepted. The Railway Administration reports that the detention to the train was not on account of this incident, but on account of heavy parcels work.

Mr. Govind V. Deshmukh: May I know if the extract which has been referred to in the question and which was sent by me refers to the fact that Mr. Forbes was not willing to apologise and did not in any way accept the explanation?

The Honourable Sir Andrew Olow: I think the gentleman in question did apologise.

Mr. Govind V. Deshmukh: He apologised to Mr. Trivedi, E.C.S., but not to the passenger, who went to a different compartment.

The Honourable Sir Andrew Olow: The passenger was a minor whom Mr. Trivedi was looking after. I suggest that the Honourable Member might follow the excellent example of Mr. Trivedi and regard the incident as closed.

DEPARTMENTAL ENQUIRY FOR SUBORDINATE RAILWAY EMPLOYEES BEFORE REMOVAL FROM SERVICE.

78. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that an employee in the subordinate railway service, when charged with an offence meriting removal from service, is entitled to the privilege of a departmental enquiry?

(b) Is that privilege denied under the second part of Rule 1709 of the State Railway Establishment Code, Volume I? If so, why?

(c) Is it a fact that in other commercial departments of the Government of India, like the Posts and Telegraphs, the privilege of a departmental enquiry is conceded to an employee charged with the offence meriting removal from service? If so, why are the railway employees not conceded a similar privilege?

(d) Does the Honourable Member propose to direct deletion of the second part of Rule 1709 in the State Railway Establishment Code, Volume I, in regard to discretionary powers to the Railway Officers to dispense with a departmental enquiry? If not, why not?

The Honourable Sir Andrew Olow: (a) No, the employee has not been given the right to demand a departmental enquiry.

(b) Does not arise in view of reply to part (a).

(c) As regards the first part the answer is in the affirmative, except in exceptional circumstances. Conditions of service in different departments are not the same.

(d) The answer to the first part is in the negative, as regards the second part I would refer the Honourable Member to my reply to part (c).

Mr. N. M. Joshi: If an employee cannot have a departmental inquiry, may I know how the case is generally dealt with?

The Honourable Sir Andrew Olow: In any case of any serious offence it is generally dealt with by a departmental inquiry.

Mr. N. M. Joshi: In other cases what kind of inquiry or appeal has the man got?

The Honourable Sir Andrew Olow: I think they are dealt with more summarily on the lines that any other industrial organisation would adopt.

Mr. Lalchand Navalrai: Is any opportunity given to him to offer an explanation?

The Honourable Sir Andrew Olow: Yes, practically in every case it is given unless of course, as occasionally happens, he absconds.

Mr. Lalchand Navalrai: Is also a charge framed?

The Honourable Sir Andrew Olow: We do not follow the formal procedure of a court of law in every case to which my Honourable friend is accustomed.

Mr. N. M. Joshi: May I know if the Honourable Member's Department follows the practice suggested by the Royal Commission on Indian Labour of which he was a very distinguished member?

The Honourable Sir Andrew Olow: In any case that comes within my purview. I can assure the Honourable Member that the practice is more elaborate than I consider suitable.

STOPPAGE OF INCREMENT AS AN ALTERNATIVE PUNISHMENT ON NORTH WESTERN RAILWAY.

79. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that an increment of a railway employee, accruing by efflux of time which is generally twelve months, is also included in "wages" under the Payment of Wages Act, IV of 1936?

(b) If the reply to part (a) above be in the negative, how does the Honourable Member reconcile it with the following words which appear on page 5 of the Agent, North Western Railway, Circular 1 of 1937, on the Payment of Wages (Railways) Act:

"With the exception of travelling allowance the term 'Wages' includes all other allowances. It also includes the amount of any increment accruing by efflux of time.'"

(c) If the reply to part (a) above be in the affirmative, why has the General Manager, North Western Railway, in his letter No. 14-RM/27, dated the 3rd June, 1941, amplifying the instructions issued by the Railway Board under their No. E. 40-AT-8, dated the 9th April, 1941, provided for stoppage of increments as an alternate punishment?

(d) What are the powers of the General Managers in the matter of amplifying Railway Board's instructions? Why has the General Manager, North Western Railway, provided for punishments which have not been referred to by the Railway Board as authorised?

The Honourable Sir Andrew Olow: (a) I regard this as a question of legal interpretation rather than of fact.

(b) and (c). Do not arise.

(d) General Managers are empowered to amplify instructions issued by the Railway Board provided they are not inconsistent with the rules. As regards the second part, the General Manager's action was not incorrect as the Railway Board did not exclude other punishments not mentioned in their orders.

Mr. Lalchand Navalrai: Why is the increment by efflux of time not included in the wages?

The Honourable Sir Andrew Olow: I did not say it was not included. I said it was a matter of legal interpretation, and I think it is more for the Honourable Member to offer me legal advice than for me to give him free legal advice.

Mr. Lalchand Navalrai: I am asking what happens in practice. Is the department now adding this to the wages?

The Honourable Sir Andrew Olow: The ordinary practice is to treat an increment which has actually accrued as part of wages.

DEPREDACTIONS BY KAZAKS.

80. *Mr. Govind V. Deshmukh: Will the Foreign Secretary please state:

- (a) if he has received a memorial about the depredations by a horde of Kazaks; and
- (b) what steps, if any, have been taken to grant relief to the signatories of the memorial and other victims of the Kazaks in the United Provinces?

Mr. O. K. Caroe: (a) Yes.

(b) The Resident in Kashmir has been instructed to request the Kashmir State Authorities to conduct a search of the Kazak camp and to sequestrate the property suspected to be stolen. If any such property is found opportunities for its identification by its owners will be given.

†81.*

RESERVATION OF FIRST AND SECOND CLASS BERTHS ON NORTH WESTERN RAILWAY.

82. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable Member for Railways please state:

- (a) if it is a fact that second and first class berths can be reserved on the North Western Railway on payment of -/8/- per berth;
- (b) whether passengers have to purchase their tickets before the application for reservation is made;
- (c) whether in case the journey is not taken up it is the practice to refund the amount less -/1/- per ticket on presentation of tickets at the Booking Office within three hours after the departure of the train for which they are available, when the berth is not reserved;
- (d) whether in such a case where the berths are reserved the passengers get the refund less ten per cent. of the value of tickets on their application in writing to the Commercial Manager, North Western Railway, Lahore; and
- (e) if the answers to parts (c) and (d) be in the affirmative, will he consider the advisability of removing this discriminatory treatment of the two categories of passengers?

†This question was not asked by the questioner.

Mr. J. H. F. Raper: (a) Yes, at certain stations and on certain trains.

(b) Yes.

(c) I am not clear whether by "the amount" the Honourable Member means the payment mentioned in part (a) or the cost of the ticket. Reservation fees are not refunded. If a refund is claimed on tickets, they must be presented within two hours after the departure of the train. If the reason for requiring a refund is that there was no room on the train, a refund in full is made within three hours after the departure of the train, otherwise a deduction of one anna per ticket is made.

(d) Yes, except that reservation fees are not refunded and if a fresh ticket of the same class and of the same description and to the same destination is purchased at the time a refund is required, then the refund will be made at the station or booking office concerned without any deduction.

(e) No.

FULFILMENT OF LOCO. COAL SUPPLY CONTRACTS BY COLLIERIES.

83. *Mr. K. O. Neogy: Will the Honourable Member for Railways be pleased to state:

- (a) whether he is satisfied that collieries with which the Railway Board have placed contracts against tenders for loco. coal for 1942-43, will be able to supply the quantities contracted for;
- (b) whether any of the aforesaid collieries are in arrears in respect of their contracts for 1941-42;
- (c) who is the authority that ascertains the capacity of collieries to supply against loco. orders; and
- (d) whether some of the collieries which have received loco. contracts for 1942-43 are not yet in a position to raise or despatch coal due to lack of railway siding and other equipments?

The Honourable Sir Andrew Clow: (a) I hope so.

(b) Yes.

(c) The Chief Mining Engineer, Railway Board.

(d) I understand that all collieries from which supplies are to be taken in 1942-43 have loading accommodation allotted to them by the railways and sufficient equipment of their own to enable them to despatch the quantity allocated to them.

Mr. K. O. Neogy: Are these matters generally left to be decided by the Chief Mining Engineer or do they come up normally for scrutiny in the Railway Board?

The Honourable Sir Andrew Clow: Coal contracts come up for scrutiny in the Railway Board.

Mr. K. C. Neogy: In regard to all these various points that I have raised?

The Honourable Sir Andrew Olow: Minor matters of detail, such as loading facilities, are not investigated by the Railway Board.

FULFILMENT OF LOCO. COAL SUPPLY CONTRACTS BY COLLIERIES.

84. *Mr. K. C. Neogy: Will the Honourable the Railway Member please state if there are any collieries which have considerable stocks as shown in the Railway publications in arrears against loco. contracts, and if so, have the authorities investigated into the reasons for this?

The Honourable Sir Andrew Olow: I know of no collieries supplying coal to the railways whose stocks of steam coal can be described as considerable. At the moment most collieries are loading into wagons all the steam coal they can raise.

TENDERED RATES OF COAL PRICE OF CERTAIN COLLIERIES.

85. *Mr. K. C. Neogy: (a) Will the Honourable the Railway Member please state what was the difference in the tendered rates of coal price in 1941-42 between Jambad Kajora and

- (i) Kenda,
- (ii) Searsole Jamehari,
- (iii) Satgram, and
- (iv) Samla,

groups of collieries?

(b) What was the difference in the tendered rates for the aforesaid groups of collieries for 1942-43?

(c) Whether the policy of the Railway Board is to spread their contracts over the largest number of collieries subject to conditions of quality, price and their past records?

The Honourable Sir Andrew Olow: (a) and (b). I lay a statement on the table giving the tendered rates for both years.

(c) Yes; as far as is considered practicable by the consuming railways.

Statement.

Coals.	Rate per ton. F. O. R. Colliery.	
	1941-42.	1942-43.
Jambad Kajora	Rs. 2/15 to 3/6	Rs. 3/4 to 3/12
Kenda	Rs. 2/15 to 3/3	Rs. 3/8 to 3/9
Searsole Jamehari	Rs. 2/10 to 3/3	Rs. 2/15 to 3/10
Satgram	Rs. 2/12 to 3/1	Rs. 3/6 to 3/8
Samla Group	Rs. 2/9 to 2/10	Rs. 3/0 to 3/2

QUANTITY OF COAL ALLOTTED TO EASTERN BENGAL RAILWAY AND EAST INDIAN RAILWAY FROM KARGALI AND BOKARO COLLIERIES.

86. *Mr. K. C. Neogy: (a) Will the Honourable the Railway Member please state what is the quantity of coal allotted to Eastern Bengal Railway and East Indian Railway (Asansol and Howrah Divisions) from Kargali and/or Bokaro collieries for the year 1942-43?

(b) What is the Railway freight including surcharge and other cesses per ton for the following distances:

(i) from Kargali and Bokaro collieries to Naihati,

(ii) from Ondal to Naihati,

(iii) from Kargali and Bokaro collieries to Jharia, and

(iv) from Kargali and Bokaro collieries to Asansol and Howrah?

(c) Do the authorities take into consideration Railway Freight, tollage and siding charges of respective collieries in meeting Railway requirements both from public and Railway collieries?

(d) Is it a fact that the Railway authorities sometimes allot coal from Railway collieries to Bengal and Assam Railway and East Indian Railway (Asansol and Howrah Division stations) while coal of equivalent quality could be obtained from lesser distance, such as Ondal-booking collieries, at economic rates taking railway freight into consideration? If so, on what grounds?

The Honourable Sir Andrew Clow: (a) 75,000 tons to the Eastern Bengal Railway and 180,000 tons to the East Indian Railway. The Howrah Division of the East Indian Railway is not allotted this coal.

(b) The Railway freights including surcharge and other cesses per ton are:

(i) From Kargali and Bokaro Collieries to Naihati—Rs. 4/2 per ton *plus* 20 per cent. on total freight charges.

(ii) From Ondal to Naihati—Rs. 2/10 per ton *plus* 20 per cent. on total freight charges, and 1½ pies per ton on account of Excise Duty.

(iii) From Kargali and Bokaro Collieries to Jharia—Rs. 1/6 per ton *plus* 20 per cent. on total freight charges.

(iv) From Kargali and Bokaro Collieries to Asansol—Rs. 2/4 per ton *plus* 20 per cent. on total freight charges.

(v) From Kargali and Bokaro Collieries to Howrah—Rs. 4-11-6 per ton *plus* 20 per cent. on total freight charges.

(c) Yes.

(d) No.

POLICY, PROGRAMME, ETC., OF THE EASTERN GROUP COUNCIL.

87. *Mr. K. C. Neogy: (a) Will the Honourable Member for Supply please state whether the general policy and programme of the Eastern Group Council came up for revision in view of recent developments which have seriously handicapped certain units of the Council in regard to the fulfilment of their respective programmes of production and supply of war materials?

(b) Will the Honourable Member for Supply be pleased to make a statement reviewing the work so far done by the Eastern Group Council in India with the object of developing the production of war materials? Is the manufacture of guns, tanks, aircraft and heavy armaments in India included within the programme of the Council?

(c) Is it a fact that the Roger Mission made recommendations in favour of early establishment of certain factories which would have made India self-sufficient in regard to certain important war industries? If so, what action has so far been taken on these recommendations?

The Honourable Sir Homi Mody: (a) The general policy of the Eastern Group Supply Council has not been affected by recent developments, but its programme has been adjusted to meet the situation mentioned by the Honourable Member. For example, orders placed on Hong Kong have been transferred to India and other countries in the Eastern Group.

(b) The production of war materials in India is the responsibility of the Government of India in the Supply Department. The Eastern Group Supply Council has not so far been made responsible for developing the production of guns, tanks, aircraft, and heavy armaments; its main business is to procure by allocations on Eastern Group Countries a very large range of engineering stores and other manufactured goods.

(c) The Ministry of Supply Mission recommended the expansion of certain existing factories and the establishment of certain new factories. The Mission's projects after modification in some cases by His Majesty's Government in the United Kingdom, to whom the expenditure is charged, have all been satisfactorily launched. The projects were not designed to make India "self-sufficient"; they were designed to make the best possible use of India's resources in the light of the conditions then prevailing.

Mr. Husenbhai Abdullabhai Laljee: May I know from the Honourable Member whether these industries will manufacture things in India to make India self-supporting or are they being set up only for war purposes? Will they also manufacture things for the defence of India?

The Honourable Sir Homi Mody: But they are doing so. There is some confusion in the mind of the Honourable Member.

Mr. K. O. Neogy: With regard to question (a), do I take it that there has been a general adjustment in the policy of Government in this behalf with a view to make India self-supporting and self-sufficient, as far as possible, in regard to war supplies?

The Honourable Sir Homi Mody: All the efforts of the Department have been directed towards making India as self-sufficient as possible, having consideration to the limitations in the matter of plants, basic equipment and technical personnel.

Mr. K. O. Neogy: What are the new industries that the Government hope to start as a result of their re-examination of the position in the light of recent events?

The Honourable Sir Homi Mody: Several new industries have been started and the development of a great many existing industries has taken place. I may mention, for instance, the Aluminium industry and production of sulphur. Many articles which were in very poor production in cottage industries before the war are now coming on to full production, and altogether the output of India since the war started has been amazing.

Mr. K. C. Neogy: I do not know whether my Honourable friend has actually missed my point. I wanted to know whether any industry of any consequence is proposed to be undertaken in India as a result of the recent developments in the Far East which normally would, perhaps, have been entrusted to some other member of the Eastern Group Supply Council?

The Honourable Sir Homi Mody: No. I could not say that, as a result of recent developments, any new industries are being projected. As I stated just now, every thing depends upon our being able to obtain the necessary plant and equipment. There is nothing that we are not prepared to undertake, whether there are any developments in the Far East or not.

Maulana Zafar Ali Khan: With regard to part (b) of the question, I should like to know what is the total number of aircraft and tanks in India at the present moment.

The Honourable Sir Homi Mody: I am afraid you will have to ask the Defence authorities for that information.

Mr. Govind V. Deshmukh: May I know if as a result of recent developments shipbuilding would be undertaken in India? Up till now we were looking forward for help from Australia.

The Honourable Sir Homi Mody: Ships are already being built in India. Many trawlers and small ships are on the water already.

Sir F. E. James: In his answer to part (c) of the question, the Honourable Member has said that some of the recommendations with regard to the establishment of industries made by the Roger Mission had already been launched. I understand by the word "launched" that they are still in their preliminary stage. Is he satisfied that they are progressing satisfactorily and nearing completion? I understand there has been a great deal of delay even in launching of some of the projects recommended by the Roger Mission.

The Honourable Sir Homi Mody: The progress so far made has, I think, been very satisfactory. Many of these projects will be actually in operation in the next few months.

Mr. K. C. Neogy: With regard to the shipbuilding industry, having regard to the fact that Hong Kong was expected to produce some ships, will the production of ships of that variety be undertaken in India?

The Honourable Sir Homi Mody: India is producing as many ships and of as many types as it is possible for her to produce. We are not depending upon the industrial production of other countries and on what they have or have not been able to supply. The needs of the defence services are so great that we are constantly engaged in the task of producing as much as we possibly can without waiting to find whether other countries can supply our needs or not.

Mr. K. C. Neogy: The question is, even if the other countries are in a position to manufacture these, places like Hong Kong will not be able to supply those ships.

The Honourable Sir Homi Mody: Therefore what?

Mr. K. C. Neogy: Therefore produce those types of things that you counted upon being supplied by other units of the Council.

The Honourable Sir Homi Mody: They are being produced to the maximum capacity.

Mr. K. C. Neogy: May I know whether the programme is being changed in view of the fact that certain units of the Council cannot any longer be depended upon to supply the articles that they were expected to produce?

The Honourable Sir Homi Mody: I do not think I can say that the programme has been materially altered by the fact that Hong Kong is no longer in a position to produce any particular type of goods.

Pandit Lakshmi Kanta Maitra: May I know from the Honourable Member what is the output, in tonnage, of shipping produced in India at present.

The Honourable Sir Homi Mody: I am not able to answer that question straightaway.

PAUCITY OF MUSLIMS IN THE OFFICE OF THE CHITTAGONG PORT TRUST.

88. *Shaikh Rafiuddin Ahmad Siddique: (a) Will the Honourable Member in charge of Communications be pleased to lay on the table of the House a list showing the number of officers and staff with their pay and scale in the office of the Chittagong Port Trust?

(b) Is it a fact that there is not a single Muslim officer in the office and that the number of Muslim clerks is less than the proposed percentage?

(c) If the answer is in the affirmative, will the Honourable Member be pleased to state if the Government is prepared to make up the deficiency as soon as occasion arises?

The Honourable Sir Andrew Clow: (a) I do not propose to place a list on the table of the House, but there is a list in the Communications Department which is open to inspection by any Member of the House.

(b) There are eight posts carrying a salary of over Rs. 500 all of which, with one exception, are held by persons having specialised technical qualifications. No such post is held by a Muslim officer. As regards clerks, the

total number of posts in the office on 31st October, 1941, was 28 out of which eight posts were held by Muslims.

(c) This is a matter for the Trust but it would not appear to be necessary to take special steps in respect of this particular group; of the total of 379 employees at the Port 287 or over 75 per cent. are Muslims, and in the pilots grade which is the highest grade below that of officer, every post is held by a Muslim.

†89.*

PROVISION OF RAISED PLATFORM AT PARASNATH RAILWAY STATION.

‡90. *Babu Baijnath Bajoria: (a) Will the Honourable the Railway Member be pleased to state whether Government are aware that there is no raised platform at Parasnath Station on the East Indian Railway Grand Chord Line?

(b) Is he aware that this station leads to Parasnath Hill, one of the most sacred places of Jain Pilgrimage in India and a large number of pilgrims get down at this station?

(c) Is he aware that the pilgrims, specially women and children, suffer great inconvenience at this station due to the low station platform?

(d) Is he aware that there is discontent amongst the Jain community over this matter?

(e) Is the Honourable Member prepared to consider the provision of a high level platform at Parasnath station at an early date? If not, why not?

The Honourable Sir Andrew Olow: (a) to (d). The Honourable Member is referred to my reply to Question No. 167 by Qazi Muhammad Ahmad Kazmi given on the 13th November last.

(e) The East Indian Railway Administration have carefully considered the matter on the basis of the average number of persons per train using this station and find that there are many other stations with superior claims to have raised platforms provided. The case of Parasnath will be dealt with in accordance with its position on the list and as funds permit.

PROTRACTED PROCEEDINGS OF THE CASE, SANAIRAM DOONGARMULL AND OTHERS *versus* ASSAM BENGAL RAILWAY, ETC.

‡91. *Babu Baijnath Bajoria: Will the Honourable Member in charge of Communications be pleased to state:

(a) the total number of days and the actual period taken by the Railway Rates Advisory Committee in the hearing of case No. 63. (Sanairam Doongarmull and others *versus* the Assam Bengal Railway and the Assam Railways and Trading Company Limited) regarding terminal and siding charges;

†This question was withdrawn by the questioner.

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

- (b) the total sums spent in connection with this case by the Railways concerned and the Government, respectively, including sums paid to the lawyers engaged by them; and
- (c) the reason of these proceedings being so protracted resulting in considerable expense both to the Government and to the applicant?

The Honourable Sir Andrew Olow: (a) There were 45 actual days of hearing and the period from the receipt of the application to the submission of the report was ten months 19 days.

(b) The sum spent by the two railways was Rs. 27,965-2-0. The cost to Government, on account of fees paid to the Commercial Member, was Rs. 4,120.

(c) The case was particularly intricate and contained many highly debatable points. The Committee, therefore, had to give the parties reasonable opportunity to argue and establish their points.

DESIRABILITY OF SPEEDY DISPOSAL OF CASES BY THE RAILWAY RATES ADVISORY COMMITTEE.

†92. ***Babu Baijnath Bajoria:** Will the Honourable the Railway Member be pleased to state:

- (a) whether it is not a fact that the Railway Rates Advisory Committee was appointed to give the trading community the benefit of a judicial decision in an expeditious manner and to act as a simpler machinery than the usual proceedings in a Civil Court;
- (b) whether the very purpose of the creation of this committee is nullified due to the inordinate delay taken in its proceedings and the great expense incurred both by the Railway and the applicants;
- (c) whether any representation has been received by the Railway Board from any commercial body drawing its attention to the inordinately lengthy, and consequently expensive, proceedings held in the hearing of cases by this committee; and
- (d) what steps Government have taken or propose to take to simplify the hearing before this committee and to remove the grievances of the mercantile community in the matter?

The Honourable Sir Andrew Olow: (a) No; the conclusions of the Committee are advisory and it was designed to provide a simpler machinery than that contemplated by former sections 26 to 40 of the Indian Railways Act, 1890.

(b) No.

(c) Yes.

(d) As a result of the recommendations of the Indian Railway Enquiry Committee, 1937, certain measures have been taken to secure more expeditious procedure. Details of these were published in a Press Communiqué of 27th January, 1940.

DESIRABILITY OF SPEEDY DISPOSAL OF CASES BY THE RAILWAY RATES ADVISORY COMMITTEE.

†93. *Babu Baijnath Bajoria: Will the Honourable the Railway Member be pleased to state:

- (a) the number of cases heard and disposed of by the Railway Rates Advisory Committee in each of the three years 1938, 1939, 1940;
- (b) the cost to the Railways in each of these years in respect of:
 - (i) the salary and allowances paid to the President and Members of this Committee, and
 - (ii) the legal and other charges in connection with the conduct of cases on behalf of the Railway; and
- (c) what steps, if any, do Government propose to take to reduce the expenses and for speedy disposal of cases?

The Honourable Sir Andrew Clow:

(a)	1938-39	.	.	7 cases heard and 4 disposed of
	1939-40	.	.	7 " " " 4 " "
	1940-41	.	.	4 " " " 2 " "
				Rs.
(b) (i)	1938-39	.	.	45,657
	1939-40	.	.	50,822
	1940-41	.	.	49,002

(ii) Information is being collected and will be laid on the table in due course.

(c) The expense incurred and the length of time required for disposal depends largely upon the applicants and without curtailing their freedom of action, Government rely upon the action referred to in part (d) of my reply to the preceding question.

Mr. President (The Honourable Sir Abdur Rahim): As Mr. Neogy has exhausted his quota of five questions, answer to question No. 94 will be laid on the table.

CURTAILMENT OF PASSENGER TRAIN SERVICES.

†94. *Mr. K. O. Neogy: (a) With reference to curtailment that has either been decided upon, or may be under definite contemplation, of passenger train services on the different Railways, will the Honourable

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

‡ Answer to this question laid on the table, the questioner having exhausted his quota.

Member for Railways be pleased to state the principles followed in selecting the services for such curtailment, and the reasons that have led to this action?

(b) Was the Advisory Committee concerned previously consulted in each case of such curtailment?

(c) Will the Honourable Member be pleased to lay on the table a copy of any statement that the local authorities of each Railway concerned may have made in explaining the reasons for the curtailment of the services?

The Honourable Sir Andrew Clow: (a) The main principle followed was to secure relief for such sections as most required it. In applying this principle, Administrations would naturally give full consideration to other factors, such as the extent to which the various passenger services were patronised, the relative importance of the places served, alternative rail routes and the existence of other means of communication. The reason is inability to cope with all the traffic offering, and was explained in some detail in a press communiqué issued on 27th January.

(b) The G. I. P. Railway advised the Local Advisory Committee, Bombay, in January of the cancellation of certain services on and from 1st February. Government are not aware if other railways have consulted Local Advisory Committees in every case but have drawn the attention of railways to the desirability of doing so.

(c) Government have no information of any such statements other than the notices which may have appeared in the press. As I have stated, the reasons were set out in a Press Note issued by the Railway Board. As this was widely reproduced in the press, I do not propose to lay it on the table.

UNSTARRED QUESTION AND ANSWER.

REFUSAL OF CASUAL LEAVE TO NORTH WESTERN RAILWAY EMPLOYEES BY WAY OF PUNISHMENT.

25. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether an employee's privileges are stopped on the North Western Railway for a fixed period as a measure of punishment?

(b) Is 'Casual Leave' also included in the term 'privileges' that are stopped under circumstances referred to in part (a) above?

(c) Will the Honourable Member please refer to the front page of the *Railway Herald*, dated the 26th January, 1942 and state how the answer to part (b) above is reconciled with the rules as quoted in the *Railway Herald*?

(d) Is it proposed to issue instructions to the North Western Railway administration that casual leave should not be refused to an employee whose privileges are stopped? If not, why not?

The Honourable Sir Andrew Olow: (a) and (b). Yes.

(c) The answer to the first part is in the affirmative. As regards the second part, Government can see no contradiction which requires to be reconciled.

(d) No; because there is no reason why this privilege should not be liable to be withdrawn. I would add that in cases where serious hardship would have been caused to an employee, whose privileges are stopped, by refusing casual leave, it has been granted.

ELECTION OF MEMBERS TO THE STANDING COMMITTEES ON EMIGRATION AND ON PILGRIMAGE TO THE HEJAZ.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Members have been elected to the Standing Committees on Emigration and on Pilgrimage to the Hejaz, respectively:

Standing Committee on Emigration.

- (1) Mr. Ananga Mohan Dam,
- (2) Sir Abdul Halim Ghuznavi,
- (3) Syed Ghulam Bhik Nairang,
- (4) Sir Syed Raza Ali,
- (5) Shams-ul-Ulema Kamaluddin Ahmed,
- (6) Khan Bahadur Shaikh Fazl-i-Haq Piracha,
- (7) Mr. M. Ghiasuddin, and
- (8) Sir F. E. James.

Standing Committee on Pilgrimage to the Hejaz.

- (1) Khan Bahadur Shaikh Fazl-i-Haq Piracha,
- (2) Sir Abdul Halim Ghuznavi, and
- (3) Maulvi Syed Murtuza Sahib Bahadur.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"I am directed to inform you that the Council of State at its meeting held on the 23rd February, 1942, agreed without any amendment to the following Bills, which were passed by the Legislative Assembly at its meetings on the 16th and the 17th February, 1942, namely:

1. A Bill further to amend the Workmen's Compensation Act, 1923;
2. A Bill further to amend the Indian Merchant Shipping Act, 1923;
3. A Bill further to amend the Indus Vessels Act, 1863;
4. A Bill further to amend the Indian Medical Council Act, 1933;
5. A Bill further to amend the Indian Boilers Act, 1923;

6. A Bill to provide for the incorporation, regulation and winding up of co-operative societies with objects not confined to one province; and
7. A Bill to continue the provision made under Ordinance No. XIII of 1940 for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means."

DEPARTMENT OF INDIANS OVERSEAS NOTIFICATION ISSUED
UNDER THE INDIAN EMIGRATION ACT.

The Honourable Mr. M. S. Aney (Member for Indians Overseas): Sir, I beg to lay on the table a copy of the Department of Indians Overseas Notification, No. F. 69/41-O.S., dated the 13th December, 1941, issued under the Indian Emigration Act, 1922.

No. F. 69/41-O. S.

GOVERNMENT OF INDIA.

DEPARTMENT OF INDIANS OVERSEAS.

New Delhi, the 13th December, 1941.

NOTIFICATION.

(OVERSEAS.)

In exercise of the powers conferred by sub-section (1) of section 30A of the Indian Emigration Act, 1922 (VII of 1922), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Department of Education, Health and Lands, No. F. 144-1-38-O.S. (C.), dated the 21st July, 1941, namely:

In the said notification, for the words "by special order" the words "by general or special order" shall be substituted.

(SD.) G. S. BOZMAN,

Secretary

HOME DEPARTMENT DECLARATION OF EXEMPTION ISSUED
UNDER THE REGISTRATION OF FOREIGNERS ACT.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I lay on the table a copy of the Home Department Declaration of Exemption, No. 1/27/41-Political (E.), dated the 18th February, 1942, issued under the Registration of Foreigners Act, 1939.

No. 1/27/41-Political (E.)

GOVERNMENT OF INDIA,

HOME DEPARTMENT.

*New Delhi, the 18th February, 1948**Declaration of Exemption.*

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Lt.-Col. Yih Teh-Ming, and Doctor Ho, so long as they hold the posts of Chinese Resident Military Officer and Staff Officer respectively.

V. SHANKAR,

Deputy Secy. to the Govt of India.

ELECTION OF THE STANDING FINANCE COMMITTEE.

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

"That this Assembly do proceed to the election, for the Financial year 1942-43, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a Member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

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

"That this Assembly do proceed to the election, for the Financial year 1942-43, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a Member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): Sir, I wish to say a few words on this motion. The Standing Finance Committee bears a dignified name but it possesses no real power. Its functions are extremely limited. It is merely an advisory committee and its recommendations need not be accepted by the Finance Department or the Government of India. It does not deal with revenue or taxation and it confines itself only to expenditure, but even there does not cover the whole field of expenditure. Its function is limited to a consideration of a few items of fresh expenditure. Therefore, it is clear that this Committee is not a very useful body.

I should like to place before the House the observations which were made by Sir Malcolm Hailey, now Lord Hailey, who, as Finance Member in 1922, introduced a motion similar to the one which has been made by my Honourable friend, Sir Jeremy Raisman. He said that this

[Dr. P. N. Banerjea.]

Standing Finance Committee would perform three main functions. In the first place, it would examine all the papers relating to the budget estimates. He observed:

"I propose therefore that for the future the Standing Finance Committee, if it is accepted by the House, should have that material placed in their hands some short time before the budget and should deal with it on behalf of the House."

As regards the second function, he said:

"The second function will be this, that in the course of the year we shall probably have to place before the House demands in excess of the budget for the purpose of a supplementary vote."

He then added:

"There remains a third function. I should like it to be arranged that the Committee should in the course of the year deal with any schemes for fresh expenditure which are put forward by the departments. I would limit these to the major schemes, schemes which will be sufficiently large to have any influence on the budget."

As a matter of fact, only this third function is exercised by the Standing Finance Committee

The Honourable Sir Jeremy Raisman: What about the second function?

Dr. P. N. Banerjea: All supplementary items are not placed before the Standing Finance Committee

The Honourable Sir Jeremy Raisman: Not all, but a large number.

Dr. P. N. Banerjea: Not a very large number,—a very small number.

The Honourable Sir Jeremy Raisman: All those which have any significance—not merely routine matters.

Dr. P. N. Banerjea: The then Finance Member did not stop at this. He said further:

"I have attempted to outline the functions of the Committee, but I do not intend that anything that I may say now should be taken as a final definition of them. I think as time goes on it will be found that the Committee can take up a very much wider scope of work on behalf of the Assembly than I have laid down today."

But, as I have said, at the present moment, only a few items of supplementary expenditure and fresh expenditure are placed before the Standing Finance Committee. In this connection I wish to remind the House that in view of the unsatisfactory nature of the functions of this Standing Finance Committee, this House rejected the motion for the appointment of a Standing Finance Committee five or six years ago, and for three years no Standing Finance Committee was elected. If I remember aright, it was in 1940, when Sir Jeremy Raisman had become the Finance Member, that he renewed the proposal for the formation of a Standing Finance Committee and he made also an alternative offer, namely, an Estimates Committee. I pointed out to the House at that time that an Estimates Committee was no substitute for a Standing Finance Committee and the House accepted the Finance Member's offer of a Standing Finance Committee. That offer was accepted because Sir

Jeremy Raisman was considered to be more friendly with the Members of the House than his predecessor, and it was hoped that an extension of the functions would take place during his term of office. But no such expansion has as yet taken place.

In this connection I should like to point out the main features of the financial system as it exists in England. There is no Standing Finance Committee in England, but every year the House of Commons goes into two committees,—forms two committees of the whole House,—a Committee of Supply and a Committee of Ways and Means. The resolutions of these Committees are placed before the House of Commons sitting formally as a House. That ensures financial control of the House of Commons. But here, in India, there is no method by which the House can exercise adequate and detailed control over the finances of the country.

The present system is very unsatisfactory, and unless some expansion of the functions of the Standing Finance Committee is made, I do not think any useful purpose will be served by appointing this Committee. I, therefore, offer the following suggestions for the consideration of the Government:

(1) All decisions of the Standing Finance Committee should be placed before the Assembly. It should not be merely a body advisory to the Finance Member or the Government of India:

(2) The Standing Finance Committee should deal with revenue as well as expenditure;

(3) All proposals for fresh expenditure amounting to Rs. 10,000 and over, whether recurring or non-recurring, should be placed before the Standing Finance Committee;

(4) The budget estimates and all papers relating to those estimates should be placed, previous to the presentation of the annual budget, before the Assembly; and

(5) After the annual budget has been presented and after the general discussion has taken place, the whole budget together with the Finance Bill should be placed again before the Standing Finance Committee, and the alterations in the budget and the amendments in the Finance Bill made by it should be brought before the Legislative Assembly.

If these suggestions are accepted, the Standing Finance Committee will prove a very useful body. As it is, this Committee is of no real use either to the Government or to the country.

Mr. Husenbhai Abdullabhai Laljee (Bombay Central Division: Muhammadan Rural): Sir, I quite agree with the remarks that have fallen from Dr. Banerjee. There has been a feeling in this House that, so far as the Standing Finance Committee as also most other Committees are concerned, the Members of this House do not get that consideration which is due to them. Now, take this very Committee, and you will find that the Honourable the Finance Member says that such demands for excess grants are put before the Committee, when there are somewhat difficult questions. . . .

The Honourable Sir Jeremy Raisman: What I meant to imply was that they may be of so little significance that no body of sensible men ought to waste any time in considering them at all.

Mr. Husenbhai Abdullabhai Laljee: It is all very good to say that no body of sensible men will waste any time and so on. I quite agree that if there are small grants, say below Rs. 10,000 or Rs. 15,000 or even for

[Mr. Husenbhai Abdullabhai Laljee.]

the matter of that, if there are small grants, even say under a lakh of rupees, they need not be placed before the Standing Finance Committee if they are purely of a routine character, but there should be some limit placed, and the option as to what grants are routine and what are not, or what grants should or should not be placed before the Standing Finance Committee should not entirely rest with the Finance Member. That is the most important thing.

Again, Sir, we ought also to have some knowledge of the revenue. That portion has never been placed before the Standing Finance Committee; only then we can consider whether certain expenditure can be sanctioned or not. Later on, when the revenue figures are placed before us, we find a lot of difference. Sir, it has been said by many commercial bodies that the revenues are always under-estimated, and it is not at all surprising that it is so. The Finance Committee is there to look into the revenue side also, so that they may sanction the necessary expenditure. I, therefore, feel that if the Honourable the Finance Member really requires the assistance of the Standing Finance Committee, he should consider the suggestions that have been made today; only then the Committee also will be able to do some useful work.

The Honourable Sir Jeremy Raisman: Sir, I quite agree with Professor Banerjea that if the functions of the Standing Finance Committee were extended as he suggests, it would cover a good deal more ground, in fact I should be disposed to say that, if it really did these functions, it would hardly be necessary to have a Finance Department at all. Why have an executive side of the Government which is dealing with finance if a Committee of the Legislature is going to be capable of dealing with all questions of policy or otherwise arising in the wide field which he advocated.

Now, Professor Banerjea has been delving into history. He has looked up the speech made by Sir Malcolm (now Lord) Hailey when he first put the proposal for the Standing Finance Committee before this House. I regret that Professor Banerjea's energies should flag so rapidly. I am sorry that he did not proceed to complete his historical researches and find out what happened at further successive stages to the ideas which the Finance Member then put before this House. He might then have been able to present this House with a somewhat more complete and balanced view of the reasons why the functions of the Standing Committee finally emerged in the form which they take today. . .

Dr. P. N. Banerjea: Attenuated form?

The Honourable Sir Jeremy Raisman: Attenuated, if you like, but at any rate the whole question has a history, and it was not merely that the Government did not desire to put these things before the Standing Finance Committee. It was that, when they came to consider the practical proposal and the working out of these suggestions which had somewhat tentatively been formulated by Lord Hailey, at that stage they realised that it would be impossible to put before the Standing Finance Committee the budget estimates including the revenue proposals. It was not feasible.

Now, Professor Banerjea has referred to the practice in England. I can assure him that the difficulties which we encountered here have been

encountered in England in a much more acute form, and that the Government in England in time of peace, not of war, came to the conclusion that it was quite impossible for any part of the Legislature to be associated with the executive Government in some of the processes which Professor Banerjea has attempted to include in his suggestions. The history of the Estimates Committee in England is a much more deterrent record than that of the Standing Committee here, and I would refer Dr. Banerjea to standard works on the subject, such as Sir Hilton Young's work on National Finance, and I think he will find that it has been found that as a matter of democratic procedure and in the most advanced democratic constitutions, that it is not possible to associate the Legislature beyond a certain stage with the formulation of certain features of financial policy. That is to some extent borne out by the practice in the autonomous provinces of India under the 1935 Act when those provinces had a very large measure of autonomy. I think he will find that the practice of those Governments, including the Congress Governments, was much more, shall I say, authoritarian, than our practice has been at the Centre, and that arises inevitably from some of the constitutional necessities and limitations. That deals with, I think, the first point in the Hailey suggestions which included revenue. I may say, before I pass on from that point, that as one who has had a great deal to do with the estimation of revenue I am quite incapable of conceiving how with the best will in the world it would be possible usefully to associate a Committee of the Legislature at any time with so difficult and expert a process, and at the present time it really would be quite devoid of significance.

On the second point which I think was in relation to Supplementary Demands, as far as my recollection goes, it was found that the effect of carrying that out was to place before the Committee a large number of demands which really it was quite pointless to place before the Committee. Let me give the House an example. Refunds which have to be made under certain statutes, income-tax, customs or excise, have to be guessed at the beginning of the year. You put a figure in the budget, while it may happen, in the course of the year, your legal obligations exceed the amount which you forecast at the beginning of the year. You then have to go before the Committee and obtain their preliminary approval to a change in the figure of the obligations which you are legally bound to carry out. Is that a procedure which has any significance? It was because of cases like that that we found that it was meaningless to say that every Supplementary Demand must necessarily go through the process of preliminary approval of the Standing Finance Committee. But we do endeavour to place before the Committee every demand in which there is advantage in having the matter considered before it actually comes before the House. That brings me to what is conceived to be the value of the Standing Finance Committee. Here I may say that I entirely disagree with Professor Banerjea about the utility of this Committee. A large number of projects arise in the course of the year and memoranda on these are prepared and placed before the Committee in the course of a session which usually lasts for one or two days and in which the Committee is at liberty to question in full detail the witnesses of the administrative departments which have formulated these plans. It would be impossible, without wasting the time of the House, for that ground to be covered in the course of the proceedings of the Assembly.

[Sir Jeremy Raisman.]

And I may say, since constitutional points have been touched upon, that the practice is more analogous to that in the United States of America where Committees of the Legislature go through details of various proposals of the Government in order to clear the ground and simplify subsequent process in the Legislature. These items which appear before the Standing Finance Committee, supported by complete memoranda and with departmental witnesses there to answer all questions—these items may subsequently appear in the budget as only one or two figures and it would be much more difficult for the Assembly to take those out, and, obviously, much more difficult in the course of general debate on the budget and so on, to receive that degree of information and satisfaction which they can receive by sitting around a table with the witnesses. The object of the Standing Finance Committee is to enable a certain number of Members of this House to get that information in advance and thus to simplify the consideration of new projects and new items when they come before this House embodied in the budget.

There is one other point I should like to make in that connection. Professor Banerjee said that it was useless because the recommendations of the Standing Finance Committee were not decisions; the Standing Finance Committee was a purely advisory body. I do not know what has happened at other times, but I am not aware myself of a single occasion on which the Standing Finance Committee has made a recommendation other than the one which was eventually embodied in the budget or placed before this House. Obviously, if such a matter did arise, if, in spite of an adverse decision or recommendation of the Standing Finance Committee, the Government proceeded with its proposal and put it up before the House, then the members of the Standing Finance Committee would be in an excellent position to present their opposition and their reasons for opposing the proposal. So, even in that case there would be great utility in the procedure, but my point is that actually in practice that has not arisen, and if the Standing Finance Committee's recommendations had been decisions, which as a matter of constitutional practice I consider to be impossible,—but even if they had been, there would have been no difference, certainly during the three years during which I have been the Finance Member. For these reasons I suggest that the Honourable Member's objections to the functions of the Standing Finance Committee are not well founded.

Dr. P. N. Banerjee: Based on experience,—my own experience.

The Honourable Sir Jeremy Raisman: I consider they are not well founded. I would add one more final comment, and that is that in war time, particularly, it is undesirable to complicate or expand or elaborate the stages which have to be gone through before practical action can be taken.

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

"That this Assembly do proceed to the election, for the Financial year 1942-43, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a Member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of members for the Standing Finance Committee for the financial year 1942-43, the Notice Office will be open to receive nominations up to 12 Noon on Friday, the 27th February, 1942, and that the election, if necessary, will take place on Wednesday, the 4th March, 1942. The election, which will be held in the Assistant Secretary's room in the Council House between the hours of 10-30 A.M. and 1 P.M., will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE COTTON GINNING AND PRESSING FACTORIES (AMENDMENT) BILL.

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

"That the Bill further to amend the Cotton Ginning and Pressing Factories Act, 1925, be taken into consideration."

When the Cotton Ginning and Pressing Factories Act, 1925, was passed in that year, submission of weekly returns of cotton pressed by pressing factories but not the submission of similar returns of cotton ginned at ginning factories was made compulsory. This latter provision is now felt to be needed and several Provincial Governments like the Governments of Bombay and the Central Provinces have each promoted provincial legislation to amend this Act to suit their own needs. The subject matter of this Act is now in the concurrent field of legislation. The Indian Central Cotton Committee in 1940 also expressed the view that if the returns relating to cotton pressed were supplemented by returns of cotton ginned, a more complete indication of the crop would be obtained as, apart from ginned unpressed cotton consumed in spinning mills for which figures are available, both ginned unpressed cotton and *kapas* are used for domestic purposes, such as, hand spinning, making of quilts and mattresses, etc. The Committee addressed the various cotton growing provinces and requested them to undertake the necessary legislation. In the centrally administered areas there are several ginning factories, particularly in Ajmer-Merwara, and the Chief Commissioner of Ajmer-Merwara has pointed out to the Central Government that he is prepared to undertake this provided central legislation is passed and has suggested that such central legislation may be taken up. The Government of Assam also has made an enquiry whether, seeing that this subject is a matter for concurrent legislation, the Central Government will undertake such legislation so as to obviate the necessity of each individual province promoting legislation on the subject. The Bill, therefore, in the first place, requires that such statistics should be compiled in all centrally administered areas, and at the same time opportunity has been taken to make suitable provision for any province which wants to have the benefit of this legislation, to apply it to that area and obtain that benefit. Sir, I move.

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

"That the Bill further to amend the Cotton Ginning and Pressing Factories Act, 1925, be taken into consideration."

The motion was adopted.

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

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill

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

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN PATENTS AND DESIGNS (EXTENSION OF TIME) BILL.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudalliar (Commerce Member): Sir, I move:

"That the Bill to provide for the extension of the time limited by or under the Indian Patents and Designs Act, 1911, for the doing of acts thereunder, be taken into consideration."

This Bill has been necessitated by conditions which have arisen consequent on the war. Many applicants under the Indian Patents and Designs Act have been prevented from completing proceedings instituted by them under various sections of the Act, where certain time limits are prescribed by the Act or by the rules made under the Act. It is true that under the Act the Controller of Patents has got certain discretion to extend the time but the discretion that he can employ is not sufficient to meet the war conditions where due to the virtual stoppage of Air Mails and the long time that is taken by sea mail routes it is impossible for many of the owners of the patents to communicate in time with their agents, so that the prescribed fee may be paid or the act that is contemplated under the Patents and Designs Act may be completed. It is, therefore, considered necessary to provide for the extension of the time limits in such cases and to give retrospective effect to this provision, so that the proceedings originally instituted by the applicants may be revived if desired by them. The purpose of the present legislation which is on the lines of a similar legislation already adopted in the United Kingdom—section 6 of the United Kingdom Patents, Designs, Copyrights and Trade Marks (Emergency) Act—is to confer on the Controller of Patents and Designs power to extend the time limit imposed by the Indian Patents and Designs Act, for doing certain acts if he considers it justifiable on account of the participation of the applicants in active service or of other circumstances arising out of the war. I therefore move that the Bill be taken into consideration.

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

"That the Bill to provide for the extension of the time limited by or under the Indian Patents and Designs Act, 1911, for the doing of acts thereunder, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 25th February, 1942.