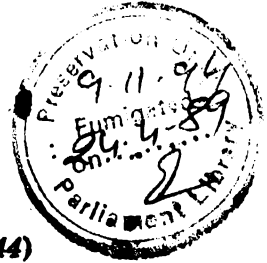


16th February 1944

LEGISLATIVE ASSEMBLY DEBATES
Official Report

Volume I, 1944

(7th February to 28th February, 1944)



TWENTIETH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1944



LEGISLATIVE ASSEMBLY

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Deputy President :

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Captain Haji Sardar NUR AHAMAD 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. GOVIND V. DESHMUKH, M.L.A.

Sardar SANT SINGH, M.L.A.

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

iv
CONTENTS

Volume I—7th February to 28th February, 1944

	PAGES		PAGES
MONDAY, 7TH FEBRUARY, 1944—		Wednesday, 9th February, 1944—contd	
Members Sworn	1	Repression carried on under the cover of the Defence of India Rules—Adopted	155—57 & 176—92
Starred Questions and Answers	124	Indian Penal Code (Amendment) Bill s (Secs. 497 and 498)—Motion to refer to Select Committee—Negatived	157—76
Unstarred Questions and Answers	24—41	The Aligarh Muslim University (Amendment) Bill—Introduced	170
Statements laid on the Table	42—50	THURSDAY, 10TH FEBRUARY, 1944—	
Motions for Adjournment re—		Starred Questions and Answers	193—210
Appointment of an Australian as the Governor of Bengal—Disallowed by the Governor General	50	Unstarred Question and Answer	210
Dispersal of the Hindu Mahasabha Presidential Procession at Amritsar—Disallowed	50	Motions for Adjournment re—	
Failure to give Protection against Mob Violence at Haripur—Disallowed	50	Orders passed on <i>National Call</i> and <i>Hindustan Times</i> by Chief Commissioner of Delhi—Ruled out of order	210
Disappearance of Rice from Patna and Bhagalpur Markets consequent on partial Rationing—Disallowed	50-51	Dilatory Tactics of Government on enforcing the Reciprocity Act—Not moved	210-11 & 224
Notice served on <i>Hindustan Times</i> and <i>National Call</i> not to publish certain Statements unless passed by Special Press Adviser—Disallowed	51	Election of a member to the Standing Committee for Roads	211
Order served on Mrs. Sarojini Naidu directing her not to participate in Public Meetings, etc.—Negatived	51-52 & 56—73	Election of Members to the Delhi University Court	211
H. E. the Governor General's Assent to Bills	52	The Coal Mines Safety (Stowing) Amendment Bill—Not moved	211
Amendments to certain Motor Vehicles Rules	52-53	The Indian Companies (Amendment) Bill—Not moved	211
Review of Important Events re Indians in different parts of the British Empire—(laid on the Table)	53	The Coffee Market Expansion (Amendment) Bill—Passed	211-12
The Central Excise Bill—Presentation of the Report of the Select Committee	53	The Indian Coconut Cess Bill—Referred to Select Committee	212—23
The Indian Merchant Shipping (Amendment) Bill—Presentation of the Report of the Select Committee	53	The Cantonments (Amendment) Bill—Referred to Select Committee	223
Presentation of the Report of the Public Accounts Committee	53	Statement of Business	224
Election of a Member to the Standing Committee for Roads	54	MONDAY, 14TH FEBRUARY, 1944—	
Election of Members to the Delhi University—Court	54	Starred Questions and Answers	225-26
Nomination of the Panel of Chairman Committee on Petitions	54	Unstarred Question and Answer	226
The Hindu Code, Part II (Marriage)—Continued	54-55	Transferred Starred Questions and Answers	226—34
The Coal Mines Safety (Stowing) Amendment Bill—Introduced	55	Motion for Adjournment	234
The Indian Companies (Amendment) Bill—Introduced	55	Declaration Directing Certain Budget Heads of Expenditure open to discussion by the Legislative Assembly	234
The Indian Aircraft (Amendment) Bill—Introduced	55	Appointment of the Honourable Sir Edward Benthall to perform functions of the Finance Member at Railway Budget—General Discussion	234
The Indian Coconut Cess Bill—Introduced	55	Election of Members to the Standing Committee or the Information and Broadcasting Department	235
The Coffee Market Expansion (Amendment) Bill—Introduced	55	Election of Members to the Standing Committee on Emigration	235
The Cantonments (Amendment) Bill—Introduced	56	The Insurance (Amendment) Bill—Introduced	236
TUESDAY, 8TH FEBRUARY, 1944—		The Transfer of Property (Amendment) Bill—Introduced	236
Members Sworn	75	The Central Excise Bill—Discussion on the consideration of Clauses not concluded	236—77
Starred Questions and Answers	75—88	WEDNESDAY, 16TH FEBRUARY, 1944—	
Unstarred Questions and Answers	88-89	Starred Questions and Answers	270—86
Short Notice Question and Answer	89—91	Presentation of the Railway Budget for 1944-45	298—307
Motions for Adjournment re—		The Central Excise Bill—Passed as amended	307—28
Failure to enforce the Reciprocity Act—Not moved	91	Report of the Public Accounts Committee	322—23
Commission used by Magistrates in the sale of National Savings Certificates—Ruled out	91-92	Demands for Excess Grants for 1941—42	323—36
Ban on Mrs. Sarojini Naidu—Disallowed	92	The Cantonments (Amendment) Bill—Presentation of the Report of the Select Committee	336
Appointment of an Australian as the Governor of Bengal—Disallowed by the Governor General	92-93	Statement of Business	336
Lifting of Ban on Employment of Women on Underground Work in Coal Mines—Negatived	93 and 119—35	THURSDAY, 17TH FEBRUARY, 1944—	
Declarations of Exemption under the Registration of Foreigners Act	93-94	His Excellency the Governor General's address to the Council of State and the Legislative Assembly	337—44
Resolution re Release of Political Prisoners—Negatived	94—119	MONDAY, 21ST FEBRUARY, 1944—	
WEDNESDAY, 9TH FEBRUARY, 1944—		Members Sworn	345
Members Sworn	137	Starred Questions and Answers	345—57
Starred Questions and Answers	137—51	Unstarred Questions and Answers	357—67
Unstarred Questions and Answers	150—53	Transferred Starred Questions and Answers	367-68
Motions for Adjournment re—		Transferred Unstarred Questions and Answers	368
Cancellation of a large number of passenger trains on the North Western Railway—Leave refused	155	Dispensing with the Question Hour on the General Budget Presentation Day	369
		Election of members to the Standing Committee for the Information and Broadcasting Department	369
		Election of members to the Standing Committee on Emigration	369
		General Discussion of the Railway Budget	369—413

	PAGES
WEDNESDAY, 23RD FEBRUARY, 1944—	
Member Sworn	415
Starred Questions and Answers	415—31
Unstarred Questions and Answers	431—35
Statement of Business	436
Election of Members to the Standing Committee on Emigration	436
Message from the Council of State	436
The Indian Coconut Coss Bill— Presentation of the Report of the Select Committee	436
Declarations of Exemption under the Registration of Foreigners Act	436—39
Amendments to Ajmer-Merwara Motor Vehicles Rules	439—42
Election of Members to the Standing Committee on Pilgrimage to the Hejaz	442—43
The Coal Mines Safety (Stowing) Amendment Bill—Passed	443—46
The Indian Companies (Amendment) Bill—Passed as amended	447—63
The Indian Aircraft (Amendment) Bill—Passed as amended	468—82
The Transfer of Property (Amendment) Bill—Passed	483
The Insurance (Amendment) Bill—Passed as amended	483—84
The Cantonments (Amendment) Bill—Passed	484
THURSDAY, 24TH FEBRUARY, 1944—	
Starred Questions and Answers	485—500
Unstarred Questions and Answers	500—02
Motion for Adjournment <i>re</i> Deterioration of Efficiency of the Telegraph Department—Disallowed	502
Statement <i>re</i> Convention concerning condolence motions	502
The Railway Budget—List of Demands—Demand No. 10—Appropriation to Reserve—	502—37
Enhancement of Passenger Fares	503—22
Demand No. 1—Railway Board—	522—37
Enhancement of Railway Fares	522—23
Disapproval of Policy and working of the Railway Board	523—37
FRIDAY, 25TH FEBRUARY, 1944—	
Starred Questions and Answers	530—59
Unstarred Questions and Answers	559—62
The Railway Budget—List of Demands—Demand No. 1—Railway Board—	562—01
Financial Position of Railways with special reference to Post War Developments	563—75
Non-Representation of Scheduled Castes in Railway Services	576—85
Extension of Compulsory Provident Fund to all Railway Employees	585—90
Meagre Dearness Allowance to Railway Workers	591

	PAGES
SATURDAY, 26TH FEBRUARY, 1944—	
Starred Questions and Answers	593—607
Unstarred Questions and Answers	607—08
The Railway Budget—List of Demands—Demand No. 1.—Railway Board—	608—46
Meagre Dearness Allowance to Railway Workers	608—19
Extensions to superannuated personnel	619—37
Stoppage of large number of Passenger Trains	637—45
Demand No. 2—Audit	640
Demand No. 3—Miscellaneous Expenditure	640
Demand No. 5.—Payments to Indian States and Companies	640
Demand No. 6-A.—Working Expenses—Maintenance of Structural Works	640
Demand No. 6-B.—Working Expenses—Maintenance and Supply of Locomotive Power	647
Demand No. 6-C.—Working Expenses—Maintenance of Carriage and Wagon Stock	647
Demand No. 6-D.—Working Expenses—Maintenance and Working of Ferry Steamers and Harbours	647
Demand No. 6-E.—Working Expenses—Expenses of Traffic Department	647
Demand No. 6-F.—Working Expenses—Expenses of General Departments	647
Demand No. 6-G.—Working Expenses—Miscellaneous Expenses	647
Demand No. 6-H.—Working Expenses—Expenses of Electrical Department	647
Demand No. 7.—Working Expenses—Appropriation to Depreciation Fund	647
Demand No. 8.—Interest Charge	648
Demand No. 10.—Appropriation to Reserve	648
Demand No. 11.—New Construction	648
Demand No. 12.—Open Line Works	648
MONDAY, 28TH FEBRUARY, 1944—	
Starred Questions and Answers	640—55
Unstarred Questions and Answers	655—57
Short Notice Question and Answer	657—59
Motion for Adjournment <i>re</i> Order preventing Railway Travel for attending the All-India Kisan Conference At Bezwada	659-60 & 678—96
Election of Members to the Standing Committee for the Civil Defence Branch of the Defence Department	660-61
Demands for Supplementary Grants—Railways	661—78

LEGISLATIVE ASSEMBLY.

Wednesday, 16th February, 1944.

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.

INDIANS SHOT IN POLICE FIRING IN MAURITIUS.

109. ***Mr. Govind V. Deshmukh:** Will the Honourable Member for Indians Overseas please state the details and mention the action taken, promised by him in reply to starred question No. 241 put on the 17th November, 1943, in respect of the Indians shot in police firing in Mauritius? Who in Mauritius looks after the interests of the Indians there?

The Honourable Dr. N. B. Khare: (a) I regret I have little to add to the reply given by me to the Honourable Member's question No. 241 on the 17th November, 1943. A Commission of Enquiry with the Colonial Secretary as Chairman and two members of the Judiciary and two members of the Council of Government has been appointed and its report is awaited.

(b) The Indians in Mauritius are mostly emigrant labourers or their descendants, and their interests are looked after by the Director of Labour assisted by a Department in which Indians are adequately represented.

Mr. Govind V. Deshmukh: May I know if the Government has anybody on the spot to look after the interests of Indians there? If not, does the Government intend to appoint anybody on the spot to look after their interests?

The Honourable Dr. N. B. Khare: As I have said, at present the interests of Indians are being looked after by the Director of Labour, but Government will consider the appointment of somebody else.

Mr. Govind V. Deshmukh: My friend has not followed my question. Does the Government intend to appoint somebody who will be on the spot to look after the interests of the Indians?

The Honourable Dr. N. B. Khare: I shall consider this proposal.

Mr. Govind V. Deshmukh: May I know what were the reasons for the delay of this report which was promised?

The Honourable Dr. N. B. Khare: I cannot say what were the reasons for the delay, but we sent a cable to the Secretary of State on the 26th January, asking for the report and we received his answer on the 8th February, saying that he had asked the Secretary in Mauritius to send the report and we are awaiting it.

PROPOSED VISIT OF LEADING INDIAN INDUSTRIALISTS TO THE UNITED KINGDOM.

110. ***Mr. Govind V. Deshmukh:** (a) Will the Honourable Member for Industries and Civil Supplies please state if his attention has been drawn to the following portion of His Excellency the Viceroy's speech delivered on the 28th December, 1943, at the meeting of the Associated Chambers of Commerce, Calcutta:

"I am sure that a visit by some of the leading Indian industrialists to the United Kingdom in order to see the developments that have arisen during the war and to discuss India's problems with leading British representatives would be of the greatest possible advantage and I hope that it may be arranged. The sooner the better"

(b) Has any step been taken to arrange for a visit by some of the leading Indian industrialists to the United Kingdom? If not, why not? Will a similar visit by such Indian industrialists to Russia be arranged? If not, why not?

The Honourable Sir M. Azizul Huque: (a) Yes.

(b) The matter is under active consideration, but there is no present intention of sending any one to Russia.

Mr. Govind V. Deshmukh: May I ask since when the matter has been under consideration and when is it likely to fructify?

The Honourable Sir M. Azizul Huque: The very fact will show that the matter has been under consideration for three or four months.

Mr. Govind V. Deshmukh: If the Government intend to send a Delegation, what would be the procedure in electing it?

The Honourable Sir M. Azizul Huque: I cannot say anything on this point at this stage.

Seth Yusuf Abdoola Haroon: May I ask whether the Honourable Member intends to take the commercial body into his confidence?

The Honourable Sir M. Azizul Huque: I cannot understand what is exactly meant by the phrase "take the commercial body into my confidence".

Mr. N. M. Joshi: In view of the importance of labour for the development of industry, will the Government of India send a Delegation of their own representatives to Great Britain?

The Honourable Sir M. Azizul Huque: I cannot say of the Labour Department, but all I know is that the International Labour Conference will be held in Philadelphia.

Mr. Govind V. Deshmukh: Will the Government consider the matter soon because of its urgency?

The Honourable Sir M. Azizul Huque: Every matter the Government takes up is a matter of urgency.

Mr. Lalchand Navalrai: May I know how much time will the Honourable Member take to consider this matter?

The Honourable Sir M. Azizul Huque: I believe my friend has been long enough in the Assembly to know the answer.

Mr. Lalchand Navalrai: I want to know the approximate time which the Honourable Member will take to consider this matter?

The Honourable Sir M. Azizul Huque: I do not think anybody can possibly say that. There are so many factors which have got to be taken into consideration that it is impossible to say when we will arrive at the final conclusion.

Mr. Govind V. Deshmukh: My Honourable friend said that the Government does not intend to send any Delegation to Russia, but he has not given any reasons for it. Why does he not want to send a Delegation to Russia?

The Honourable Sir M. Azizul Huque: There are so many obvious difficulties for sending a Delegation to Russia at the present stage. After all, Russia is engaged in a life and death struggle and going to Russia is not an easy proposition. All these matters have to be looked into. A foreign Government has to be asked whether they would like to have our Delegation and what places they can visit and whether there will be any difficulties in their way.

Mr. Govind V. Deshmukh: Is not the United Kingdom involved in the war to the same extent as Russia is and can she offer to receive a Delegation?

The Honourable Sir M. Azizul Huque: That question needs no answer from me.

Mr. Govind V. Deshmukh: The first part of my question in (b) relates to the United Kingdom. Can she receive a Delegation at this juncture?

The Honourable Sir M. Azizul Huque: While it may be possible to send a Delegation to the United Kingdom, it is not possible to send one to Japan or Russia.

Mr. Govind V. Deshmukh: I did not ask that a Delegation should be sent to Japan.

ADMINISTRATIVE OFFICERS PROMOTED AS COMMISSIONED OFFICERS IN CIVIL PIONEER FORCE IN PROVINCES.

111. *Mr. G. Rangiah Naidu: Will the Honourable the Labour Member please state:

(a) the number of Administrative Officers promoted as Commissioned Officers in the Civil Pioneer Force in various Provinces in 1941, 1942 and 1943; if not, why not;

(b) if there is any subsequent law passed to restrict the Civil Pioneer Force Officers to apply for Commissioned Officers' posts in the army;

(c) the number of Commissioned and Administrative Officers recruited from among the Hindus such as Non-Brahmins, Backward and Scheduled communities, Christians, Mahomedans and Anglo-Indians;

(d) the rate of daily rations of the Pioneer and that of the Administrative Officers, separately; and

(e) how many clerks who were working in the Civil Pioneer Force Department, were promoted as Administrative Officers in 1941, 1942 and 1943; if not, why not?

The Honourable Dr. B. R. Ambedkar: (a), (c) and (e). With regard to these parts, three statements giving the required information separately are placed on the table of the House.

These refer to 1942 and 1943; the Civil Pioneer Force had not been raised in 1941

(b) No, but if an officer undertakes service in the Civil Pioneer Force he is under an obligation to serve in the force so long as his services are required—vide Civil Pioneer Force Ordinance, Section 9. At present no officer can be released.

(d) Prior to 1st March, 1943, no free ration was admissible to Administrative Officers; since then the concession has been extended to them at the same rate allowed to Civil Pioneers, namely, at a cost of Rs. 15 per mensem per head. Of late owing to fluctuations in prices of foodstuffs it has not been possible to maintain the rate. The Provincial Governments have, therefore, been authorised to purchase rations on the approved scale at a cost not greater than the prevailing market rates provided the purchase is made by the Provincial authorities themselves.

Statement

Part (a).

Central Provinces and Berar	1942	}	5
	1943		
Orissa	1942	}	2
	1943		
Madras	1942	}	1
	1943		
Bombay	Nil		
Punjab	1942		..
	1943		3
United Provinces	1942		..
	1943		1
Bihar	1942		..
	1943		2
Bengal	1942		3
	1943		11
North West Frontier Province	1942		1
	1943		2
Total			31

It should be noted that the two classes of officers are of quite separate status. If a candidate is accepted as an Administrative Officer, the Provincial Government are under no obligation to elevate him to Commissioned Officer grade. In certain cases, however, Administrative Officers, who have proved their worth, have been granted Commissions as 2nd Lieutenants when vacancies occurred.

Statement

Part (c).

Province.	Non-Brahmins.	Brahmins.	Backward classes.	Scheduled castes.	Muslims.	Christians.	Anglo-Indians.
<i>C. P. and Berar :</i>							
Commissioned Officers	5	4	1	2	3	1	..
Administrative Officers	8	5	..	..	..	1	..
<i>Orissa :</i>							
Commissioned Officers	18	9	1	..	4	2	..
Administrative Officers	..	..	..	..	..	..	..
<i>Madras :</i>							
Commissioned Officers	34	..	..	7	7	15*	..
Administrative Officers	..	..	..	..	..	..	..
<i>Bombay :</i>							
Commissioned Officers	2	6	..	3	2	..	..
Administrative Officers	4	1	1	..	1	..	..
<i>Punjab :</i>							
Commissioned Officers	11	..	..	2	13	1	..
Administrative Officers	8	..	..	..	9	..	..
<i>United Provinces :</i>							
Commissioned Officers	15	..	..	4	5	2	1
Administrative Officers	7	..	..	2	4	1	..
<i>Bihar :</i>							
Commissioned Officers	17	..	..	2	5	2	..
Administrative Officers	..	..	..	..	..	..	..
<i>Bengal :</i>							
Commissioned Officers	31	..	..	17	56	7	..
Administrative Officers	..	..	..	..	..	..	..
<i>North West Frontier Province :</i>							
Commissioned Officers	..	..	..	..	19	..	..
Administrative Officers	1	..	..	..	7	..	..
Total	161	25	3	39	135	32	1

* Includes both.

Statement

Part (e).

Central Provinces and Berar	..	..	..	..	1942	}	2
					1943		
Orissa	..	..	..	..	..		Nil.
Madras	..	..	..	..	1942	}	2
					1943			1
Bombay	..	..	..	..	1942	}	1
					1943		
Punjab	..	..	..	..	1942		3
					1943		Nil.
United Provinces	..	..	..	..	..		..
Bihar	..	..	..	..	1942		1
					1943		2
Bengal	..	..	..	..	1942		11
					1943		..
North West Frontier Province	..	..	..	..	1942		1
					1943		..
Total	..	..	..	..	..		24

Clerks in the Civil Pioneer Force are on a relatively low rate of pay consequently not many of them are suitable for promotion to Administrative Officer.

Mr. G. Rangiah Naidu: Is it not a fact that in the beginning of the war these Administrative Officers were allowed to apply for posts of Commissioned Officers if and when vacancies arose?

The Honourable Dr. B. E. Ambedkar: I have no information on the point.

ACCOMMODATION FOR WOMEN GOVERNMENT SERVANTS.

112. *Sir F. E. James: Will the Honourable Member for Labour be pleased to state:

(a) if there is a Labour Department rule to the effect that no Government servant earning less than Rs. 600 per month is entitled to accommodation in a Government hostel, hotel or other residence in Delhi or New Delhi classified as "first class accommodation";

(b) whether this rule applies to women Government servants;

(c) if the answer to (b) is in the affirmative, if any variation of the rule is made in the case of women Government servants who live away from their homes and for whom the available accommodation is not suitable, or who, though not drawing more than Rs. 600 per month, are filling posts whose permanent male incumbents draw more than that amount;

(d) the composition of the Accommodation Advisory Committee;

(e) if this Committee is empowered to authorise departures from the above rule in suitable cases; and

(f) in how many cases this Committee has relaxed the rule in respect of women Government servants?

The Honourable Dr. B. E. Ambedkar: (a) Yes.

(b) Yes.

(c) No.

(d) (i) Lt.-General T. J. Hutton, C.B., M.C.

(ii) The Honourable Mr. H. C. Prior, C.S.I., C.I.E., I.C.S.

(iii) The Honourable Mr. E. Conran-Smith, C.S.I., C.I.E., I.C.S.

(iv) Mr. G. Mackworth-Young, C.I.E., I.C.S.

(e) No, the Committee can only make recommendations to His Excellency the Governor-General.

(f) In view of the answer to (e) above, this does not arise.

Sir F. E. James: My Honourable friend is doubtless aware of the hardship which the rigid application of this rule inflicts upon a number of perfectly good, hard-working and deserving women in Government service?

The Honourable Dr. B. E. Ambedkar: I am aware of that.

Sir F. E. James: If my Honourable friend is aware of that, will he take steps to relax the rules in suitable cases?

The Honourable Dr. B. E. Ambedkar: I will consider the matter.

Mr. N. M. Joshi: May I ask if the Government of India propose to introduce rationing of accommodation in view of the difficulty felt by several people?

The Honourable Dr. B. E. Ambedkar: I can give no answer at this stage.

Pandit Lakshmi Kanta Maitra: May I ask when was this Accommodation Advisory Committee appointed and who appointed it?

The Honourable Dr. B. E. Ambedkar: I have no information available at this stage.

ALLEGATIONS OF CORRUPTION AGAINST TRANSPORT OFFICIALS.

113. *Mr. G. Rangiah Naidu: Will the Honourable the Food Member please state:

(a) whether the Central Government have taken any action to inquire into the allegations made by Sir Purshotham Dass Thakurdas, a member of the Food Grains Policy Committee, in his minute of dissent that bribery and corruption have been rampant at every stage in the existing distributive machinery, not to speak of *bukhsheesh* to transport officials;

(b) if action was taken, what the result of the enquiry is;

(c) if the allegations were proved, what punishment was given to the offenders, and who the offenders were; and

(d) if action was not taken, why not?

The Honourable Sir Jwala Prasad Srivastava: (a), (b), (c) and (d). No Sir. The allegation referred to was in general terms and not susceptible of enquiry in the particular manner suggested. The subject is, however, one which has received special attention.

The Criminal Law Amendment Ordinance, 1943, was promulgated in September to provide for the more speedy trial and more effective punishment of certain offences, mainly of the nature of bribery and corruption, punishable under the Indian Penal Code. Two Special Tribunals have been set up and convictions have been secured.

Sir Purshotamdas Thakurdas's comments do not make any reference to "baksheesh to transport officials". Steps have been taken to educate the public in regard to the procedure followed for the supply of wagons at stations to traders and also to detect cases of corruption in respect of the allotment of wagons. Several convictions have been secured under Section 161 of the Indian Penal Code, and suitable punishments awarded. Wide publicity has been given to such cases.

Mr. Lalchand Navalrai: May I know if there is any anti-corruption agency in the Food Department working to find out bribery cases?

The Honourable Sir Jwala Prasad Srivastava: We have no special agency but we refer cases to the general agency.

Mr. Lalchand Navalrai: Why should not the Food Department have a special anti-corruption agency, just like the Railways or other Departments?

The Honourable Sir Jwala Prasad Srivastava: The Anti-corruption Department is a general department and any Department can make use of that agency.

Mr. Lalchand Navalrai: Has the Food Department ever made use of it?

The Honourable Sir Jwala Prasad Srivastava: I make use of it. There is no special agency in my Department.

Dr. Sir Zia Uddin Ahmad: With reference to part (c), what punishment was given to the offenders?

The Honourable Sir Jwala Prasad Srivastava: The list is a very long one. I have not got a detailed list, but here are a number of cases in which persons have been prosecuted, and if the Honourable Member is interested, I will show him the list.

Dr. Sir Zia Uddin Ahmad: I am more interested in the nature of punishment awarded than in the list of names.

The Honourable Sir Jwala Prasad Srivastava: Many cases are still pending.

Dr. Sir Zia Uddin Ahmad: Is the nature of the punishment awarded mentioned in the list? Is it not a fact that the punishment in some cases is investing Rs. 500,000 in war loans?

The Honourable Sir Jwala Prasad Srivastava: No, Sir. They have been awarded severe punishments.

Dr. Sir Zia Uddin Ahmad: Will the Honourable Member place on the table of the House a list of persons who were found guilty and the nature of punishment awarded to them? The question is whether sufficient punishment was awarded to the guilty. My information is that they were all let off after being asked to invest in Government war loan; and that is the reason why Government refuse to lay on the table information regarding the nature of the punishment.

The Honourable Sir Jwala Prasad Srivastava: I deny that. The nature of punishments awarded are always published in the newspapers, and if my Honourable friend reads newspapers he will find that very severe punishments have been awarded.

Dr. Sir Zia Uddin Ahmad: In the shape of contribution to war loans?

The Honourable Sir Jwala Prasad Srivastava: No, Sir.

Dr. Sir Zia Uddin Ahmad: May I know why Government refused to allow my Bill to be discussed in this House?

The Honourable Sir Jwala Prasad Srivastava: What Bill?

Dr. Sir Zia Uddin Ahmad: The Bill about anti-hoarding and anti-corruption which contained provisions about the kind of punishments to be imposed upon persons?

The Honourable Sir Jwala Prasad Srivastava: I am not aware of that.

Dr. Sir Zia Uddin Ahmad: I am sorry that the Honourable Member is ignorant of the Bill.

Nawabzada Muhammad Liaquat Ali Khan: Is acceptance of *bakshish* an offence?

The Honourable Sir Jwala Prasad Srivastava: Of course, it is, by a public servant.

Mr. G. Rangiah Naidu: May I know how many of these offenders are transport officials?

The Honourable Sir Jwala Prasad Srivastava: I want notice. Quite a number were transport officials.

Sardar Sant Singh: Is it a fact that barbed wire fencing is put round the Food Department with a view to prevent corruption creeping into that Department?

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

INTRODUCTION OF WOMEN LABOUR IN COAL MINES.

114. ***Mr. Lalchand Navalrai:** (a) Will the Honourable the Labour Member be pleased to state whether it is a fact that the Honourable Member has re-introduced women labour in coal mines?

(b) Is it a fact that women labour in coal mines in India was abolished under popular pressure?

(c) Is it a fact that Mr. Amery, Secretary of State for India, evaded the question put to him recently in the House of Commons, as to whether women labourers were paid the same wages as men, and whether they were working under ground?

(d) Does the Honourable Member propose to make a statement on the two points referred to in (c) above?

(e) Is it a fact that man labour for coal mines is available in India? If so, why is not that labour being utilized instead of women labour?

(f) Is it a fact that the women are employed because they work harder and are satisfied with little, though their health suffers and their families are broken? If not, what are the special reasons to re-engage women instead of men?

The Honourable Dr. B. R. Ambedkar: (a) Women labourers are now allowed to work underground in coal mines in the Central Provinces and Berar, Bengal, Bihar and Orissa.

(b) It has been for many years the deliberate policy of the Government of India that women labour should not be allowed to be employed underground in coal mines in India. Provision to this end was made in the Indian Mines Act, 1923. In 1929 women began to be excluded from underground workings and the process was complete in 1937.

(c) I have no information.

(d) No. I made a statement on these two points in answering the adjournment motion moved by Mrs. Renuka Ray on 8th February.

(e) Women have been allowed to work underground owing to the severe shortage of male labour. As soon as there is an assured male labour force sufficient to raise the quantity of coal required by Government, Government will consider re-imposing the ban on the employment of women underground. Government are taking immediate steps to import male labour into Bengal and Bihar coalfields.

(f) No. As stated in answer to (e) women have been allowed underground in certain coalfields because sufficient men were not available.

Mr. Lalchand Navalrai: With reference to part (b), may I know if it is a fact that labour of women was abolished under public pressure?

The Honourable Dr. B. R. Ambedkar: I cannot answer that question, because I do not know.

Mr. Lalchand Navalrai: May I know if before lifting the ban on women labour, the public was consulted or if the Government removed the ban *suo motu*?

The Honourable Dr. B. R. Ambedkar: The Government consulted the interests concerned.

Mr. Lalchand Navalrai: Did they object to it?

The Honourable Dr. B. R. Ambedkar: No objection.

Mr. N. M. Joshi: With reference to part (c), does the Honourable Member say that he has no information whether women are paid equal wages with men?

The Honourable Dr. B. R. Ambedkar: The point of the question was whether the Secretary of State evaded the question. I said I have no information on the point. Women are paid the same wages as men.

Mr. N. M. Joshi: As regards equal payment of wages, is the Honourable Member aware that for men and women who work underground, wages are fixed on the basis of joint work of both? How then does he say that men and women are paid equal wages?

The Honourable Dr. B. R. Ambedkar: If it is brought to the attention of the Government that methods are adopted by which this rule is evaded, the Government will certainly take action in the matter.

Mr. N. M. Joshi: Will the Honourable Member enquire whether there is a proper method by which they can find out whether men and women miners are paid equal wages? My own information is that men and women are paid for joint work and, therefore, it is impossible to find out whether the wages are equal, because both of them get joint payment.

The Honourable Dr. B. R. Ambedkar: I am unable to go into that. I can assure the Honourable Member that Government are contemplating about the appointment of Inspectors whose duty it will be to see that the welfare measures which have been announced by the Government are carried out.

Mr. N. M. Joshi: In view of the fact that trade unions both in this country as well as Great Britain are interested in this question of women working underground, will the Honourable Member publish a sort of report on the present conditions of women working underground?

The Honourable Dr. B. R. Ambedkar: I will consider the suggestion.

PRICES AT WHICH WHEAT IS PURCHASED IN THE PUNJAB AND SOLD IN BENGAL.

115. *Sardar Mangal Singh: (a) Will the Honourable the Food Member please state at what prices wheat is purchased from the Punjab growers and sold to the Bengal consumers?

(b) At what prices are *atta* and *maida* sold in Bengal?

(c) What is the "milling differential" fixed by Government?

(d) What are the other allowances allowed to the millers?

The Honourable Sir Jwala Prasad Srivastava: (a) I am not aware of the prices at which wheat has been purchased from producers in the Punjab. In the Punjab *Mandis* the average price during the last few months has varied between Rs. 10 and Rs. 11 per maund and on an average Bengal has been supplied wheat from the Punjab at about Rs. 10-10-0 a maund, excluding transport charges and cost of gunny bags. Wheat is now being sold by the Bengal Government to millers at Rs. 10-7-0 a maund.

(b) Since January 1st, the retail price of *Atta* in Calcutta has been fixed by the Bengal Government by Notification at Rs. 12-8-0 a maund. *i.e.*, As. 0-5-0 a seer and of *Maida* at Rs. 15 a maund or As. 0-6-0 a seer. Retail prices in the districts have not been fixed by Notification, but I understand that they generally correspond with the Calcutta prices.

(c) and (d). In calculating the prices payable by and to the millers As. 0-7-0 per maund have been allowed for actual grinding costs and As. 0-3-0 per maund net profit including a margin to cover contingencies.

Sardar Mangal Singh: May I know if this milling differential was about Rs. 4 to 5 last year and what steps the Government of India have taken to refund that money?

The Honourable Sir Jwala Prasad Srivastava: That profit has not been made by the Government of India.

Sardar Mangal Singh: It has been made by some people, whether the European millers or the Bengal Government. Have these excess charges been taken back from whatever party made them?

The Honourable Sir Jwala Prasad Srivastava: The Bengal Government have been ordered to sell these products cheaper so as to make good the profits made.

Sardar Mangal Singh: Is it not a fact that the Calcutta millers charged Rs. 4 to 5 per maund as milling differential?

The Honourable Sir Jwala Prasad Srivastava: I may inform the House that I set up a committee of inquiry who have made a report and that report is still engaging our attention. I shall let the House know what action we take on it.

Sardar Mangal Singh: Apart from the charges for grinding and profit, what other concessions and allowances are being given to the millers?

The Honourable Sir Jwala Prasad Srivastava: None.

Sardar Sant Singh: Is the Honourable Member aware that in other places the milling charges are not more than 3 or 4 annas per maund? He said that 7 annas are being paid as grinding charges and 3 annas as profit. What does he mean by distinguishing the two? Do not these 7 annas include the profit of milling?

The Honourable Sir Jwala Prasad Srivastava: No, it does not; ten annas is the total charge including profit.

Sardar Sant Singh: Has the Honourable Member calculated the actual cost of milling?

The Honourable Sir Jwala Prasad Srivastava: I have just referred to the committee of inquiry and I believe they have recommended this figure of ten annas.

Sardar Sant Singh: Can the Honourable Member tell us what the milling charges are in the Punjab, particularly in Lyallpur, where there are so many mills?

The Honourable Sir Jwala Prasad Srivastava: Conditions differ.

Sardar Sant Singh: What are the differences in conditions?

The Honourable Sir Jwala Prasad Srivastava: The costs in Calcutta are higher.

Sardar Mangal Singh: In that case will the Government of India consider the question of purchasing *Atta* from the Punjab instead of wheat so that the cost may be reduced?

The Honourable Sir Jwala Prasad Srivastava: They did so to the fullest capacity last year.

Mr. Jamnadas M. Mehta: Is the difference in the conditions of Bengal and the Punjab the difference between the millers who are Indians in the Punjab and Europeans in Calcutta?

The Honourable Sir Jwala Prasad Srivastava: No, Sir; that is not the implication.

Mr. G. Rangiah Naidu: Are the milling charges uniform in the country in all provinces?

The Honourable Sir Jwala Prasad Srivastava: No, Sir; they vary from place to place.

PRESENT METHOD FOR PROCURING FOODGRAINS IN THE PUNJAB.

116. ***Sardar Mangal Singh:** Will the Honourable the Food Member please state:

- (a) the present procurement method for foodgrains in the Punjab;
- (b) whether this method has proved successful;
- (c) whether it is a fact that purchasing agents for the Central Government have made large profits;
- (d) whether Government contemplate to change the same for the future crop; and

(e) how Government propose to procure foodgrains from the Punjab in future?

The Honourable Sir Jwala Prasad Srivastava: (a) In common with the system in force throughout India, the procurement of foodgrains for the Defence Services and for deficit areas is entrusted to the Provincial Governments.

(b) Yes.

(c) No.

(d) and (e). Do not arise.

Mr. Lalchand Navalrai: Has the Honourable Member got any responsibility in regard to procurement by the Provincial Governments, to see whether they are following a right policy or whether they are doing it through syndicates who are making large profits?

The Honourable Sir Jwala Prasad Srivastava: Yes, we supervise the procurement operations.

Sardar Mangal Singh: Is it a fact that the Punjab Government have suggested to the Government of India that the present arrangement for procurement of foodgrains should be changed?

The Honourable Sir Jwala Prasad Srivastava: Yes, that is so.

Sardar Mangal Singh: What suggestion have the Government of India made to the Punjab Government in this regard?

The Honourable Sir Jwala Prasad Srivastava: The matter is under examination and there may be a change made in the near future.

Sardar Mangal Singh: Is it not a fact that the Government of India have actually agreed to the change being made?

The Honourable Sir Jwala Prasad Srivastava: Not yet; it is in the last stages of examination.

Sardar Mangal Singh: Are Government aware that under the present procurement arrangements these purchasing agents have made large profits? Have Government made any inquiry into that allegation?

The Honourable Sir Jwala Prasad Srivastava: Yes, we have inquired from the Punjab Government and they do not say that these agents have made large profits. It is very difficult to find out.

Dr. Sir Zia Uddin Ahmad: The Government of India have got regional inspectors and so on. Did they make inquiries through their own agents into these allegations?

The Honourable Sir Jwala Prasad Srivastava: Government have always been making inquiries.

Dr. Sir Zia Uddin Ahmad: As a result of those inquiries are they satisfied that large profits were made? Otherwise I can supply figures.

The Honourable Sir Jwala Prasad Srivastava: No, they have not made these profits except perhaps in the Honourable Member's imagination.

Dr. Sir Zia Uddin Ahmad: I challenge the statement of the Honourable Member.

Sardar Sant Singh: May I know if in reply to the suggestions made by the Punjab Government the Government of India will see that the normal channels of trade are utilised for the purchase instead of permits being given to members of the Bar, members of the medical profession, and Punjab M.L.A.'s?

The Honourable Sir Jwala Prasad Srivastava: Government's policy is, as far as possible, to utilise the normal trade channels.

METHOD FOR PROCURING PULSES IN THE PUNJAB.

117. ***Sardar Mangal Singh:** Will the Honourable the Food Member please state:

(a) the procurement method for pulses in the Punjab;

(b) whether they contemplate to change it, or to continue the old method;

(c) whether it is proposed that the Central Government should take over the whole thing and issue permits to traders to move pulses from the surplus to the deficit areas; and

(d) the new method proposed?

The Honourable Sir Jwala Prasad Srivastava: (a) The procurement of pulses in the Punjab is left to private trade.

(b), (c) and (d). It has been decided to regulate from the forthcoming *rabi* season the movement of pulses from surplus to deficit areas according to a predetermined programme as is being done with regard to the other foodgrains. This procedure for procurement and despatch has not yet been decided and is under discussion with the Provincial Governments.

Sardar Mangal Singh: Will the Government of India themselves take this matter in hand and distribute supplies from surplus to deficit provinces, or will they leave it to the receiving provinces to make their own arrangements?

The Honourable Sir Jwala Prasad Srivastava: As I have already said, under the present arrangement the provinces grant the permits and I do not know how the Government of India can step into their shoes; but I will examine the suggestion.

Sardar Mangal Singh: At present the surplus provinces grant permits but under the new arrangement it is proposed that the receiving provinces will arrange their purchase.

The Honourable Sir Jwala Prasad Srivastava: Yes, in so far as pulses go into the basic plan that will be done by the Government of India.

METHODS FOR PROCURING FOODGRAINS FOLLOWED BY PROVINCES, ETC.

118. ***Sardar Mangal Singh:** Will the Honourable the Food Member please state:

(a) whether all the provinces and States follow the same procurement methods, and their activities and policies have been completely co-ordinated;

(b) whether the movement of foodgrains and pulses is completely under Central direction; and

(c) whether purchases for the Army are also made by the same methods or different methods, and agencies are employed for purchases for the Army?

The Honourable Sir Jwala Prasad Srivastava: (a) The methods are not the same but the arrangements of most Local Governments are now designed to eliminate competitive purchase.

(b) The movement of foodgrains between Provinces is directed by the Central Government's distribution plan. The movement of pulses is intended to be similarly directed from the next *rabi* season.

(c) Generally speaking, purchases for the Army are made by Provinces in the same way as purchases for export to deficit areas.

Sardar Mangal Singh: May I know whether it has been brought to the notice of the Government of India that certain Indian States are also making profit out of this arrangement? They purchase the foodgrains from the people and themselves export it.

The Honourable Sir Jwala Prasad Srivastava: No. I am not aware of any special case at the moment.

Sardar Mangal Singh: You had better wake up to the facts.

Mr. E. L. C. Gwilt: Does not the Honourable the Food Member feel that the time is rapidly approaching when complete monopoly should be in the hands of Government for the purchase of foodgrains?

The Honourable Sir Jwala Prasad Srivastava: The recommendation of the Foodgrains Policy Committee lays this down as our ultimate objective, but there are difficulties of administration and as soon as we feel that the administrative machinery has been built up we shall certainly try and establish monopoly.

Mr. Frank R. Anthony: Is the Honourable Member aware that the procurement methods in Bengal have proved an increasing failure?

The Honourable Sir Jwala Prasad Srivastava: No, Sir.

PROFIT MADE BY CENTRAL GOVERNMENT OUT OF PURCHASES OF FOODGRAINS FROM PUNJAB.

119. ***Sardar Mangal Singh:** Will the Honourable the Food Member please state:

(a) the amount of profit made by the Government of India out of the purchases of foodgrains made from the Punjab;

(b) what amounts have been made over to the receiving provinces, and what amount has been retained by the Government of India; and

(c) how these amounts have been spent by the Governments of the receiving provinces?

The Honourable Sir Jwala Prasad Srivastava: (a) and (b). After a review of the preliminary accounts of the Central Government's purchase operations in the Punjab a credit of As. 0-11-0 per maund has been passed on to all the recipient governments. If the final accounts disclose any further balance that will also be passed on. The Central Government have no intention of making any profit.

(c) The recipient governments have been asked to pass the benefit of the credits received by them to the consumer by reducing suitably their sale price to the consumers in their area.

Sardar Mangal Singh: What was the total amount calculated at the rate of As. 0-11-0 per maund.

The Honourable Sir Jwala Prasad Srivastava: Sir, I have not got the figures ready with me at the moment.

Sardar Mangal Singh: Is it not ridiculous, Sir, that whenever the Honourable Member is asked a question in which some figures are required he says he has not got them? We asked how many people have died in Bengal, and he did not give us the figures. In regard to this question, if the Honourable Member had consulted the Honourable the Finance Member he would have told him.

The Honourable Sir Jwala Prasad Srivastava: Sir, I have said that the profits came to As. 0-11-0 per maund.

Sardar Mangal Singh: What is the total amount thus made?

(No reply was given.)

Dr. Sir Zia Uddin Ahmad: If the Honourable Member would refer to part (a) of the question he will find that it is clearly asked: "the amount of profit made by the Government of India out of the purchases of foodgrains made from the Punjab".

The Honourable Sir Jwala Prasad Srivastava: What does the Honourable Member mean? Does he want the profits made up to date, or for what period, because the amount varies from period to period?

Sardar Mangal Singh: In the body of the question itself I asked: Will the Honourable Member please state (a) the amount of profit made by the Government of India out of the purchases of foodgrains made from the Punjab? That is quite definite.

The Honourable Sir Jwala Prasad Srivastava: The answer is nil. The Government of India have, strictly speaking, made no profits and they have no intention of making any profits out of foodgrains.

Sardar Mangal Singh: The Honourable Member is trying to evade the question.

Mr. President (The Honourable Sir Abdur Rahim): He has given his answer.

Sardar Mangal Singh: Sir, there was no question of notice. My question was definite and pointed. The Government of India purchases wheat from

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

CENTRES FOR TRAINING WAR TECHNICIANS.

120. ***Syed Ghulam Bhik Nairang:** (a) Will the Honourable the Labour Member be pleased to lay on the table a statement mentioning the names of the centres for training war technicians, and the number of trainees permitted for each centre?

(b) How many centres have been opened in connection with:

(i) Government institutions;

(ii) Railway workshops; and

(iii) private institutions?

(c) How many of these private institutions belong to the Hindus, and how many to the Mussalmans?

(d) What is the number of trainees sanctioned for each of these categories?

The Honourable Dr. B. R. Ambedkar: (a) A statement is laid on the table.

(b) (i) 125 [including centres belonging to Indian States (25), Municipal Corporations (4), Municipal Committees (4), District Boards (5)]. (ii) 26. (iii) 119.

(c) and (d). The private training centres are attached to industrial concerns, technical institutions, etc., and in many cases are managed by limited companies, Board of Trustees, etc. In such cases it is not possible to say without detailed inquiries whether they are predominantly Hindu or Muslim owned. There are seven training centres with 763 seats, which are clearly owned by Muslims, and 27 centres with 5184 seats which are clearly owned by Hindus.

PART I.

List of Training Centres under the Technical Training Scheme and the number of seats sanctioned at each centre.

Centres attached to Government institutions and workshops (including quasi Government institutions and institutions owned by Indian States.)

S. No.	Name.	No. of seats sanctioned.
(1)	(2)	(3)
<i>Ajmer-Merwara.</i>		
1.	Technical Training Centre, Ajmer	176
<i>Assam.</i>		
2.	P. W. D. Workshop, Shillong	7
3.	Surma Valley Technical School, Sylhet	178
4.	Technical Training Centre, Shillong	125
<i>Bengal.</i>		
5.	Ahsanullah School of Engineering, Dacca	503
6.	B. G. Technical School, Rangpur	73
7.	Bengal Engineering College, Sibpur	368
8.	Calcutta Port Commissioner's Workshop, Calcutta	12
9.	Calcutta Engineering College, Ballygunge	614
10.	Calcutta Training Centre, Calcutta	226
11.	E. B. Technical School, Pabna	138
12.	Edward Industrial School, Bogra	56
13.	K. K. Technical School, Mymensingh	156
14.	Maharajadhiraj Bahadur Sir Bijoychand, Technical School, Burdwan	56
15.	Moberly Technical School, Hoogly	116
<i>Bihar.</i>		
16.	Bihar College of Engineering, Patna	830
17.	Cottage Industries, Gulzarbagh, Patna	50
18.	District Board, Gaya	8
19.	Indian School of Mines, Dhanbad	38
20.	P. W. D. Workshop, Dehri-on-Sone	161
21.	Ranchi Technical Institute, Ranchi	34
<i>Bombay.</i>		
22.	Bombay Technical Training Centre, Kalyan	1,032
23.	Engineering College, Poona	164
24.	Municipal Technical School, Sholapur	142
25.	R. C. Technical Institute, Ahmedabad	144
26.	Victoria Jubilee Technical Institute, Bombay	278
27.	F. S. Parekh Technical Institute, Surat	70
<i>C. P. and Berar.</i>		
28.	Government Engineer School, Nagpur	704
29.	Government School of Handicraft, Akola	172
30.	Government School of Handicraft, Nagpur	91
31.	Municipal Industrial School, Khandwa	32
<i>Coorg.</i>		
32.	P. W. D., Virajpet, Coorg	2
33.	P. W. D., Mercara, Coorg	8

S. No.	Names.	No. of seats sanctioned.
(1)	(2)	(3)
<i>Delhi.</i>		
34.	C. P. W. D. Delhi	150
35.	Delhi Polytechnic, Delhi	1,350
36.	Karolbagh Training Centre, Delhi	200
<i>Madras.</i>		
37.	Corporation of Madras Water Works, Sub-Division	16
38.	College of Engineering, Guindy	242
39.	District Board Industrial School, Tanjore	48
40.	Government Electricity Department Workshop, Mettur Dam	44
41.	Government Industrial Engineer Workshops, Washermanpet, Madras	136
42.	Government Industrial School, Bellary	48
43.	Government Industrial School, Calicut	102
44.	Government Industrial School, Madura	286
45.	Government School of Technology, Madras	185
46.	Government Trades School, Mangalore	197
47.	Government Victoria College, Palghat	128
48.	Instrument Mechanics Training Centre, Hindupur	850
49.	Madras Corporation Electrical Workshops, Madras	85
50.	Madras Corporation General Workshops, Madras	66
51.	Municipal Workshop, Madura	72
52.	Madras Training Centre, Anantapur	512
53.	P. W. D. Workshops, Bezwada	54
54.	P. W. D. Workshops, Dowlaiswaram	39
55.	Southern Aviation Circle, Madras	124
56.	Corporation Electric Workshop, Madras	85
<i>N.-W. F. Province.</i>		
57.	Cunningham Technical Institute, Haripur	108
58.	Government Industrial School, Peshawar	502
<i>Orissa.</i>		
59.	Orissa School of Engineering, Cuttack	828
60.	P. W. D. Workshop, Jobra, Cuttack	96
61.	Textile Refitters Training Class, Cuttack	150
<i>Punjab.</i>		
62.	Cowan Sarai, Gurgaon	76
63.	Craik Technical Institute, Lahore	294
64.	Central Model School, Lahore	100
65.	Government High School, Jullundur	100
66.	Government High School, Multan	100
67.	Government High School, Amritsar	100
68.	Government High School, Sialkot	100
69.	Government Intermediate College, Dharmsala	100
70.	Government Industrial School, Ferozepore City	217
71.	Government Industrial School, Gujranwala	60
72.	Government Industrial School, Hoshiarpur	84
73.	Government Industrial School, Jhelum	40
74.	Government Industrial School, Kasur	72
75.	Government Industrial School, Ludhiana	80
76.	Government Industrial School, Multan	92
77.	Government Industrial School, Rawalpindi	200
78.	Government Industrial School, Rohtak	160
79.	Government Industrial School Lyallpur	40
80.	Government Metal Works Institute, Ambala City	259
81.	Government Metal Works Institute, Sialkot	173
82.	Government School of Engineering, Rasul	130
83.	Government Wood Working Institute, Jullundur	122
84.	Mayo School of Arts, Lahore	76
85.	Punjab College of Engineering & Technology, Lahore	280
86.	Victoria Diamond Jubilee Hindu Technical Institute, Lahore	112
<i>United Provinces.</i>		
87.	Allahabad Technical Training Centre, Allahabad	188
88.	Central Workshop Industrial School, Cawnpore	128
89.	Imperial Institute of Sugar Technology, Cawnpore	44
90.	Forest Research Institute, Dehra Dun	64
91.	Government Carpentry School, Allahabad	120
92.	Government Metal Working School, Aligarh	160
93.	Government School of Agriculture, Bulandshahr	80

No. of
seats
sanctioned.
(3)

S. No.	Names.	
(1)	(2)	
94.	Government Technical Institute, Gorakhpur	90
95.	Government Technical Institute, Lucknow	402
96.	P. W. D., U. P., Mirzapur	100
97.	Thomason Civil Engineering College, Roorkee	60
98.	U. P. Institute of Commerce, Allahabad	30
99.	Water Works, Benares	10
100.	Central Wood Working Institute, Bareilly	236
STATES.		
<i>Baroda.</i>		
101.	Kala Bhavan Technical Institute, Baroda	266
<i>Bikaner.</i>		
102.	Electrical and Mechanical Department Workshop, Bikaner	71
<i>Cochin.</i>		
103.	Cochin Harbour Workshops, Willingdon	68
104.	Government Trades School, Trichur	274
105.	Maharaja's College, Ernakulam	36
106.	Shunmugham Power House, Trichur	64
<i>Gwalior.</i>		
107.	Central Technical Institute, Lashkar	190
<i>Hyderabad.</i>		
108.	Hyderabad Technical Training Centre (A)	342
109.	Hyderabad Technical Training Centre (B)	336
<i>Jaipur.</i>		
110.	Jaipur State Training Centres	360
<i>Khairpur.</i>		
111.	Sir Ali Murad Technical Institute, Khairpur-Mirs	128
112.	'V' Institute of Commerce attached to the Naz High School, Khairpur-Mirs	72
<i>Kolhapur.</i>		
113.	O' Brien Technical Institute, Kolhapur	206
<i>Mandi.</i>		
114.	Silver Jubilee Technical Institute, Mandi	84
<i>Mysore.</i>		
115.	Central Industrial Workshop, Bangalore City	48
116.	Engineering College, Bangalore	216
117.	Mysore Iron and Steel Works, Bhadravati, Mysore	52
118.	Indian Institute of Science, Bangalore	147
<i>Pudukkottai.</i>		
119.	H. H. The Raja's College, Pudukkottai	48
120.	P. W. D. Workshop, Pudukkottai	60
<i>Rewa.</i>		
121.	Commercial College, Rewa	30
122.	State Power House and Motor Garage, Rewa, Bundhelkhand	28
<i>Sandur.</i>		
123.	Ramgad Training Centre, Ramgad	256
<i>Travancore.</i>		
124.	College of Engineering, Trivandrum	269
125.	Institute of Textile Technology, Trivandrum	70
PART II.		
<i>Centres attached to Railway Workshop (State-managed and Company managed).</i>		
<i>Bengal.</i>		
1.	B. & A. Railway Workshop, Saidpur	122
2.	Bengal Nagpur Railway Workshop, Kharagpur	399
3.	Darjeeling Himalayan Railway, Tindharia	19
4.	E. I. Railway Workshop, Lillooah	100
5.	India General Navigation and Railway Co., Ltd., Calcutta	74
6.	I. G. N. Co., Ltd., Sonachara Workshops, Narayangunge	81

S. No.	Names.	No. of seats sanctioned.
(1)	(2)	(3)
7.	Kancharapara Railway Workshop (E. B. Rly.), Kancharapara	440
8.	E. I. Railway Workshop, Jamalpur (Bihar)	130
9.	Barsi Light Railway, Kurduwadi (Bombay)	52
10.	B., B. and C. I. Railway Workshop, Parel	59
11.	G. I. P. Railway Workshop, Matunga	82
12.	G. I. P. Railway Workshop, Parel	208
13.	G. I. P. Railway Workshop, Head Office, Parel	25
14.	Hubli Mechanical Workshop, M. and S. M. Railway, Hubli	141
<i>Madras.</i>		
15.	M. and S. M. Railway, Madras (Parambur and Arkonam)	312
16.	S. I. Railway Workshop, Trichy	109
<i>Punjab.</i>		
17.	N. W. Railway Bridge Workshop, Jhelum	158
18.	N. W. Railway Workshop, Moghalpura, Lahore	2,550
<i>United Provinces.</i>		
19.	E. I. Railway Workshop, Charbagh	67
20.	E. I. Railway Workshop, Alambagh	73
21.	G. I. P. Railway Workshop, Jhansi	48
22.	O. and T. Railway Workshop, Gorakhpur	60
<i>Bikaner.</i>		
23.	Bikaner State Railway Workshop, Bikaner	312
<i>Jodhpur.</i>		
24.	Jodhpur Railway Workshop, Jodhpur	208
<i>Mysore.</i>		
25.	Mysore State Railway Workshops, Mysore	121
<i>Udaipur.</i>		
26.	Mewar State Railway Workshop, Udaipur	97

PART III.

Centres attached to Private institutions.

S. No.	Names.	No. of seats sanctioned.
(1)	(2)	(3)
<i>Bengal.</i>		
1.	B. P. Chaudhri Technical School, Krishnagar	81
2.	Bengal Paper Mill, Raneegunge	76
3.	Calcutta Tramway Co., Calcutta	94
4.	City College, Calcutta	100
5.	Clive Jute Mills, Calcutta	51
6.	College of Engineering and Technology, Bengal, P. O. Jadhavpur College	103
7.	D. J. Industrial School, Rajshahi	60
8.	Darjeeling Engineering Works, Tung.	15
9.	Don Bosco Technical School, Krishnagar	94
10.	Downtown Tyre Service, Calcutta	6
11.	Faridpur Mission Industrial School, Faridpur	339
12.	George Telegraph Training Institute, Calcutta	290
13.	Institute of Engineering Technology, Calcutta	42
14.	International Tyres & Motors Ltd., Calcutta	12
15.	Ramakrishna Mission Sarda Pitha, Belur Math, Howrah	220
16.	Vishnupur Technical School, Vishnupur	364
17.	Y. M. C. A. Institute (College Street Branch), Calcutta	200
<i>Bihar.</i>		
18.	Arthur Butler & Co., Ltd., Muzaffarpur	281
19.	Bettiah Electric Power House, Bettiah, Bihar	12
20.	Bhartiya Engineering Works, Sahibganj	212
21.	Chapra Electric Supply Works Ltd., Chapra	6
22.	Dutt & Co., Sanitary Engineers, Patna	8
23.	Gaya Electric Supply Co., Gaya	12

S. No.	Names.	No. of seats sanctioned.
(1)	(2)	(3)
24.	Government Aided Commercial Institute, Patna	50
25.	Jamshedpur Technical Institute, Jamshedpur	240
26.	Muzaffarpur Electric Supply Co., Ltd., Muzaffarpur	12
27.	Saran Engineering Co., Ltd., Marhowrah	80
28.	South Bihar Sugar Mills Bihata, District Patna	48
29.	Tirhut Technical Institute, Muzaffarpur	281
30.	Vishwakarma Industrial Institute, Patna	20
31.	Government Aided Imperial Institute of Commerce, Patna	50
32.	Government Aided Royal Institute of Commerce, Patna	25
<i>Bombay.</i>		
33.	Abdullah Fazalbhoj Technical Institute, St. Xavier College, Bombay	130
34.	Bombay Electric Supply and Tramway Co., Ltd., Bombay	50
35.	International Tyre Service, Bombay	10
36.	King Edward VII Technical School, Dhulia	232
37.	Mohd. Haji Sabu Siddik Institution, Bombay	55
38.	Nowrosjee Wadia College Workshop, Poona	249
39.	Pandharpur Electric Supply Co., Pandharpur	100
40.	Radio Electric Institute, Bombay	100
41.	School of Industry, Ratnagiri	83
42.	Tamhanker's Wiremen Class, Ahmednagar	144
<i>C. P. & Berar.</i>		
43.	American Evangelical Mission Carpentry School, Raipur	32
44.	Berar Victoria Memorial Technical Institute, Amraoti	81
45.	Chandametta Workshop of Messrs. The Pench Valley Coal Co., Parasia	55
46.	Robertson Industrial School, Jubbulpore	64
47.	Savatram Rampershad Spinning and Weaving Mills, Akola	80
48.	Vidharbha Mills, Berar, Ltd., Ellichpur	56
<i>Delhi.</i>		
49.	Anglo-Arabic College Technical Institute, Delhi	150
50.	Delhi Cloth Mills, Delhi	120
51.	Delhi Electric Supply and Traction Co., Ltd., Delhi	260
52.	Indian Technical Institute, New Delhi	60
<i>Madras.</i>		
53.	A. G. Technological Institute, Vuyyuru	402
54.	Andhra Type Office, Bezwada	100
55.	B. A. Naidu's Training Centre, Tiruttani, District Chittoor	160
56.	Coimbatore Spinning and Weaving Co., Ltd., Coimbatore	64
57.	Common Wealth Engineering Works, Mangalore	44
58.	Cannon, Dunkerley and Co., Madras	10
59.	Indian Industries and Commerce, Ltd., Beehive Foundry, Madras	48
60.	Indian Steel Rolling Mills, Ltd., Negapatam	64
61.	Industrial Engineers and Merchants, Ltd. (Steel Rolling Mills), Bezwada	64
62.	Madangopal Copper Works, Shiyali District Tanjore	100
63.	National Industrial School, Rajahmundry	48
64.	National Motor works, Coimbatore	68
65.	National Motor Works, Bancrjipet, Ellore	96
66.	P. Orr and Sons, Ltd., Madras	600
67.	P. S. G. and Sons Charity Industrial Institute, Peelamedu, Coimbatore	337
68.	P. T. Lee Chengalvaroya Naicker's Technical and Industrial Institute, Madras	278
69.	P. V. Krishnaya Chaudhry Training Centre, Guntur	816
70.	Pasumalai Trades School, Pasumalai	48
71.	Pioneer Gas Producer Works, Bezwada	170
72.	Radhakrishna Mills, Ltd., Peelamedu, Coimbatore	76
73.	Ramakrishna Industrial School, Nidubrolu	96
74.	Ramakrishna Mission Industrial School, Mylapore, Madras	303
75.	Rao Bahadur Gulapudi Technical Training Centre, Bezwada	164
76.	Sri D. Chandrappa Naidu's Training Centre, Rajampet District Cuddapah	96
77.	Sree Durga Foundry, Madras	96
78.	Standard Construction Co., Ltd., Bezwada	64
79.	South Madras Electric Supply Corporation, Ltd., Trichinopoly	100
80.	St. Aloysius Engineering Works and Industrial School, Vizagapatam	112
81.	St. Antony's Engineering Workshops, Coimbatore	76
82.	St. Joseph Asylum Industrial Works, Mangalore	102
83.	St. Joseph's Industrial School, Coimbatore	78

S. No.	Names.	No. of seats sanctioned.
(1)	(2)	(3)
84.	Sri T. S. V. Rama Rao's Training Centre, Bezwada	64
85.	St. Joseph's Industrial School, Trichinopoly	118
86.	St. Mary's Industrial School, Kumbakonam	144
87.	St. Vincent's Industrial School, Calicut	120
88.	St. Xavier's Industrial School, Tanjore	64
89.	Tiffen and Co., Cuddapah	80
90.	United Lutheran Church Mission Industrial School, Guntur	60
91.	United Motors (Coimbatore) Ltd., Coimbatore	102
<i>Orissa.</i>		
92.	Jeypore Sugar Co., Ltd., Rayaghada	32
<i>Punjab.</i>		
93.	Nanda Fitters Training School, Rawalpindi	64
94.	School for Electricians, Ludhiana	40
95.	Y. M. C. A., Lahore	120
<i>Sind.</i>		
96.	Indian Civil Engineering Institute, Sukkur	48
97.	Jamia Islamia Institute, Karachi	112
98.	N. E. D. Engineering College, Karachi	361
99.	Victoria Jubilee Technical Institute, Sukkur	208
<i>United Provinces.</i>		
100.	Benares Hindu University Engineering College, Benares	373
101.	Christian College, Lucknow	50
102.	Gurnarain Trust Technical and Industrial School, Manikpur	80
103.	Kiln Mill, Bisaitpur, Cawnpore	40
104.	Mirzapur Electric Supply Co., Ltd., Mirzapur	12
105.	Muslim University Engineering College, Aligarh	180
106.	Shia Intermediate College, Lucknow	36
107.	Technical College, Dayalbagh (Agra)	100
108.	Wesley Technical School, Benares	60
109.	Technical Institute, Kurwar	56
STATES.		
<i>Cochin.</i>		
110.	Brunton and Co., Ltd., Cochin	70
111.	Tata Oil Mills Co., Ltd., Ernakulam	54
<i>Indore.</i>		
112.	Bhandari Metal and Industrial Works, Indore	67
113.	Indore Malwa United Mills Ltd., Indore	30
114.	Rasalpura Vocational School, M. C. C. Mission, Mhow	184
<i>Jaipur.</i>		
115.	Birla College, Pilani	250
<i>Mysore.</i>		
116.	Union and Co., Bangalore	140
<i>Travancore.</i>		
117.	Pioneer Motor Service, Nager Coil	240
118.	Industrial and Agricultural School, Sangli	20

Dr. Sir Zia Uddin Ahmad: What is the answer to part (d) of the question?

The Honourable Dr. B. R. Ambedkar: I said that there are altogether seven training centres with 763 seats which are clearly owned by Muslims and 27 centres with 5184 seats which are clearly owned by Hindus.

Dr. Sir Zia Uddin Ahmad: Is the Honourable Member sure of these figures?
(No answer was given.)

Mr. Jamnadas M. Mehta: I did not quite understand the meaning of the word 'owned'.

The Honourable Dr. B. R. Ambedkar: Managed institutions; owned also.

Mr. Jamnadas M. Mehta: Does it mean that they are proprietary?

The Honourable Dr. B. R. Ambedkar: Yes.

DEPUTY DIRECTORS, SENIOR REGIONAL INSPECTORS, REGIONAL INSPECTORS AND TECHNICAL INSPECTORS.

121. *Syed Ghulam Bhik Nairang: (a) Will the Honourable the Labour Member be pleased to state the number of Deputy Directors, Senior Regional Inspectors, Regional Inspectors and Technical Inspectors?

(b) How many of these are Mussalmans?

The Honourable Dr. B. R. Ambedkar: (a) The numbers are as follows:

Deputy Directors of Training	2
Senior Regional Inspectors, of Technical Training	7
Regional Inspector of Technical Training	15
Technical Inspectors	8

The fifteen Regional Inspectors include seven, who are part-time and four who are honorary officers. The 8 Technical Inspectors include three part-time officers.

(b) None.

Dr. Sir Zia Uddin Ahmad: None of these are Muslims?

The Honourable Dr. B. R. Ambedkar: I said so.

BEVIN BOYS SENT TO ENGLAND FOR TRAINING.

122. *Syed Ghulam Bhik Nairang: (a) Will the Honourable the Labour Member please state how many Bevin Boys have already been sent to England for training?

(b) How many of these are Mussalmans?

The Honourable Dr. B. R. Ambedkar: (a) 568.

(b) 110.

CHAIRMEN OF NATIONAL SERVICE LABOUR TRIBUNALS.

123. *Syed Ghulam Bhik Nairang: (a) Will the Honourable the Labour Member please state the total number of Chairmen of National Service Labour Tribunals?

(b) How many of these are Mussalmans?

The Honourable Dr. B. R. Ambedkar: (a) Ten of these four are whole-time Chairmen; and the remaining six are part-time Chairmen who hold other whole-time appointments either under the Central or the Provincial Government.

(b) One.

RE-PUBLICATION OF THE *Riyasat*.

124. *Sardar Sant Singh: (a) Will the Honourable Member for Industries and Civil Supplies please refer to the answer given on the 9th March, 1943, to my starred question No. 270, and state if he is aware that after the undertaking given by him to the House that there was nothing to prevent the publishers from restarting the paper, provided he deposited the required security, the Special Press Adviser, Delhi, after the necessary security of Rs. 2,500 had been deposited on the 25th October, 1943, refused permission on the 30th December, 1943, to restart the Urdu weekly *Riyasat* of Delhi on the ground that the paper did not appear regularly during the period immediately before the 7th November, 1942, when the paper control order came into force?

(b) If the answer to (a) be in the affirmative, is it a fact that the paper has been appearing regularly since 1924 till the 25th September, 1942, on which date the security of Rs. 1,000 was confiscated and on which account the publication had to be ceased till a fresh declaration was accepted? If so, is it a fact that the publisher and the printer made an application on the 22nd October, 1942 to the District Magistrate, Delhi, for sanction to file a fresh declaration and to fix the amount of security? If so, was any reply given to the applicant? If not, is it a fact that in spite of several reminders for a reply, no reply was given till the 22nd January, 1943, on which date the District Magistrate demanded a security of Rs. 2,500?

(c) If the above dates are correct, will the Honourable Member please state whether the non-publication of the paper *Riyasat* immediately before the 7th November, 1942, the date of the enforcement of the paper control order, was

due to the fault of the district authorities of Delhi? How do Government justify such an order?

(d) Does the Honourable Member propose to issue instructions to the Delhi Authorities to grant permission to restart the paper?

The Honourable Sir M. Azizul Huque: (a) The Honourable Member is apparently referring to the answer given by the Honourable Home Member to part (e) of his question No. 270 on the 9th March, 1943. This answer merely stated the legal position as it was then. Since then the amendment to the Paper Control Order, 1942, issued on the 10th July, 1943, prohibits the publication of any newspaper which was not being regularly published during the period immediately preceding the 7th November, 1942, without the special permission of the Central Government.

(b) Government of India have no information as to the period during which the newspaper was appearing regularly before it suspended publication in September 1942.

Application was made to the District Magistrate, Delhi on behalf of the newspaper for sanction to file a fresh declaration on the date mentioned in the answer given on the 9th March, 1943, to parts (c) and (d) of the Honourable Member's question No. 270. A reply to the application was given by the District Magistrate, Delhi on the 22nd January, 1943. No reminders or other communications from the Publisher appear to have been received in the District Magistrate's office during the intervening period.

(c) There was nothing to prevent the newspaper from commencing publication immediately after the 22nd January, 1943, but before the 10th July, 1943, when the Paper Control Order was amended.

(d) The case will be re-examined but I cannot give any undertaking at this stage.

Sardar Sant Singh: May I take it that there is no co-ordination between the different Departments of the Government of India because when the Home Member gives an unqualified assurance on the floor of this House the other Departments violate it?

The Honourable Sir M. Azizul Huque: I think my Honourable friend has totally misunderstood the position. When the question was answered by the Home Member the position was different. Thereafter a new Control Order was issued which was applicable not only to this paper but to other papers in India also and there was certainly no lack of co-ordination as is suggested by the Honourable Member.

Sardar Sant Singh: May I know if it is a fact that for want of acceptance of declaration a paper is forced to suspend publication? Is it called non-publication before that particular order is promulgated by the Government of India?

The Honourable Sir M. Azizul Huque: I am afraid I cannot enter into this dialectical discussion.

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

RAILWAY BUDGET FOR 1944-45.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I have the honour to present the Railway Budget for 1944-45. In doing so, I shall disclose to the House a picture of rising receipts and growing expenditure combined with an ever increasing strain upon the railways. It will be my endeavour to show not only what the railways are doing to meet the insistent pressure of war time demands but also to delve into the future and try to envisage where we shall stand when the war is over. I will, however, deal first with the past and the present.

Accounts for 1942-43.

2. When presenting the current year's budget I estimated that the year 1942-43 would end with a surplus of 86.28 crores, which after paying 20.13 crores to General Revenues and discharging in full the outstanding loan of 76.06 crores from the Depreciation Fund would leave 7 lakhs for transfer to

Railway Reserve. Our receipts in the last quarter of the year, however, reached a new high level. The gross receipts for the year were accordingly 6.28 crores above our revised estimate. Our ordinary working expenses were, however, 2.29 crores less, while payments to worked lines were 4 lakhs more. Our net miscellaneous receipts were 17 lakhs more and interest charges 13 lakhs less. In the net result the surplus was 45.07 crores, 8.79 crores more than our revised estimate. This additional sum has been transferred to the Railway Reserve, which at the end of 1942-43 stood at 9.35 crores against our revised estimate of 56 lakhs.

Revised estimate for 1943-44.

3. Not only has the revised estimate of the surplus of 1942-43 been exceeded, but the budget estimate of the surplus for 1943-44 is also likely to be greatly exceeded. Last February the estimate of gross traffic receipts for the year was placed at 150 crores. Owing to a continuance of the high level of earnings the present estimate is 178.5 crores. The original estimate of gross working expenses of 88.14 crores has, however, now swollen to 108.58 crores and our interest charges are also 86 lakhs more than our budget while our net miscellaneous receipts show an improvement of 53 lakhs. The net result is a surplus of 43.77 crores against our original estimate of 36.04 crores. Passenger earnings for this year are expected to be 15.31 crores more than our budget. Under goods earnings we expect an increase of 8½ crores over the budget of which 4 crores are due to military traffic other than traffic carried in military specials. Heavier parcels traffic and increase in military specials are responsible for an increase of 3½ crores under "other coaching earnings". Our working expenses also show an increase which is 24.32 crores over last year and 20.44 crores over the budget. Ordinary working expenses exceed the budget estimate by over 16 crores, of which dearness allowance accounts for 196 lakhs, coal for 186 lakhs, grain shops for 7 crores, the loss under which we now expect to be 10 crores against our budget provision of 3 crores and Defence of India Units for 87 lakhs. We also expect to spend over a crore more on additional staff and in providing temporary quarters for them and over a crore on repairs of which 25 lakhs are for repairs to flood damage. Owing to improvement in earnings our payments to worked lines will exceed the budget provision by 26 lakhs while our interest charges will be 86 lakhs more, primarily on account of additions to capital at charge, to the conversion of some of our specific debt into non-specific debt and, to repatriation of certain railway sterling debt. Our net miscellaneous receipts will be 53 lakhs more, almost entirely due to increases in the balances under the Railway Reserve and Depreciation Funds. It is satisfactory to report that the special committee appointed by the House in pursuance of the resolution passed on the 23rd of March 1943 to consider matters arising out of Clause IV of the resolution adopted by the Assembly on the 2nd March, 1943, amending the resolution of 1924, generally endorsed the financial policy recommended by Government last year. They, however, submitted an interim report, in which they recommended an immediate enquiry as to what additional appropriation, if any, should be made to the Depreciation Fund during the war as an emergency provision for additional wear and tear on railway assets arising out of war traffic and subsequently they themselves made further proposals in this respect. Government have accepted these recommendations and have decided to make an additional appropriation of 4 crores to the Depreciation Fund in the current year and a similar provision in the budget for next year.

The net result of transactions for the year is expected to be a surplus of 43.77 crores against 36.04 crores which we originally budgeted for, out of which 11.50 crores will be transferred to the Railway Reserve and the balance of 32.27 crores will go to the General Revenues, an increase of 5.17 crores over the original estimate.

The past year.

4. During the past year the strain on the railways has continued with unabated force and with no substantial increase of equipment and abnormal

[Sir Edward Benthall.]

difficulties in maintenance, the essential traffic has only been moved with great difficulty. Nature was again unkind and on various occasions through traffic was interrupted by floods, cyclones and earthquakes on no less than 13 lines. The damage on the Bombay, Baroda and Central India, the Great Indian Peninsula, the Madras and Southern Mahratta and the Bengal Nagpur Railways was severe, but the effects of these interruptions paled into insignificance beside the breaching in the middle of July of the main and chord lines of the East Indian Railway in the neighbourhood of Suktigar, which was undoubtedly the greatest disaster recorded in the history of the Indian Railways. The Damodar river burst its banks and returned to one of its age-old courses, sweeping through these two lines at a point just where the exceptionally heavy and vitally important traffic of the East Indian Railway is mainly concentrated. There could have been in all India a no more inconvenient spot for such an occurrence and that it did not result in more calamitous consequences is entirely due to the skilful manner in which traffic was diverted and repairs effected to the railway embankments and river bund. Ruthless curtailment of passenger trains took place and severe restrictions on goods traffic were imposed while the maximum use was made of the remaining single lines leading into Calcutta and to the Bengal and Assam Railway lines which were themselves lines of low capacity. The vital food got through to Bengal in quantities greater even than before the breaches occurred, enough coal was transported to keep the life of Eastern India functioning and essential civil and military traffic was steered through under the guidance of the priority officers of the War Transport Department, whose work of programming here and elsewhere the Railways gratefully acknowledge. The Engineering staff working day and night partially restored communication in an incredibly short space of time, a remarkable achievement, and no tribute can be too high for the skill, ability and determination of the staff engaged in these repair works.

5. The pressure on the railway system has, of course, been unevenly distributed. On the main lines where the density of war traffic is greatest, restrictions have been numerous but over all the essential traffic has been moved, industries have been kept supplied with their coal and raw materials and the finished goods, foodstuffs, minerals and stores have been kept in movement, with frequent irritating delays but they have moved. Less essential traffic has been successfully stopped or severely curtailed except in the direction of the flow of the empty wagons. From April 1st to December 31st 290,036 broad gauge wagons were loaded with grains and pulses as compared with 255,497 in the corresponding period of the previous year. More than double the number of military specials are now being run every month than were run in a pre-war year. A feature of the year's earnings has been the comparatively large increase in coaching earnings and the relative stability of goods movement. The published figures of wagons loaded and tons lifted are, however, not a true indication of goods movements because the large amount of stores moving in military specials is not included in these figures. But the statistics available for the first six months of the year show that, including military stores by special trains, there has been an increase of 8.6 per cent. in the net ton mileage compared with the same period of the previous year.

Passengers.

6. The sudden up-surge in passenger travel during the current year has been phenomenal. In the first six months of 1943-44 the increase in the number of passengers carried has been 7.8 crores and the increase in passenger miles has been 315 crores or 30 per cent. over the corresponding period in the preceding year. This was accompanied by a small decrease in passenger vehicle miles. Separate statistics are not available of the number of military passengers but an examination of the earnings from civilian traffic and of military passengers other than those travelling in military specials shows that, although military passenger traffic has more than doubled, the bulk of the increase is in civilian travel. The problem created by this increase is most

complex and has caused us the greatest anxiety. It has been examined on two occasions by the Central Advisory Council for Railways who agree that the only certain solution for overcrowding is an increase of passenger services which is impossible owing to the shortage of coal and the necessary diversion of engines to the movement of war traffic. On their advice it is proposed, in order to try to relieve congestion, to intensify the publicity campaign against unnecessary travel while railways, in conjunction with the War Transport Department, are taking steps to increase bus services in areas where the war effort is likely to suffer from the existing congestion in passenger traffic.

Rolling stock.

7. The delivery of locomotives during 1943 was not up to our hopes, but both metre and broad gauge engines are now coming forward in a steady flow. It is expected that before 31st March 106 broad gauge and 214 metre gauge locomotives will have been received in India for erection and that a further 284 broad gauge and 288 metre gauge will be received during 1944-45. The delivery of broad gauge wagons has also been disappointing, largely due to the difficulty in obtaining component parts in India and from abroad. 1,900 will be available by the 31st March and we hope to get 5,824 during the following 12 months. All these, except for component parts, will be manufactured in India. Enquiries are also being made for 5,000 wagons for early delivery from overseas. We expect to receive 2,950 metre gauge wagons this year and 10,626 next year. Welcome relief has, however, been received from the loan of metre gauge engines and wagons from the War Department and the return of metre gauge engines and wagons from overseas. Continued and intensified attention is being paid to the repair of engines and wagons and for this purpose workshop capacity is being steadily taken back from the manufacture of munitions, although there are still 20,000 railway workers engaged on munitions work in railway workshops. Increased attention is being paid to the better usage of engines and wagons and we are fortunate in this respect to have the benefit of the able advice of Mr. Inglis of the London and North Eastern Railway and Col. Appleton of the Pennsylvania Railroad. I gratefully acknowledge their cordial co-operation in the solution of our problems.

Line capacity.

8. To increase our line capacity and to meet the impending military and industrial demands we are, in addition to innumerable minor improvements, doubling some 750 miles of broad and metre gauge railway. We are also adding a fourth line on the East Indian Railway between Asansol and Khana in order to equate the capacity of this section to the lines at each end of this section and, included in the 750 miles referred to, is the doubling of the Bengal Nagpur Railway line from Bankura to Midnapore to improve capacity to and via Calcutta and to provide an escape route in the event of further trouble from the Damodar river, although we have every hope that the measures being taken by the Government of Bengal will stabilise this river. It may also interest the House to know that to ensure communications, which are such an important matter in railway operation, a scheme is well advanced for providing wireless communications between important railway control points. The benefit of such a scheme in a country subject to cyclonic and other disturbances is obvious.

Coal.

9. The movement of coal which represents about 42 per cent. of the total broad gauge ton mileage of goods carried by the railways has, in view of the prevailing strain upon the system, been a constant anxiety which has been enhanced by the decrease in coal raisings. The necessity of keeping a constant flow of empty wagons to the Bengal and Bihar coalfields influences the ability of the railways to move other less important traffic many hundreds of miles away and there is nothing which would assist our transportation problem more profoundly than a substantial increase in coal raisings in Central and Southern India with its attendant reduction in the demand for long distance transport of coal to the West and South. Owing to these difficulties, stocks of coal on

[Sir Edward Benthall.]

the railways have fallen to the lowest figure on record and drastic steps have had to be taken to render the position more secure.

Staff.

10. The conditions of living of railway workers in the present difficult circumstances has had the constant attention of the Railway Board and the Railway Administrations. The staff has worked with great loyalty throughout the year and most of their Unions have given full support to the war effort. The railwaymen have stood up well to bombing in the danger areas. Government have been determined on their side to see that so far as is possible the hardships of war should be mitigated for them and have endeavoured to carry out their undertakings to the letter and in a spirit of appreciation of the services of the staff. The scheme of dearness allowance combined with cheap food which was discussed at such length during the Budget session last year has proved a success, thanks to the determined efforts of the Administrations. By December 1943, 521 grain shops had been opened, of which 130 were mobile. 776,000 ration card-holders were served with 1,015,000 maunds of food. The aggregate relief afforded to the staff in that month was calculated at 65 lakhs and the average relief per ration card-holder throughout the country was Rs. 8-6-0. Selling prices have been regulated so as to protect the employee from any rise in prices since the summer of 1942. In the budget for next year, we have allowed for a further 1½ crores on account of further extensions to this scheme and other matters are under consideration in relation to the Government of India's general policy. During the year Government have had under

12 Noon. discussion with the Standing Finance Committee the question of the abolition of the Lower Gazetted Service. Government do not accept as valid the reasons advanced by the majority of the Committee against this step and propose to carry the measure through at the appropriate time. But they agree with the view that piecemeal reorganisation at the moment is not desirable and therefore do not propose to press the proposal at the present time. They also recognise that so far no relief in cash has been given to any but the lower paid railwaymen although all are eligible to obtain supplies from the Railway Grain Shops. The commodities handled at these shops are, however, those comprising the necessaries of life of lower paid employees. It will undoubtedly be necessary in due course and in the light of economic conditions which may be expected to prevail to make a comprehensive review of the salaries of all Government servants, but in the meantime the Railway Department are investigating the possibility of providing for the more varied necessaries of life of higher paid railwaymen by the establishment of cost price canteens where the procurement of supplies makes this possible.

Post-war plans.

11. In the course of the Railway Budget discussions last year the House, on the motion of the European Group, expressed considerable interest in the post-war plans of Government in respect of railways. Since that time a great deal of work has been done on numerous aspects of the problem. The post of Member (Engineering) on the Railway Board which was held in abeyance during the years of depression has been revived and the new Member, Mr. L. P. Misra, has in addition to his other duties been specially entrusted with the planning for post-war development and reconstruction. The Indian Railway Conference Association and the various Railway Administrations are also at work and their comprehensive recommendations dealing with almost every side of the problem are being examined by the Board. It would take too long to display the varied facets of the work, but among the principal subjects upon which the Board are concentrating, in addition to the problem of rehabilitation, are

(a) the implementing of the decision to construct locomotives and boilers in India; (A portion of these plans may be carried through as a war measure. Blue prints for the remainder of the scheme are being finalised with the Con-

ulting Engineers and a regular yearly programme of replacement of worn-out rolling stock has been worked out.)

(b) the improvement of the amenities of travel, particularly for lower class passengers;

(c) the development of staff welfare work to improve the well-being and efficiency of railway employees;

(d) the improved handling of post-war goods, parcels and passenger traffic;

(e) the participation of railways in road services;

(f) the development of railways in accordance with the Government's general policy of road and rail transport.

To elaborate only one item, the programme for lower class passenger's amenities covers improvements to lower class coaches and the provision of additional new coaches of improved design to provide more space per passenger, the relief of overcrowding by the provision of bus services, overhead watering for the coaches, an extension of waiting sheds and improved amenities therein. waiting rooms for lady passengers, sanitary latrines, vendors shops and stalls, improved booking arrangements, plantation of shade trees and improved water supply, washing places, platforms and more overbridges. In short, the lower class passenger is to be provided with the many amenities which have been persistently demanded for many years but which the weak position of railway finances has prohibited.

With regard to the development of railways, it is not of course possible now to make any announcement of an extensive increase of railway mileage, if only because such a decision must await the settlement of Government's comprehensive transport plan after consultation with the appropriate Post-War Reconstruction Policy Committee and a very wide extension of railway construction is not necessarily compatible with a large programme of new road building. But, taken with the information which was given to the House last year, enough has been said to show that when the time comes for active inauguration of the work, the railways will not be found wanting. It is not the plans but the financing of those plans which will present the problem.

Railway finances.

12. It is now appropriate to review railway finances as a whole. The balances in the Depreciation and Reserve Funds are estimated on March, 31st, 1944, to be 87.93 and 20.85 crores respectively. At first sight this discloses a position of financial strength such as the railways have never enjoyed in all their long history. But once again this apparent prosperity is illusory. Rehabilitation of the railways and the execution of all the improvements which the Legislature and the public have demanded in recent years will involve a great deal of money. As regards rehabilitation, the Railway Convention Committee has recommended an early enquiry into the lives of the assets, including obsolescence, and the consequent normal rate of contribution to the Depreciation Fund and any other matters, such as the level of prices, affecting the fund. Depreciation is calculated on the basis of the original cost of the assets and it is obvious that if it is to be called upon to replace assets at the level of prices likely to be in force for many years after the war, the Depreciation Fund should be much larger than it is, even disregarding the question of the adequacy of the existing fund on the existing basis. Nor is the Reserve Fund, which at the end of this financial year may amount to about 2½ per cent. of the capital at charge, judged either on a sound financial basis or on the past history of the railways themselves, adequate to meet the great variety of calls which may be made upon it in the future. When the end of the war comes, the tremendous advance in operating costs is not likely to be susceptible of a rapid reduction nor indeed may it be desirable to attempt such a reduction except by gradual processes in tune with the general economic trend. Too drastic action may have the effect of lowering the standard of living of the workers and causing distress to industries dependent upon the railways. We must avoid, if possible, involving the railways in that long period of cheeseparing which characterised the 1930's. Nor must we forget that the net earnings of the railways are likely to be seriously affected by the need for

[Sir Edward Benthall.]

abnormal repairs due to their postponement in wartime owing to the difficulty of securing materials. Stocks secured at inflated war prices will have to be written down. Such expenses can only be met out of revenue or out of the Reserve Fund. The earnings to meet these increased charges have been won by increased operational efficiency in relation to a wholly abnormal war traffic and once this ceases—and the stoppage may be sudden and the decline rapid—railways may very easily fall into a swift and serious disequilibrium. Rates and fares may then have to be advanced just at a time when it is most inconvenient and unsound to do so, resulting in great hardship; particularly to the poorer classes. Foresight can meet this position; procrastination and a refusal to profit by the lessons of the past may lead to frustration or calamity.

Finance of post-war development.

13. The eyes of India are focussed upon her post-war future, political and economic. In the sphere of post-war railway development I have indicated already some of the principal measures which we have in mind, and on examination it is evident that many of them are of the non-paying kind or at best the return on them will be an indirect one. Yet they are measures which have long been called for by Indian public opinion. It is clearly financially unsound that non-paying expenditure should be financed by loan and, if my diagnosis of the future trend of earnings and expenses is correct, the railways will not be able to finance such post-war schemes out of future surpluses. It was considerations such as these that led the Convention Committee to advocate the strengthening of railway reserves, a policy which also clearly commends itself to the House.

If, however, this policy is not to be only a dream, and if we are to treat our post-war planning in right earnest, we must be prepared to make sacrifices now in order to build the new India upon which our eyes are fixed. We must not be content with a pious enunciation of a principle but must make the necessary effort to make our dreams come true, and in doing so to face the unpopularity which immediate sacrifice entails.

It may be argued that the Railways are making good money and that the percentage of contribution from the railway surplus to General Revenues should be reduced and the railway reserves correspondingly increased. This matter was gone into thoroughly last year and there is no reason to upset the ratio of the division of the surplus which has been accepted as fair in present conditions.

Rates and fares.

14. The question, therefore, arises whether it is reasonable to increase rates and fares. It must be at once admitted that the total enhancement of these during the war, the extent of which was summarised by the Chief Commissioner in his Budget speech last year, is negligible, compared with the rise in the price of practically all other commodities and services. For wheat which fetched Rs. 10 before the war the farmer today gets Rs. 40; but the farmer can transport his wheat in full wagon loads for any distance at the same cost as before and on average a journey which then cost Rs. 10, today costs the farmer less than Rs. 10-8-0. Rail transport and travel are among the cheapest things in India today. Uncomfortable though travel is it is unquestionably good value for present day money, the overall increase being only 4½ per cent. on pre-war fares, and, with money to spend and nothing else much to spend it on, travel the public will. The statistics of passenger travel which I have quoted in the earlier part of my speech demonstrate the rapid increase in travel and it is not a mere coincidence that the increase took place in the period in which inflationary tendencies became more prominent.

It will be argued that an enhancement of fares will be a burden on lower class passengers. There is, of course, no discrimination proposed between the classes and it cannot be denied that the lower class passengers will pay their share. But the increase in the number of passengers, mainly lower class, to which I have referred and the figures of prices which I have just quoted are conclusive proof that such people are in an increasingly better position to afford

to travel. Their ability to pay for travel is greater than the railways can cater for, and it is the conditions of these passengers and of the poor classes of the railwaymen and of the masses which in the post-war period must be particularly fostered.

There are three good reasons for increasing fares today, the effect that such an increase may have on reducing passenger travel, the deflationary effect owing to the immobilisation of a substantial volume of currency and the opportunity of taking the first step towards building up a fund for post-war reconstruction purposes. As regards the first, the experience of 1917, when in similar conditions fares were increased, is likely to be repeated. Action then was followed by a decrease in the number of passengers travelling and, although after a year the number again increased, it did restrict the number who would have travelled had there been no increase in fares. I of course agree with the Central Advisory Council that in present conditions increasing fares, except to a penal extent, will not alone so reduce travel as to prevent overcrowding. The deflationary effect, combined with other measures which the Finance Member may take, will be a very valuable contribution to the solution of India's most pressing economic problem. An increase in goods rates on the other hand, although it would be thoroughly justified on the general level of prices, would, unless there were other compensatory action, tend to have an inflationary effect which it is desirable to avoid. The argument in favour of building up a fund for post-war purposes is to my mind paramount and irrefutable and the Governments of the future would rightly blame our short-sightedness and lack of courage if we failed to put them in a position to carry through the post-war plans which we are preparing for their fulfilment.

There might, of course, be objections from some to an increase of rates and fares if the resultant increase of surpluses were diverted largely to General Revenues as the result of the current arrangement for division of the surplus between General Revenues and Railway Reserves, but if any such resultant increases are retained wholly within the Railway Reserves and are used for the benefit of the railway user, it at once becomes quite a different matter. Money would be taken from the railway user now and expended for his benefit later when times are less good.

So, having weighed all these pros and cons, Government have decided from April 1st, 1944, to increase rail fares (including fares for military passengers travelling at their own expense) by 25 per cent. so long as present conditions exist, an increase of precisely the same dimensions as was imposed in the last war. The proceeds, which taking into account a small resultant decrease in traffic, are expected to yield 10 crores, will be placed in the Railway Reserve but earmarked for an amenities fund for lower class passengers. Suburban season tickets will be exempted on the ground that they represent obligatory travel and it is administratively practicable to isolate them. As regards goods rates, we do not propose this year to offer a reduction of the surcharge on coal freights from 20 per cent. to 15 per cent. in the slack season as we have done in the past because there is no slack season now and the movement of coal is planned on an even monthly basis throughout the year.

Honourable Members of the House will at once recognise that this step is quite a different proposition to that canvassed in the Press during the last few weeks. Besides having a desirable social effect in restraining overcrowding and combating inflation, it is the first positive move towards the finance of post-war reconstruction and the first realistic acceptance on a fit scale of the ideas which have recently been so prominently placed before the country. The building up of a fund such as I have in mind will go far to ensure the raising of the standard of travel of the lower class passenger in the years to come. I urge Honourable Members, therefore, to support Government in this progressive policy and to step forward into the future with courage and vision.

Estimate for 1944-45.

15. Dealing next with our earnings for the coming year we have followed the previous practice of basing our budget estimate on the revised estimate of the

[Sir Edward Benthall.]

current year, and after taking into account the additional locomotives which will be in use in 1944-45 and the increase in fares we have placed our budget estimate for the next year at 192 crores, 18.5 crores above our revised estimate for 1943-44. In the last 3 years we have learnt the lesson that under war conditions estimates of earnings are highly speculative and we can only base our estimates on the current year's receipts after taking into account known factors which might affect the earnings in the next year. Our estimate of the next year's ordinary working expenses, allowing only for increases which can be foreseen now, is 5.32 crores more than this year's revised estimate. The chief points which require mention in this connection are an increase of 3.42 crores in our coal bill and of 1½ crores under loss on grain shops, and a payment of 51 lakhs to the Madras and Southern Mahratta and South Indian Railway Companies as compensation for loss of earnings from the Government's decision to take over the lines the contracts of which were ordinarily to terminate on 31st December, 1945. Our ordinary appropriation to the Depreciation Fund is increased by 24 lakhs on account of increase in our capital while the special emergency provision for additional wear and tear is 4 crores, the same as in the current year. Our payments to worked lines will be only 14 lakhs more and our interest charges 10 lakhs less. Our net miscellaneous receipts are expected to be 54 lakhs more than this year.

In the result our net surplus is estimated at 52.21 crores, 8.44 crores more than in the current year. Out of this sum additional earnings from increase in fares, which are estimated at 10 crores, will be set aside to the Reserve Fund and earmarked for an amenities fund for lower class passengers. Subject to the approval of the House Government propose to divide the remaining surplus between the Railways and the Central Government in the same proportion as in the current year, viz., 1:3. The share of General Revenues will, after deducting the loss of 1.15 crores under strategic lines, be 31.37 crores and 10.84 crores will be transferred to the Railway Reserve raising its balance to 31.69 crores at the end of the year, or 41.69 crores inclusive of the amenities fund, the latter figure representing still only some 5 per cent. of the capital at charge.

Capital and Depreciation Fund.

16. During the year we have dismantled six miles on the Bengal and Assam Railway (Moranhat-Khowang) and expect to dismantle 48 miles of a strategic section of the North Western Railway and another 8 miles on the Bengal and Assam Railway (Shaistagunj-Habigunj) before the close of the year. The reduction in our capital from these transactions will be about 1½ crores. Our programme for the next year does not at present provide for any dismantlement. Our works programme has undergone considerable modifications in the course of the year and we shall have to spend during the year 3½ crores for additional works not contemplated in the original budget. Almost all of them are essential war requirements. Our stores suspense has increased by 3 crores, but we have not yet been able to utilise the full budget provision for the purchase of the Bengal and North Western and Rohilkund and Kumaon Railways, partly because some of the debenture stocks for the discharge of which we had made provision in the budget were discharged in 1942-43 and partly on account of some points arising out of the calculations of purchase price under the contracts being still under dispute with the liquidators. Our total expenditure for the year will, however, exceed our budget provision by 186 lakhs, for which a supplementary demand will in due course be placed before the House. The addition to capital during the year is expected to be 14.82 crores against the budget estimate of 13 crores.

For the next year our programme for a total expenditure of 58.17 crores provides for the purchase of the Madras and Southern Mahratta and South Indian Railways at a cost of 8 crores and the purchase for an aggregate sum of 67 lakhs of the Guzerat Railway and the Dhond-Baramati Railway, the former a narrow gauge line of 58½ miles worked by the Bombay, Baroda and Central India Railway and the latter a narrow gauge line of 27 miles worked by the Great Indian Peninsula Railway. We have also provided 52 lakhs on account of the

balance of the purchase price of the Bengal and North Western Railway and Rohilkund and Kumaon Railway. The rest of the capital expenditure will be on rolling stock 34.24 crores, track renewals and bridges 6.68 crores and other structural works 8.92 crores. Our stores balance will increase further by 2.8 crores. After making a lump sum cut we have provided for an expenditure of 51.7 crores, of which 23 crores will be out of Depreciation Fund and 28.7 crores from capital. The total capital at charge at the end of March 1945 is therefore estimated to be 8.08 crores.

Depreciation Fund.

17. The balance in the Depreciation Fund at the end of 1942-43, which is the first year when the actual and nominal balances were the same, was 82.07 crores. During the year 1943-44 the balance will rise to 87.93 crores, but as the withdrawals in 1944-45 are expected to be much heavier than the appropriation the balance will fall to 82.05 crores by the end of 1944-45.

18. In conclusion I take this opportunity of thanking the Chief Commissioner, Sir Leonard Wilson, and all his men for the work they have done. The increase of traffic achieved with little or no new equipment is work to be proud of. But although railwaymen have again put up a fine record of performance, Government are once again going to call upon them for further efforts. We are not moving enough traffic to meet the demand. More and more traffic has got to be moved. At last more equipment is reaching the railways and they are gradually getting back from the services some of the valuable men who volunteered for service in the early stages of the war. With this aid and with a general speeding up of operations, much more can and must be done if India is to fulfil her function as a major war base, if her industries are to continue at full blast and if her people are not to go short of their essential requirements. The stage is set for a great new endeavour by the railwaymen of India. We must increase the speed of our trains by every possible means, speed up the turn-round of engines through the sheds, speed up the operation of our train control and our yard working, speed up our every action. We must use every possible device to get through more traffic. For many the work is arduous and the strain prolonged, but I recall to the railwaymen the words of Sir Francis Drake on the eve of battle "Lord God, when Thou givest to Thy servants to endeavour any great matter, grant us also to know that it is not the beginning, but the continuing of the same until it be thoroughly finished, which yieldeth the true glory". It is with confidence that I call on the railwaymen once again to make this effort and to earn the true glory.

THE CENTRAL EXCISE BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Bill to consolidate and amend the law relating to central duties of excise, as reported by the Select Committee. The following amendment, No. 40, of Mr. T. T. Krishnamachari is under consideration:

"That in clause 36 of the Bill, for the words 'The Central Government' the words 'A High Court having jurisdiction' be substituted."

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I wish to support this amendment. It seems to me that we have fallen on evil times. There is no reason why the general power of supervision of the High Court should be curtailed. We have been seeing recently that in various ways the power of general supervision of High Courts has been curtailed by means of Ordinances and by such enactments as recently came before the House. There is no valid reason, I do not think that at least any has been given in the Notes as to why the power of the High Court has been curtailed in this respect. Sir, I support this motion.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, this is a very important amendment. In fact, I regard it as one of the most important amendments which have been moved by my Honourable friend, Mr. Krishnamachari. Sir, this Bill vests the executive with very large, I may say, drastic powers, and the Bill also provides that many of these powers are to be exercised by petty officers. Naturally, there is an apprehension in the public

[Dr. P. N. Banerjee.]

mind that the exercise of these drastic powers will lead to a great deal of harassment and oppression of the taxpayers and the general public. I am not one of those who would deny the Government their legitimate financial resources. The Government would be entitled, in my opinion, to receive all legitimate resources which are their due. But in order to collect revenues, from these sources, they must adopt means which are reasonable and above reproach. Unfortunately, the provisions of the Bill, as they stand at the present moment, do not inspire any confidence in the executive and no safeguard has been provided against the abuse of large powers which are going to be vested in the executive. Therefore, it is desirable that some provision should be made to guard against the abuse of power and to inspire confidence in the public mind.

Sir, the demand which has been made by my Honourable friend, Mr. Krishnamachari, is a very modest one. If we compare the demand that has been made by him with the provisions which were made in the Income-tax Bill to safeguard the interests of the taxpayers and the general public we find that this demand is extremely modest. Now, what do we find in the Income-tax Bill which was passed into law during the regime of the predecessor of my Honourable friend, Sir Jeremy Raisman, about six years ago? In that Bill, it was provided that there would be an appeal from the decisions of the Board of Revenue officers to the High Court on points of law and further there would be an appeal to an independent tribunal consisting of Judges and Accountants on points of fact. No such provision has been made in this Bill. Why should there be this difference?

Sir, I wish some of my Honourable friends had tabled amendments with regard to an appeal to the High Court as well as to an independent impartial tribunal. But, as no such amendments have been tabled, I support this modest amendment of my Honourable friend, Mr. Krishnamachari, that there should be a revision by the High Court. My Honourable friend, Sir Jeremy Raisman, will perhaps say that there is an appeal from the decision of the Excise-tax Officer to another officer of a higher grade. But that is not enough. This officer of a higher grade will be an officer of the Board of Revenue. His intention, his likes and dislikes would be the same as those of the lower grade officers and he will depend for his promotion and increase in his emoluments on the good will of the Board of Revenue. The Board of Revenue will naturally be interested more in the collection of revenue than in safeguarding the interests of the taxpayer. Therefore, there is no safeguard in providing for an appeal from a lower grade officer to a higher grade officer.

Then, again, it may be said that the power of revision has been given to the Board of Revenue.

The Honourable Sir Jeremy Raisman (Finance Member): The Central Government; not the Board of Revenue.

Dr. P. N. Banerjee: Yes, it is the Central Government, but may I ask if all the Members of the Executive Council will take part in this work? What does "Central Government" mean?

The Honourable Sir Jeremy Raisman: It means the Officers and the Honourable Member in charge of the Department and, if necessary, any other Honourable Members of the Government whose views he may require.

Dr. P. N. Banerjee: That is to say, the Finance Member. Is he not interested in the revenues of Government? Is he an impartial officer and a judicially-minded officer?

The Honourable Sir Jeremy Raisman: I hope so.

Dr. P. N. Banerjee: You are hoping against hope. Your traditions are such that you have to look at questions from the standpoint of finance.

Sir, I urge that some little safeguard should be provided and that is the modest demand made in the amendment for revision by the High Court. To refuse revision by an impartial tribunal is not a proper attitude on the part of Government. I remember full well the debate that took place in this House, when my Honourable friend the Finance Member was Finance Secretary when

an amendment was moved from the Opposition Benches with regard to the provision for an impartial tribunal in connection with the Income-tax Amendment Bill, it was accepted by his predecessor and embodied in the Income-tax Act. I think he should take a longer view of things, otherwise the extremely selfish policy of this Department will result in absolute want of confidence of the people in the actions of Government, which will be very undesirable. You do not want to provide a safeguard against abuse of power and you do not try to inspire confidence in the public mind with regard to your collection of revenue. Is that right? This attitude of Government is indefensible, and I urge that as this is an extremely important point the House should fully express its opinion on it.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I support this amendment. To vest this power in the hands of departmental officers is, I think, a sort of crime.

The Honourable Sir Jeremy Raisman: How do we administer the department in this criminal manner if every action is a crime?

Mr. Muhammad Azhar Ali: What is wanted in this amendment is the power of revision and not of appeal. Powers of revision are generally vested in the High Courts and only points of law are gone into; whereas in appeals points of fact are also dealt with. Therefore, to vest in the department the power of revision and decide the grievances of the taxpayers on points of law is a very serious thing. Should the High Courts of India be discredited as they are sought to be discredited in this Bill? Why should Government be so much afraid of these High Courts where points of law may be involved? In other Acts, as was pointed out by Dr. Banerjee, we have given powers of appeal and revision to the High Courts, but in this Bill those powers are given to the department only. I submit that in this important matter the power should be given to the High Courts and the Honourable Member should accept the amendment.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, clause 36 says that on the application of an aggrieved person the Central Government may revise or modify an order of a Central Excise officer or the Central Board of Revenue. It is, of course, preferable to have provision for an appeal in the case of all excise duties, but when there is no appeal, a revision is welcome. The amendment deals with the proper functionary to decide matters in revision. It cannot be denied that it is not prudent and wise to leave it in the hands of an officer who is himself interested in the matter. The point was considered in detail in connection with the Income-tax Act; the House then wanted that as a matter of public policy the power of revision should lie not with the Finance Department or the Central Board of Revenue but with some other department of the Government of India. The Government of India agreed that appeals and revisions in income-tax matters should go to the Legislative Department; and appointments and other things were to be done through the Finance Department. Some day it will be demanded that this power of appointment also should go to some department other than the Finance Department. The House in the present case wants the power of revision to go to the High Court because it is not fair or prudent to give this power to the department itself. Therefore it should be decided judicially by some other officer or court. In this matter also I submit that the High Court should decide these revisions. Sir, I support the amendment.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, the amendment before the House involves a question relating to the structure of administrative law in India; and although I am not in a position to deal with the broader aspects of the question, I should like to very briefly touch upon one of the points which has been made by my Honourable friend the mover of the amendment. He has pointed out that as a result of a recent decision given by Lord Simon in a Madras case, it has been made clear beyond doubt that the remedy by way of *certiorari* is confined only to the limits of the original jurisdiction of the three Presidency High Courts. Now, Sir, the position that arises is this: As a result of certain historical accidents in regard to the very

[Mr. K. C. Neogy.]

narrow territorial limits within which the three Presidency High Courts exercise their original jurisdiction, a remedy which will be available to the people inhabiting these small territorial areas will not be available to the people living in the rest of the country. Sir, it seems to me that, apart from the question of legal principle, this is a matter which should receive the serious attention of the Government, and I should very much like to hear from the Honourable the Law Member as to what he thinks about the discrimination which the present state of law seeks to perpetrate in the matter of providing remedies against the abuse of the administrative law in certain spheres, on the grounds of certain historical accidents, which are at the disposal of the people living within the original jurisdiction of the three Presidency High Courts, but are actually denied to the people at large. It is on this narrow issue that I should like to hear the Honourable the Law Member as also the Honourable the Finance Member.

The Honourable Sir Jeremy Raisman: Sir, I regret I must oppose this amendment. The Honourable the Mover himself and also my Honourable friend who has just spoken sought to justify this proposal on the footing that it will provide a counterpart, outside the Presidency towns, of the jurisdiction conferred on the Presidency High Courts within the local limits of their ordinary original civil jurisdiction by section 45 of the Specific Relief Act.

Now, Sir, on that I have two things to say: In the first place, we have in the past had to consider more than one private Bill which was designed to effect an extension all over the country of the jurisdiction conferred by that section. The Government have always been, and they remain, strongly opposed to any such extension of a jurisdiction, the existence of which in Presidency towns is, as my Honourable friend who just spoke made clear, in the nature of a historical accident. The Government, in fact, take the view not that this should be extended, but that as a result of its being a historical accident it should continue to be confined to the narrow areas in which it at present is prevalent.

In the second place, the Honourable Member's amendment would do much more than provide a counterpart of the very limited jurisdiction conferred by the section in question. It would, in fact, vest High Courts with an omnibus revisional jurisdiction over the whole field of salt and excise administration.

Dr. P. N. Banerjee: But what is the objection to that?

The Honourable Sir Jeremy Raisman: It is a purely executive field. Parallels have been drawn with the provisions of the Income-tax Act. The scope of the provision for reference to the High Court in the Income-tax Act is far less than that which is proposed for this amendment. There is a provision, as far as I remember, for reference to the High Court only on points of law. It seems to me irrelevant to import considerations relating to the whole of the appellate machinery set up by this Bill. I should not say 'set up by this Bill' because as a matter of fact I should like to remind the House once more that this measure in these sections does not change the existing legal position.

I have been accused of seeking to introduce all kinds of amendments under the guise of a consolidating Bill, but what is happening is that my Honourable friends are committing the very crime which they have charged me with and of which I claim to be entirely innocent. They are seeking to make fundamental changes in the existing legal position. The existing legal position in respect of appeals and of revision is as incorporated in this Bill.

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): In 1882.

The Honourable Sir Jeremy Raisman: I am not going into history. It is as incorporated in this Bill and in bringing forward this measure we have repeated the existing situation.

It seems to me that it would be entirely inappropriate to invest the High Courts with a jurisdiction of this kind. It would bring before them an enormous mass of executive detail. It would in no sense be confined, as one Honourable Member says, merely to references on points of law. The cases in which the

Central Government are moved to exercise their revisional powers are by no means confined to mere points of law. They deal with the whole facts of the case. The petitions ask that the Central Government should review the whole facts of the case, should establish the innocence or otherwise of the parties concerned and give relief in specific matters. The petitions do not ask the Central Government to pronounce on some abstract point of law, so that it seems to me that this apparently simple amendment, which would put the High Court in the place of the Central Government, would make the whole system, the whole machinery for dealing with grievances entirely—I might almost say—grotesque. It is not a simple matter of merely substituting one authority for another. For these reasons, I regret that I must oppose the amendment.

Mr. Muhammad Azhar Ali: May I ask one question, Sir? Will you allow counsel to appear on behalf of the applicants in revision?

The Honourable Sir Jeremy Raisman: Counsel regularly appear on behalf of the applicants in this type of case. At the appeal stage they may be heard by the Central Board of Revenue, and at the revision stage if it is deemed appropriate to admit counsel, then they can be heard by an officer of the Central Government, or in certain cases by the Honourable Member himself.

The Honourable Sir Asoka Roy (Law Member): Sir, I had no desire to intervene in this debate but out of deference to the wishes of my Honourable friend, Mr. K. C. Neogy, I should like to say a few words.

It appears to me that the reason for the amendment which is being moved by my Honourable friend, Mr. Krishnamachari, is that recently the Privy Council have by their judgment laid down that the High Court of Madras has no right to issue a Writ of *Certiorari* which could operate beyond the ordinary original civil jurisdiction of the Court. I am quite aware that that judgment has caused a stir in the Province of Madras and there is a strong feeling that High Courts should have the power to issue Writs of *Certiorari* which would operate beyond their ordinary original jurisdiction. If it was the intention of the Honourable Member to give this additional power or this additional jurisdiction to High Courts, I should have thought the proper course would have been to introduce legislation which was designed to achieve that object. Mr. Krishnamachari in his speech said that in the past the High Court of Madras had been issuing these Writs of *Certiorari* and consequently there was a remedy open to a person who felt aggrieved. But now the Privy Council had said that the High Court had no such power. Well, the Privy Council has merely laid down the law. The Privy Council has stated clearly that the High Courts have not and never had that power, and if in any case any High Court has exercised that power, it has been wrongly exercised. I may tell the Honourable Members of this House that the Calcutta High Court never thought that it had the power to issue a Writ of *Certiorari* which would go beyond the ordinary original jurisdiction of that court. I should like to point out also that the Honourable the Mover's amendment really tries to give to High Courts a power which they have never exercised in the past.

Mr. T. T. Krishnamachari: In this country!

The Honourable Sir Asoka Roy: Well, I should confine myself to this country. I think the Honourable Members are also aware that as the law stands at present, the High Courts are not allowed to do very many things. I do not know if my Honourable friend, Mr. Krishnamachari is aware, that even under section 45 of the Specific Relief Act, which confers on High Courts a power to issue a Writ corresponding to the Writ of *Mandamus* in England, that power is given only to three High Courts, or in fact four.

Mr. Lalchand Navalrai: We want it for Sind.

The Honourable Sir Asoka Roy: You will not get it for Sind. The High Courts of Madras, Calcutta and Bombay, and also Rangoon (which last is not functioning at the moment) are the only Courts who have power to issue Writs of *Mandamus* or make orders under Section 45. Now consider what that means. The High Courts of Allahabad, Lahore, Nagpur and Patna have no such power. Well, that may be an anomaly to your minds. Again, under the law as it stands

[Sir Asoka Roy.]

at the moment, the High Courts have no original jurisdiction in any matter concerning the revenue. That may be also an anomaly, which some Members might think it is necessary to remove. But I do feel this that if you try to give a power of revision to High Courts

Mr. T. T. Krishnamachari: In the interests of progress!

The Honourable Sir Asoka Roy: in matters which are essentially administrative matters, in matters relating to the administration or collection of salt and excise revenue, you will be opening a wide field of litigation which would not be desirable.

Dr. P. N. Banerjee: Tax-payers will need protection!

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

The Honourable Sir Asoka Roy: Sir, I welcome these interruptions: they do not upset me. Let me point out that you are dealing with a Statute which is concerned with the collection of revenue and administration by officers directed to achieve that purpose. I for myself cannot see how the High Courts can properly fit into the picture at all or why they should be asked to revise orders made by Excise Officers. It is quite true that a Writ of *Certiorari* is a high prerogative writ which enables a High Court to correct an error made by anybody who exercises some sort of judicial function. But certain High Courts only and not all High Courts have the right to issue such Writs and even if the Privy Council judgment had been otherwise it would have only applied to the High Courts of Calcutta, Madras and Bombay. Further the right to make orders under section 45 of the Specific Relief Act is confined to the local limits of the original jurisdiction of the High Courts of Calcutta, Madras and Bombay and Rangoon (which last we might omit for the present). Sir, it would not be unusual to have a provision like clause 36 in the present Excise and Salt Act. You will remember that this is a very old provision. It is a provision which you find in the Sea Customs Act. It is a provision which has come under the notice of the Privy Council in several cases. Honourable Members know that in the Sea Customs Act as in this Act there is a code laid down of appeals and a final revision by the Central Government. That I think is enough for the purposes of a Statute like the present one.

Dr. P. N. Banerjee: More than enough!

The Honourable Sir Asoka Roy: In regard to Income-tax also I should point out that High Courts have no jurisdiction at all, except jurisdiction of a purely advisory nature.

I believe Honourable Members know that on one occasion in an Income-tax case the Privy Council upheld the contention that an order under section 45 could be made by a High Court in regard to a Revenue authority, but that again in regard to a person within its jurisdiction. Since the judgment of the Privy Council the Income-tax Act has been amended and it is now provided that in certain circumstances a matter could be brought up to the High Court for the purpose of getting an expression of opinion from the High Court on a question of law. That is as far as the law has gone even in regard to income-tax. With regard to the other taxes—I mean customs duties and other duties—the law which we now find in the amending and consolidating Act has been the law, for I do not know how many years. In these circumstances I can only suggest to my Honourable friend the Mover that if it is his desire to extend the jurisdiction of High Courts generally in regard to their ability to issue orders under section 45 or writs of *Certiorari* the proper thing for him would be to introduce legislation designed to effect that purpose. Sir, I have nothing further to add to what my Honourable friend the Finance Member has said and I support him.

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

"That in clause 36 of the Bill, for the words 'The Central Government' the words 'A High Court having jurisdiction' be substituted."

The Assembly divided:

AYES—37.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Chattopadhyaya, Mr. Amarendra Nath.
Dam, Mr. Ananga Mohan.
Das, Mr. B.
Deshmukh, Mr. Govind V.
Fazli-Haq Piracha, Khan Bahadur Shaikh.
Gupta, Mr. K. S.
Hegde, Sri K. B. Jinaraja.
Hosmani, Mr. S. K.
Ismail Khan, Hajee Chowdhury Muhammad.
Jehangir, Sir Cowasjee.
Joshi, Mr. N. M.
Kailash Bihari Lall, Mr.

Krishnamachari, Mr. T. T.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Lingquat Ali Khan, Nawabzada Muhammad.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Neogy, Mr. K. C.
Parmar Nand, Bhai.
Ramayan Prasad, Mr.
Sant Singh, Sardar.
Sham Lal, Lala.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—41.

Ahmad Nawaz Khan, Major Nawab Sir.
Ambedkar, The Honourable Dr. B. R.
Azizul Huque, The Honourable Sir M.
Benthall, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Bhagchand Soni, Rai Bahadur Seth.
Caroe, Mr. O. K.
Chapman-Mortimer Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Greenfield, Mr. H.
Gwilt, Mr. E. L. C.
Habibur-Rahman, Khan Bahadur Sheikh.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Inskip, Mr. A. C.
Ismail Alikhan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Khare, The Honourable Dr. N. B.

Krishnamoorthy, Mr. E. S. A.
Kushal Pal Singh, Raja Bahadur.
Lawson, Mr. C. P.
Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Mudaliar, The Honourable Dewan Bahadur
Sir A. Ramaswami.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka.
Shahban, Khan Bahadur Mian Ghulam Kadir
Muhammad.
Siva Rao, Rao Bahadur N.
Spence, Sir George.
Srivastava, The Honourable Sir Jwala Prasad.
Stokes, Mr. H. G.
Sukthankar, Mr. Y. N.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Capt.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zahid Husain, Mr.

The motion was negatived.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. K. C. Neogy (one of the Panel of Chairmen) in the Chair.

Mr. Chairman (Mr. K. C. Neogy): The House will resume consideration of the Central Excise Bill, as reported by the Select Committee. The question is:

"That clause 36 stand part of the Bill."

The motion was adopted.

Clause 36 was added to the Bill.

Mr. T. T. Krishnamachari: Sir I move:

"That after sub-clause (3) of clause 37 of the Bill the following be inserted:

'(4) All rules made under this section shall be laid on the table of the Central Legislature for not less than one month when it is in session and shall be subject to the approval of the Legislature by a Resolution moved by the Central Government'

I was rather surprised to see that this Bill emanated from the Select Committee with clauses 37 and 38 in the form in which they are before us today. I have not been in this House for a long time but I have been familiar with the discussions that have taken place over several Bills in this House in the past and I have been made aware that since 1937 non-official Members have constantly and with a diligence which was commendable pressed upon the Government that they should not take upon themselves the rule-making powers without any precise specification as to their nature and there should be some kind of revisionary control of the Legislature over the rules framed. If today I take the House back to a discussion that has puzzled and excited

[Mr. T. T. Krishnamachari.]

constitutional pundits for a period of seven years, my only excuse is that this Government seems to be singularly unalive to what has happened all these years. If I go back and tell them about the controversy about delegated legislation that was started in England and has been echoed in every country where a democratic form of Government has been in being, the excuse is that this Government will never learn and if possible they will allow the Legislature to forget that they, the legislature, had all those years insisted upon greater safeguards in regard to the rule-making powers of the Government. The departmental expansion which has been taking place since the last war had caused such a lot of excitement in the United Kingdom that a committee was appointed in 1936, a Parliamentary Committee, to report upon the powers of the Ministers and the excuse today for us to protest against the House passing clauses 37 and 38 in their present form is that departmental expansion, so far as the Government of India is concerned, has been taking place all these years at a very rapid pace. Sir, the Honourable the Finance Member resented, or at any rate indicated that he did not approve of what I said at the commencement of the discussion of this Bill the other day when I stressed the need for greater care in the matter of infringing upon the liberties of the citizens, particularly when the Defence of India Rules are in operation and various economic controls have been put in operation by the Government under cover of those Rules. Today, as the Government's regulations are at present, we do not know what we can do and what we cannot do. We have to be very diligent readers of newspapers in which press communiques appear and these are the things that govern the whole country today and if we fail to read the newspapers, we would be probably doing many acts which perhaps will bring us within the scope of the law. Is that the condition that is envisaged by the framers of this Bill to be the perpetual state of the country? I shall have something more to say about this Bill later on but for the present I cannot help reiterating what I have said in practically every one of the amendments that I have moved. The one vein that runs right through this Bill is the attempt at the imposition of arbitrary administrative control in respect of the commodities which this Bill seeks to control and out of which the Government of India seek to raise a revenue. With the background of the policeman, with the background of the preventive officer, with the background of the anti-smuggling activities, can we really allow the Government to take powers that they have taken under this clause 37 without any safeguard for the people engaged in ordinary commercial activity? I would like, if the Honourable the Finance Member would permit me the impertinence, to attempt to re-educate him in respect of what he has been educated in the past, in regard to the safeguards that are ordinarily considered desirable in respect of delegated legislation which this clause seeks to vouchsafe for the Government. One thing that is absolutely necessary is that the limit should be defined. The Honourable the Finance Member will say that the limits have been defined by the various sub-clauses of this Bill. I do not think it is adequate. The second thing that is necessary is the consultation of the special interests affected and that must be made obligatory. I see no provision for that sort of thing. The third thing that is necessary is the question of publicity. Publicity will certainly take place by means of publication in the Gazette. How many people read the Government of India Gazette or the newspaper communiques? The number is very limited. The ultimate and final safeguard that we can visualise is the question of entrustment of this power to an authority, a supervisory authority and that is why I have asked for the rules to be laid on the table at the time when the Legislature is in session and to obtain their approval by a Resolution moved by the Government. What I am asking is nothing new.

In connection with the Committee appointed in England in regard to the Ministers' powers, certain statutory results have emanated therefrom and one of the most important results has been that all important regulations are laid before the Houses of Parliament with power to

annul by adverse Resolution and adoption of this safeguard against delegated legislation commenced with the Local Government Bill of 1937 that was passed immediately after the report of the Committee on Ministers' powers was issued. And I am glad to say that even in this House it seems that the practice was accepted in the Motor Vehicles Act, when provision was made for laying the rules before the Central or the Provincial Legislature, as the case may be. I think analogous provisions are extant even in the Insurance Act. If it is permitted to import a custom which has been accepted in a Provincial Legislature in the matter of a tax measure, I would like to say that in the Madras Provincial Legislature, when the Sales Tax Act was passed, the Government did agree that in respect of certain provisions, on the rules made thereof the permission of the House should be obtained by a resolution moved by the Government. So, today in 1944 if you are confronted by a Bill with provisions like clauses 37 and 38 without even the elementary safeguards, might I not say there is something wrong somewhere,—either the legal advisers to the Finance Department are singularly blind or they had a lapse in their memory and their brains need free fanning or there is some other object why the Government feels that this type of interference by the Legislature is not called for and that they must stick to the good old days when Government could do just what they liked by means of their rule-making power in the matter of the ordinary laws of the country.

Sir, in view of the precedents that I have quoted in regard to two measures, namely, the Motor Vehicles Act and the Insurance Act, and the qualified support that has been given to this claim in the Income-tax Act and also in view of the fact that other Legislatures in this country have agreed to this provision, and the fact that this practice has been adopted in the House of Commons, and nobody will say that a practice prevalent in the House of Commons must not be introduced in the Central Legislative Assembly, I urge that this amendment should be supported by this House.

It might be said that the amendment is not in the form that is acceptable to the Government. In answer to that criticism I would say to the Government, it was your bounden duty not to ignore the elementary rights of this House. You have ignored it and you must allow people who seek to remind you of your elementary obligation to draft the amendment in the form best suited to the political opinions they hold. I do believe that notwithstanding the fact that this Bill seeks to consolidate measures that emanated in 1879, 1880 and 1882, we have to make some progress in 1944. So, if my amendment has not followed the conventional lines that have been adopted in the past in this House, it is because there has been progress all over the world in regard to rule-making powers of the Government and the limitations that are necessary thereof. Therefore, it does not lie in the mouth of the Treasury Benches to say that the amendment has not been appropriately drafted or it has not followed the lines of the Motor Vehicles Act or the Insurance Act and therefore they cannot accept it. The onus of producing a clause like those formed in these enactments was on them and when they had failed to do that, naturally it was left to a non-official Member like me to do it in the manner which I consider as the most suitable. I cannot get into the skin of the Government and feel as they do and try to limit the powers of the Legislature and the people to the minimum possible extent. Sir, I move.

Mr. Chairman (Mr. K. C. Neogy): Amendment moved :

"That after sub-clause (3) of clause 37 of the Bill the following be inserted :

"(4) All rules made under this section shall be laid on the table of the Central Legislature for not less than one month when it is in session and shall be subject to the approval of the Legislature by a Resolution moved by the Central Government."

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa : Muhammadan): Sir, I rise to support the amendment and I trust, on principle, the Government will see its way to accept it. The position of our Legislature, even in its present miniature form, is that of a sovereign power and we cannot

[Mr. Muhammad Nauman.]

delegate unbridled power to any other authority without having some sort of safeguard for allowing our Members to interfere, amend or at least approve of such rules as are made under the legislation passed by this House. I do not want to dilate on this issue very much as reference has already been made by the Honourable the Mover very ably as to how things have been even in England where a Committee had to be appointed to look into the fact whether the Ministers had overridden the Legislature in the matter of rule-making powers, although those Ministers are not only the representatives of the people but owe their existence to the goodwill of the people for all time. Even their authority could not be allowed to go on unbridled and without safeguards. For this reason, I feel that the Government of India will be well advised in accepting this innocent amendment which would satisfy this House and which would make us feel that we would be a party to all those rules which will be made from time to time. When I say we would be the party, I mean that the country would be a party to their approval. I think the Government of India will be well advised to have that responsibility shared with the approved representatives of the people. This amendment does not seek much except this that the rules should be placed before the House and its formal sanction should be taken by a Resolution. With these few words I support the amendment which, I hope, Government will accept.

Mr. Lalchand Navalrai: Sir, we have the bitterest experience of this rule-making power that is being given to the Government of India and how it has been exercised by them. Don't we remember the Defence of India Act? At that time promises were made that the rules that will be framed will be such as would not go beyond the scope of the Defence of India Act; also they will be approved by the Legislature which gave them power to make rules. Under the Government of India Act, when power was given by the Legislature, it was expected that they would make rules which would be within the scope of the Act itself. But what has actually happened? We have the experience that rules were made which were set aside and considered *ultra vires* by the High Courts and the Federal Court. That being our experience, I submit that no blank cheque should be given to the present Government which we cannot trust to make rules which will have our approval.

Now, Sir, what is asked for in this amendment is simply this. The Legislature is passing this Bill. You say that power should be given to the executive for making rules. We have no objection to give you the power. But what we want is that the power should not be of such a character as to allow you to make any rule you like, good, bad or indifferent or even *ultra vires* of the Act itself. It is only with a view to have safeguard that this amendment is brought forward. The only safeguard we ask for is to place the rules on the table of the House. Let the Government get the approval of the House. Then the Government will not be blamed for having made rules which are declared from time to time to be *ultra vires*. Therefore, it is in the interest of the Government itself to say: "We will put the burden upon the Legislature again and get the rule approved by them". If an amendment like this is not accepted, then we can only conclude that there is something wrong in the mentality of the Government. The Government want to do everything autocratically and in any manner they choose.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): It has taken so many years for you to discover this.

Mr. Lalchand Navalrai: What I am asking simply is that the rules should be laid on the table and the approval of the House obtained. I hope this amendment will be accepted by the House.

The Honourable Sir Jeremy Raisman: Sir, Honourable Members have explained the principles and the motives which led them to move or support these amendments. I, myself, as a practical administrator, am bound to think of these things very largely in terms of the actual working of statutory provisions. Now, Sir, we have here a measure which is printed on about four pages.

The rules, to carry out the purpose of the measure, are not less than this volume I now hold. It is not merely the total volume of the rules. The original volume was printed in 1938, but by 1948 the thing is so full of amendments and addenda that it is almost impossible to handle it. Now, Sir, what I would like the House to realise is this, that if an amendment in this form is adopted, you practically embark on making this large volume your legislation instead of this Bill, because you have to put all these Rules before the House, you have to move your Resolutions, you have in fact to get the whole of it enacted by the House, to almost exactly the same extent as you have to get your original legislation enacted.

Mr. Lalchand Navalrai: What about the Indian Penal Code? Is it not big?

The Honourable Sir Jeremy Raisman: It is not a big thing compared to the total volume of rules which may be required to regulate the vast variety of matters which are covered by this legislation. It could easily take the whole time of the House in a small Session or even in a moderate Session; it could take the whole time of this House to proceed, by ordinary legislative methods, to enact the rules which are necessary for the administration of various excises of this kind.

Mr. T. T. Krishnamachari: It has not been suggested that the ordinary legislative method should be adopted in this case.

The Honourable Sir Jeremy Raisman: I must draw the attention of the Honourable Member to his own amendment. His own amendment was that—“all rules made under this section shall be laid on the table of the Central Legislature for not less than one month when it is in session . . .”—

Incidentally that would involve periods of several months. If a Session is of less than one month's duration, then the total period during which the rules will have to lie on the table might easily be four or five or even six months, according to the date when the next Session began,—

“and shall be subject to the approval of the Legislature by a Resolution moved by the Central Government.”

That means, surely, that the business must be on the agenda in the regular way, that a Resolution must be moved, that there should be some sort of debate, amendments proposed and discussed and carried out and the rules finally adopted by this House.

Mr. Lalchand Navalrai: But for the good of the country, that can be done.

The Honourable Sir Jeremy Raisman: I have said that it is hardly feasible for the Legislature to be so continuously in Session as to enact in this manner all the rules which are necessary for all the purposes of administration. I put that as a practical proposition. Surely, the whole point of including the rule-making power in a Statute is precisely to avoid that difficulty. The object is to bring essential matters before the Legislature, to get them adopted in the form which they desire, and to leave the whole mass of procedural detail, and the adaptation and the application of your Statute in all the multifarious circumstances in which it may have to be applied,—to leave that to the Government.

Now, Sir, the Honourable Member has quoted other cases in which procedure similar to this has been adopted. Well, Sir, he has not adopted that model himself.

Mr. T. T. Krishnamachari: I told the House why I could not. If I formulate a proposition, it ought to be something in advance of it.

The Honourable Sir Jeremy Raisman: If it is the object of the Honourable the Mover and of his supporters that nothing less than the full rigour of which I have explained the implication should be included in this Bill, there is no question but that Government must resist it. It would, in the carefully considered opinion of the Government, reduce the whole procedure of rule-making to an impracticable process. It would make it absolutely impossible to deal with the necessities of the situation with any sort of reasonable promptitude and it would clutter up all the proceedings of this Legislature with continuous detailed legislation on matters not only of secondary but definitely of minor importance.

Mr. Lalchand Navalrai: You kindly suggest some alternative.

The Honourable Sir Jeremy Raisman: The Honourable Member has been at pains to assure me, and he has given reasons why he means that his amendment should be included in the Bill in the form in which he has moved it, that he has deliberately adopted that form and that for very good reasons, according to his own lights. On that, I can only make plain the attitude of the Government that they could not possibly accept the amendment in this form.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadian Urban): Sir, there was once a famous Chief Justice of England, who had occasion to criticise the rule-making powers of the British Cabinet.

Dr. P. N. Banerjee: It was Lord Hewert.

Sir Cowasjee Jehangir: I believe he went so far as to write a pamphlet

Dr. P. N. Banerjee: He wrote a biggish book entitled "New Despotism".

Sir Cowasjee Jehangir: He said that Government had increasingly got into the habit of bringing forward legislation which included rule-making powers and had taken advantage of those rule-making powers to substitute those rules for legislation. That statement by the Chief Justice came to my mind when the

3 P. M. Honourable the Finance Member picked up the Bill in one hand and a volume of rules in the other and said that instead of this we would be legislating for that. That, Sir, is exactly what many Honourable Members object to. There are some Honourable Members who have no confidence in this Government; there are others who have confidence but who may not have full confidence in the Government that is bound to come in a short time and replace the Honourable Members on the Treasury Benches,—whether it is a coalition Government or a party Government, some sort of Government is going to take the place of the Honourable Members on the Treasury Benches,—and one has therefore to take a far-sighted view in giving powers to Government of making rules. Therefore it is only natural that Honourable Members of this House should be cautious and they have learnt to be cautious on account of the rules that have been made by this Government. The latest instance is one of which perhaps the Treasury Bench may not be aware, and that is the rules promulgated by Government under the Excess Profits Tax Act. Government asked for an amendment of that Act in 1941; and after a great deal of opposition,—and I was one who opposed them at every stage and moved amendments although I was defeated in every case,—Government passed that measure. In May, 1943, by Ordinance they took rule-making powers under one of these sections of the Act. They published those rules and very kindly asked for opinions. The result was a volume of dissent from every section of the commercial public of India including my friends the Europeans, the Indian Chambers, the Bombay Chamber of Commerce, and so on. Every one of them pointed out considerable defects in those rules and this House under that Act has no power. Now coming to the point, I quite realise the difficulties that have been pointed out by the Finance Member. In other legislation it is provided that the rules shall be placed on the table of the House during a whole Session, and any Honourable Member shall have the right to move amendments to any one of those rules and that Government shall give that Honourable Member facilities to bring those amendments before the House as if it were a measure of Government; that is to say, that Government must find time on a Government business day for such amendments. That I think is sufficient and I would ask the Honourable Member who has moved this amendment to get it amended in that way.

Mr. T. T. Krishnamachari: I am powerless.

Sir Cowasjee Jehangir: The Honourable Finance Member actually asked whether the Honourable Member would be prepared to amend his amendment.

Mr. T. T. Krishnamachari: It is open to him to produce an alternative amendment.

Sir Cowasjee Jehangir: The Honourable Member said just now that he deliberately moved his amendment in the form in which he had put it down. I therefore suggest that for the safety of the public and the convenience of Government this amendment should be amended to come into line with the provisions in other Acts; that is to say, that all rules should be placed on the table

of the House during a Session of this House, whether that Session be of a few days or months, and during that time any Honourable Member shall have the right to move any amendment to any rule and Government shall find facilities for that Member for doing so.

Mr. Chairman (Mr. K. C. Neogy): Is the Honourable Member in a position to move that amendment formally?

Sir Cowasjee Jehangir: I am not; I am only taking up the offer made by the Finance Member. I understand what he meant.

Dr. P. N. Banerjee: He may move his own amendment; we will agree to it if it is reasonable.

Sir Cowasjee Jehangir: By some misunderstanding the Honourable the Mover of the amendment insisted upon his amendment being put to the vote exactly as he had drafted it. But if this matter can be cut short by the Finance Member allowing this amendment to be amended on the lines of other sections in other Acts, I think we shall have gained something. But if the Honourable Members on both sides will refuse to do this, I am afraid we shall be losing a great deal. I am myself anxious that in every Act that gives power to Government to make rules there shall be this provision that Honourable Members shall have the opportunity to criticise those rules in some form or other. I would request the Finance Member to take up the suggestion even at this late hour and the Honourable the Mover of this amendment to accept that suggestion.

The Honourable Sir Jeremy Raisman: Sir, with your permission, I may say that the position is that I actually had before me an amendment in the exact form in which this provision has been made in the Insurance Act,—that is, in a form which Government think is capable of reasonably convenient adoption. Although they are conscious that serious disadvantages do attach even to this procedure, nevertheless the provision is in this form.

[At this stage, Mr. K. C. Neogy vacated the Chair which was then occupied by Mr. Hooseinbhoj A. Lalljee (Another one of the Panel of Chairmen).]

The amendment would run in the following form:

“That to clause 38 of the Bill the following proviso be added, namely,—

‘Provided that every such rule shall be laid as soon as may be after it is made before each of the Chambers of the Central Legislature, while it is in session, for a total period of one month which may be comprised in one session or in two or more sessions, and if before the expiry of that period, or where the period for which the rule is so laid before one chamber does not coincide with that for which it is so laid before the other, before the expiry of the later of these periods, both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.’”

Sir F. E. James (Madras: European): What does that mean in plain English?

The Honourable Sir Jeremy Raisman: It means that the rules are made, they are laid on the table of both Houses, and if both Houses desire their modification or their cancellation, that takes place. But obviously when they are first made they have effect. If they are opposed to the general opinion of the Legislature, obviously the period during which they would have effect would be extremely short. But it does not require Government to put a motion down on the agenda and go through the procedure of legislation unless the Legislature itself feels that some modification is called for.

Sir F. E. James: What would be the precise procedure? If one Member or one Party wished to make an amendment of these rules would he have to seek for time either on a Government day or a non-official day?

The Honourable Sir Jeremy Raisman: He would have to give notice of his motion. The papers would be laid on the table and he would have to give notice of his motion.

Sir F. E. James: In the form of an amendment?

The Honourable Sir Jeremy Raisman: Yes.

Sir Cowasjee Jehangir: And, I take it, Government would find time for it on a Government business day?

[Sir Cowasjee Jehangir.]

If I may remind the Honourable Member, there is another Act—I cannot lay my hand on it without notice—in which it is put in a more simplified form. It says exactly what should be done. I wonder if the Honourable Member can help us in this.

Sir George Spence (Secretary, Legislative Department): I think the other model to which Sir Cowasjee Jehangir has referred as being in his opinion, preferable, is sub-section (3) of section 133 of the Motor Vehicles Act, which provides that :

"All rules made under this Act by the Central Government or by any Provincial Government shall be laid for not less than fourteen days before the Central or Provincial Legislature, as the case may be, as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid."

When Government decided to have an alternative amendment available in case the House showed any enthusiasm for the general idea, they deliberately considered the Insurance Act model and the Motor Vehicles Act model and concluded that the Insurance Act model was definitely preferable if only because the Motor Vehicles Act model leaves the position as between the two Chambers completely in the air. It speaks as if the Central Legislature was unicameral. The Insurance Act provision is much more carefully thought out and gives the right result in all respects.

Sir F. E. James: Sir, I do not wish to take up the time of the House, but I would like to see the picture of the procedure which this amendment would enable the House to follow. I take it that the rules when placed before the House will be placed in the form of a motion.

Some Honourable Members: No, no.

Sir F. E. James: What is the procedure for a Member who desires to move an amendment?

Sir George Spence: Sir, these provisions requiring rules to be laid on the table have been scrupulously complied with ever since they were placed on the Statute Book, that is to say, whenever a rule is made or amended at the next available sitting of this House the Honourable Member in charge of the Department concerned gets up and says: "Sir, in pursuance of section what not of the what not Act I lay on the table a copy of the what not rules." Hitherto, it is interesting to note, in view of the great enthusiasm shown on the abstract topic, that no Honourable Member in either Chamber has ever followed this up in any way whatsoever. If an Honourable Member did desire to follow it up he would give notice of a motion to the effect that this Assembly recommends that the rules published with notification Number so and so dated so and so, be cancelled, or, if he merely wanted amendments, he would give notice of a motion that this Assembly recommends that in rule what not of the what not rules for the words what not the words what not be substituted. Then, when the motion came up, supposing the motion was that sundry modifications be made, any other Member of the House could put in any amendment he liked and, as the Honourable the Finance Member has indicated, we might be faced with a most embarrassing consumption of the time of the House. But we would hope that Honourable Members will find the rules so completely satisfactory, as in the case of the Motor Vehicles Act and the Insurance Act, that this provision will never come into any kind of operation whatever.

Mr. T. T. Krishnamachari: By way of explanation, may I ask whether when draft rules are placed on the table the fact will be mentioned in order paper and whether a specific date will be allotted on which a non-official Member can make the relative motion or whether he can make it on any day set apart for official business.

Sir George Spence: If notice of motion is given, it will be an obligation on the Government to put it down on an official day.

Mr. T. T. Krishnamachari: If the Chair will permit me, I would like to make an explanation of my own position. I think the Honourable the Finance Member did not quite follow what I said when I moved this amendment. I said "I

felt called upon to move this amendment because the Government had not acted in the matter". If they had an alternative amendment, I would not have had an occasion to move an amendment of this nature.

In view of the fairly general opinion of the House in this matter, if the Chair will permit the Honourable the Finance Member to move the amendment, I should be willing to drop mine.

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): Does the Honourable Member wish to withdraw his amendment?

Mr. T. T. Krishnamachari: Provided the Government is moving their amendment.

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): If you withdraw your amendment, I will ask the Government Benches if they wish to move since they have said that they would like to move it. I give them the permission. But your amendment should first be withdrawn.

Mr. N. M. Joshi (Nominated Non-Official): I do not think you can insist upon the amendment being withdrawn.

Dr. P. N. Banerjea: You need not insist.

Mr. T. T. Krishnamachari: Sir, in view of the fact that the Honourable the Finance Member is moving his amendment on the same subject, I beg leave of the House to withdraw my amendment.

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): You have heard the Government Benches already. There cannot be any conditional withdrawal.

Mr. T. T. Krishnamachari: Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Clause 37 was added to the Bill.

Sir George Spence: Sir, I move :

"That to clause 38 of the Bill the following proviso be added, namely,—

'Provided that every such rule shall be laid as soon as may be after it is made before each of the Chambers of the Central Legislature, while it is in session, for a total period of one month which may be comprised in one session or in two or more sessions, and if before the expiry of that period, or where the period for which the rule is so laid before one chamber does not coincide with that for which it is so laid before the other, before the expiry of the later of these periods, both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be' "

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): Amendment moved :

"That to clause 38 of the Bill the following proviso be added, namely,—

'Provided that every such rule shall be laid as soon as may be after it is made before each of the Chambers of the Central Legislature, while it is in session, for a total period of one month which may be comprised in one session or in two or more sessions, and if before the expiry of that period, or where the period for which the rule is so laid before one chamber does not coincide with that for which it is so laid before the other, before the expiry of the later of these periods, both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be' "

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): May I suggest an amendment? For "one month" the words "30 days" be substituted.

Sir George Spence: I accept that.

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): The question is:

"That to clause 38 of the Bill the following proviso be added, namely,—

'Provided that every such rule shall be laid as soon as may be after it is made before each of the Chambers of the Central Legislature, while it is in session, for a total period of 30 days which may be comprised in one session or in two or more sessions, and if before the expiry of that period, or where the period for which the rule is so laid before one chamber does not coincide with that for which it is so laid before the other, before the expiry of the later of these periods, both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be' "

The motion was adopted.

Clause 38, as amended, was added to the Bill.

Clauses 39 and 40 were added to the Bill.

Mr. Chairman (Mr. Hoosseinbhooy A. Lalljee): We are reverting to clause 12 and we are considering amendment No. 17. The Honourable the Finance Member was addressing the House at that time. Does he wish to start the discussion?

The Honourable Sir Jeremy Raisman: The position was that the amendment in the original form of which my Honourable friend had given notice would certainly not have been acceptable to Government. Before he moved his amendment he obtained the consent of the Chair to move it in a somewhat different form and I was faced at very short notice indeed with the question of deciding what Government's attitude should be to the motion in the form in which he actually did move it, and I suggested that I should have more time to consider it and that this amendment be taken up after the other amendments had been disposed of.

Well, Sir, we have given a good deal of thought to this matter. The position is that the arrangements under the agreement between Mr. Gandhi and Lord Irwin (now Lord Halifax) were embodied in a press communiqué and a notification of the Government of India, dated the 5th March, 1931, and the 22nd May, 1931, respectively. I cannot remember exactly what happened in those intervening days; but at any rate those are the dates on which I find that these two announcements were made. There is a good deal more in this agreement than is included in the amendment moved by my Honourable friend. For example, from the point of view of the Government, it was made quite clear, and it was accepted by Mr. Gandhi, that in the event of the concession being abused the Government would be entitled to withdraw it in all the villages in which it was abused. That is a very important matter. After all, this was what was called a gentleman's agreement, and as far as I am aware it has certainly been observed honourably on the side of the Government, and we have no intention—I would make that quite clear—of departing from the practice which has been adopted ever since that time. At the same time, it did include certain safeguards and those safeguards in our opinion must always be included so long as an arrangement of this kind is in force. In my own opinion, the arrangement is already suitably embodied in this form: it is perfectly well understood in the villages where it takes effect and it is perfectly well understood by the departmental officers; and I cannot see that it is a matter which ought to be given an unduly rigid form by being included in the Statute as a separate section. All other exemptions of this kind, and other special arrangements, are covered by exemption notifications or by rules made to secure the desired effect. I have pursued the matter and I have endeavoured to see in what form it could be incorporated in this measure; and in my opinion it can only be suitably done by adding a new section at the end of the Bill—a new clause 41—and that incidentally would avoid the business of renumbering all the clauses,—and such a clause would have to run as follows:

"Notwithstanding anything to the contrary in the Act, salt collected or manufactured for domestic consumption by any inhabitant of a village immediately adjoining a saliferous area to the extent necessary for the needs of his own family shall be exempt from the duty imposed by section 3 and from the provisions of this Act and any rules made thereunder in regard to licensing:

Provided that no salt shall be so collected or manufactured in any area defined under clauses (xviii) and (xix) of sub-section (2) of section 37:

Provided further that the Collector may by order in writing fix the total quantity which may be collected or manufactured by the inhabitants of any village in such area and the Central Government may by notification in the Official Gazette prohibit such collection or manufacture in any village in which the Central Government has found that salt has been collected or manufactured in excess of such quantity."

Dr. P. N. Banerjee: May I ask a question? Are not the words "or for sale within the village" included in the agreement?

The Honourable Sir Jeremy Raisman: I really must ask that a certain amount of reasonable notice and time be given to me in dealing with matters of this kind on the floor of the House. The amendment in the original form included something about sale. That we were fully determined to oppose. The amendment was then amended, and the question of sale was excluded and so I and my department have been doing our best to adjust ourselves to the amendment as

actually moved by my Honourable friend. Now at the last moment the question of sale is again brought in

Dr. P. N. Banerjea: Is that not contained in the original agreement?

The Honourable Sir Jeremy Raisman: Certainly there is a great deal in this agreement which does not find a place in the amendment. There is a great deal of what I may call background material which could not possibly be included in any enactment. It has been expressed in a perfectly amateur and straightforward manner as between two parties, not lawyers. If sale were to be included there are various other limiting phrases and safeguards which would be required and the whole matter would be very much more greatly complicated. If you wish to put this or any part of this on a statutory basis, the disadvantage is that you cannot import everything that is in the original agreement.

Dr. P. N. Banerjea: Otherwise there will be a limitation of the right!

The Honourable Sir Jeremy Raisman: There will be various limitations, but it is not our intention in any case to depart from the agreement which was then made. But here we are being asked to make an addition, and it must be reduced to some kind of suitable form, and this is the form which we have devised in order to meet the purpose of the amendment which was actually moved by Mr. Krishnamachari. If that secures the agreement of the House, then Government will be prepared to move an amendment in this form; but I regret that I cannot possibly again plunge myself back into the business of trying to translate this agreement into statutory form.

Mr. K. C. Neogy: May I request the Honourable Member to read out the notification on the subject, so that we can find out the difference between the actual position as it subsists at the present moment, and the difference that would arise under the suggested amendment?

The Honourable Sir Jeremy Raisman: I do suggest with great respect that this House cannot possibly study this matter at this moment and deal with it in this way. It is a thing which will take considerable time, and it has to be done first by one or two people and then put before the House, and as I say in view of the way in which this amendment has been changed at the last moment, I do claim that we have done our best to meet the position; and I regret that I would not be prepared to go any further

Pandit Lakshmi Kanta Maitra: May I tell my Honourable friend that we have all been under the impression that he would be coming forward with an amendment which would embody the essence of the contract between Mahatma Gandhi on the one hand and Lord Irwin on the other. We want nothing more and nothing less. We never want anything more than that contained in the agreement. But his draft seeks to curtail some existing rights. When the Honourable Member could not accept our amendment in its original form we were given to understand that he would place his own draft in which the fundamentals of the agreement between Mahatma Gandhi and Lord Irwin would be embodied. But here the important part, *viz.*, the right of sale is excluded and I do not see what practical difficulty is there and why it cannot be embodied in another sub-clause added after that.

The Honourable Sir Jeremy Raisman: No; my point is that the Honourable Member's Party, the spokesman of his Party, definitely withdrew and narrowed the scope of their amendment. It was because of that that I felt that I should make some effort to meet that point of view. It seemed to me that the more restricted scope of the amendment might conceivably be conveniently embodied in the Bill, but the importation of the idea of sale makes it a much wider proposition.

Mr. T. T. Krishnamachari: May I ask the Honourable Member how this amending clause will affect the present position with regard to sale?

The Honourable Sir Jeremy Raisman: It won't affect it in the slightest. The position regarding sale in villages will continue to be regulated by the agreement, and, as a matter of fact, if no amendment were made in this Bill, there would not be the slightest difference in the position which has obtained. So long as their

[Sir Jeremy Raisman.]

conditions are carried out, Government regard themselves as honourably bound by this agreement and will continue to observe it, and actually from that point of view there is no necessity, there is no practical advantage, in moving the amendment. It may be that actually the position, even from the point of view of the Honourable the Mover, will not be as satisfactory as it would have been if he had not moved his amendment, but I must leave it to him to judge of that.

Mr. Jamnadas M. Mehta (Bombay: Central Division: Non-Muhaminadan Rural): Government have honourably carried out the agreement for 13 years. Is it necessary to embody it in the Bill?

Dr. P. N. Banerjee: I personally do not see what difficulty there would be if we had the words "or sale within the village". There would be no difficulty; otherwise this amendment might be interpreted as having curtailed the right which already belongs to these poor people.

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): I think the position has been made amply clear. Government are prepared to put in a further clause if the Honourable Member who has moved the amendment agrees. If he does not agree, I will have to put the amendment, as it is, to the vote.

An Honourable Member: But I hope the discussion is not closed.

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): No. Discussion will go on.

Mr. E. L. O. Gwilt (Bombay: European): Sir, I find myself enquiring why there should be the necessity for a piece of legislation on this point? It is based on an agreement which the Honourable the Finance Member has described as a "gentleman's agreement" and which I believe was made in 1931. It is a credit to all parties to that agreement that for 13 years it has, apparently, not been broken. I think that is correct. Then why should it be necessary at this stage to convert that agreement into a form of legislation? Surely, that is a retrograde step.

Mr. Jamnadas M. Mehta: Sir, I am not interested either in the amendment moved by my Honourable friend, Mr. Krishnamachari, or in the new amendment which the Honourable the Finance Member has read out. I want to test this discussion's value by two things,—one, whether during the 13 years that the agreement has been in force,—it was arrived at on the 5th March, 1931,—there has existed any reason for doubting that its observance will continue as before, and secondly, whether in itself this agreement had any value. Honourable Members who are in favour of this amendment do not seem to be familiar with the fact that that agreement was a face-saving device. There was nothing in the agreement that the villager gained except the right to eat salt which might be bad for health. On the other hand, as a result of the withdrawal of the campaign on the 5th March, 1931, the country has groaned under the weight of an added salt tax, within 26 days after the agreement, of four annas a maund, and 5 annas subsequently as a surcharge, if I am not mistaken. After this so-called agreement, which was supposed to have brought tremendous credit to the national movement, the poor man has paid an additional 9 annas per maund to the Government coffers, instead of allowing it to remain at one rupee where it was before the campaign began. I remember that, when this Gandhi-Irwin pact was arrived at on the 5th March, 1931, it was condemned in many Congress circles themselves as a miserable climb down breaking the hearts of 75,000 people who had gone to jail for annulment of the salt tax. *Nimak ka qanun tor dia* was the slogan; *balke qanun nahin toota—sar toota*. And the poor people have had to pay nine annas per maund for the last 12 years. Therefore, on both grounds I see no value in the amendment except as a sentimental thing, and also to show to the public how loyal we are to the Gandhi-Irwin agreement without reading it. I challenge anybody to test the value of this so-called concession before a medical board and prove whether this salt is at all good for the people who eat it. It is the miserable poverty of the people, it is their inability to pay even one rupee, which obliges some of them to collect this so-called salt. I know how salt is made and I am living in a district where salt is manufactured, and I do say that the agreement of the 5th March, 1931, was an

absolutely face-saving agreement by which the poor people gained nothing (Interruption.) Face-saving to the Mahatma, I do not mind saying that. The country gained nothing. The Thana district

An Honourable Member: Which party do you belong to? The Congress Party?

Mr. Jamnadas M. Mehta: I do not belong to that party, I revolted from it in April 1931 and since then I do not agree with almost everything that they do. It is out of consideration for my Honourable friend, Mr. Krishnamachari, who has taken so much trouble for the last three days, for the labours which he has undertaken, I am willing that this may be allowed to be passed—more as a concession to the trouble which he has taken, which was worthy of a better cause; but as regards the value of the agreement, there is not one iota of value to the poor people of this country, and at least this wretched Government has observed it honourably for 13 years. If they have broken many promises, here at least they have been loyal

An Honourable Member: Because it does not mean any loss.

Mr. Jamnadas M. Mehta: Exactly; they know it has brought them nine-annas per maund additional revenue. That is the real broad fact of this so-called Gandhi-Irwin agreement. Most of the Honourable Members who are here perhaps have not read it. I denounced it on the day it was made, at the Madras Beach in Triplicane at a vast meeting. On that very day I denounced it because it broke the hearts of 75,000 young men who had gone into jail in order that the salt tax might be annulled. The salt tax was not annulled. Like Johnnie Walker it is getting stronger and stronger day by day, year by year, and my Honourable friend is left with the device of this amendment to show to the people how loyal we are to the Gandhian movement! It has no substantial value; it is purely sentimental. If it pleases them I do not want to oppose. If people are pleased with baubles it is not my business to prevent them. If Government want to accept it I do not mind. But I am perfectly convinced, and anybody who reads the Gandhi-Irwin Pact and studies the movement which preceded it will feel that there is no substance in this amendment. I have therefore nothing in its favour and I have, also, nothing against it. It leaves us as we were.

Mr. K. O. Neogy: I did not imagine that this amendment of my Honourable friend would provoke a political speech.

Mr. Jamnadas M. Mehta: It is a political amendment.

Mr. K. O. Neogy: I am prepared to judge the amendment on its merits. I am not concerned with what happened in the past, or how this particular agreement was viewed by 75 thousand young men; but I am prepared to bear testimony to the fact that this particular agreement does work to the real benefit of the people who are affected by it, that is to say, the people living near about the seaboard—people who in the past used to be living always in dread of the Salt Department subordinates lest they might be caught while scraping the surface of the earth even for the purpose of collecting the salt that was formed there by natural process. These are the people who have been benefited, and it is no use trying to make out in this House that this agreement has not benefited anybody in the least. It has benefited the people for whose benefit it was intended. I am not concerned with its political aspect. It has conferred a real boon on people living near about the Bay of Bengal, and I have seen these people actually taking the fullest advantage of this particular agreement, not merely by collecting or manufacturing salt for their own consumption but also carrying headloads of salt from near about the seaboard and freely selling them in their own villages, as is definitely contemplated under the terms of the agreement. Therefore, Sir, I do plead for a saner outlook in this House while considering this particular amendment. The whole issue is this: are we or are we not going to place on the Statute-book the substance of the agreement which was entered into between Mahatma Gandhi and Lord Irwin? That is the whole issue. I entirely agree that the Government have carried out the agreement in its true spirit; but at the same time, having regard to the fact that the Government are committed to carry out this agreement in its

[Mr. K. C. Neogy.]

true spirit in future, as they have done in the past, where is the harm in placing this agreement, at least the substance of it, on the Statute-book by an appropriate provision of the law? As a matter of fact, I should have thought that Chapter V which deals with special provisions relating to salt, and actually enumerates two different kinds of qualified exemption, is the appropriate place for embodying a provision of this kind. I have nothing to say as regards the particular place where this amendment may be made, but I think the Honourable the Finance Member will be in a position to give a concrete shape to the agreement in such a manner as would satisfy the legal requirements and then put in an appropriate clause wherever it may be suitable. If necessary, and if the rules of this House do not permit any immediate drafting of an appropriate amendment of this character, may I move that the further consideration of this motion be postponed till tomorrow, if necessary, so that the Government may have a little further time to consider the matter. I daresay the Honourable the Finance Member realises the difficulty in which we find ourselves. If we had suggested this amendment independently of the Gandhi-Irwin Pact, there would have been no difficulty; that is to say, if we had given this right to the coastal people as an unqualified right, as a right arising independently of the agreement itself, then there would have been no difficulty in our agreeing to the suggested amendment read out by the Honourable Member but the amendment purports to be really a reproduction of the substance of that agreement; and from that point of view, the Honourable Member certainly realises the difficulty in which we find ourselves in so far as the suggested amendment of his carries out only a part of the agreement and does not embody what we consider to be an equally important part.

The Honourable Sir Jeremy Raisman: I cannot agree that it would be reasonable to adjourn the business of the House merely in order to attempt to give statutory form to an agreement which Government have every intention of observing. The question of sale is peculiarly difficult. I will read one sentence from this document:

"There should be no sale of salt for the purpose of trade outside the villages. It follows therefore that such salt can be carried only on foot and not in carts or such other conveyances."

That language is the ordinary language which people use when discussing matters. My Honourable friend will recognise as a lawyer that to embody that in legal provisions is not an easy matter. Then there is the position that, if in a particular area it is abused, as was agreed between the parties at the time, Government will have to withdraw the concession in that area. I do suggest that, in the interests of the agreement itself and of the beneficiaries of it, we should not attempt to put the substance of it in statutory form. If at any time the Government of India should fail—which I cannot conceive—to carry out this agreement, either in the letter or the spirit, I think it would be open to anybody then to move a suitable amendment; but until such time comes, I do suggest that nothing would be gained by pressing this amendment. It has had the effect of enabling the Government to reaffirm their intention to abide fully by the letter and the spirit of this agreement and I suggest that that is sufficient for all purposes.

Mr. T. T. Krishnamachari: Sir, in view of the hornet's nest that my amendment appears to have raised, and the fact that I am unable to accept the alternative so generously suggested by Government, I beg to ask for leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Chairman (Mr. Hoeseinbhoy A. Lalljee): The question is:

"That the First Schedule stand part of the Bill."

The motion was adopted.

The First Schedule was added to the Bill.

The Second Schedule and the Third Schedule were added to the Bill.

Clause 1 was added to the Bill.

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

The Title and the Preamble were added to the Bill.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

Mr. T. T. Krishnamachari: Mr. President, I would like to say a few words

at this stage considering that I had taken some pains to get this Bill

improved while it was being considered by the House.

Dr. P. N. Banerjee: You have done a great deal to improve the Bill and our thanks are due to you.

Mr. T. T. Krishnamachari: I was being reminded as the Bill was being pushed through this House of a saying of Plato. He said that human beings do not ever make laws; it is accidents and catastrophes of all kinds happening in every conceivable way that make the laws for us. Sir, I am still to be convinced that this was the time for a consolidated excise measure of this nature to be put before the House and passed by it. I still cannot see where the urgency was for a measure of this kind to be passed.

Sardar Sant Singh (West Punjab: Sikh): There was no legislation for the Legislature.

Mr. T. T. Krishnamachari: Unless it be, as my Honourable friend to my left suggests, that since the Legislature has been deprived of all its legitimate work, it must be kept busy so that the legislative hunger that it might develop might not develop into ugly proportions. Even at this stage after all the infructuous researches that I have made to find flaws in this Bill and after all the infructuous attempts that I have made to stem the tide of the progress of this measure, I still feel I am unable to get the hang of the whole business. Should accidents determine the fate of this country for ever? Should accidents determine the fate of legislative enactments in this country for all time to come? Sir, I still look for a reason why this Bill has been pushed through and I cannot find any. But if you would permit me to say so, the country must know why those of us who have been the participants in this measure on the floor of the House have felt that there is no need for it. If we have acquiesced, as in the very nature we appear to acquiesce, in measures which encroach on the liberties of the people and the normal trading and manufacturing activities of the people to an extent far beyond what was necessary for the purpose of collection of tax by Government, we have done so because we were powerless. It might be that if the circumstances were otherwise, every one of my amendments might have been carried. But today that is not possible and the very impossibility of these amendments being carried has given courage to this Government.

Sir, why was this measure brought? The measure, as I said, bears the impress of the hand of a policeman, the impress of the hand of a preventive officer. The whole bearing and the whole argument of the measure has been that of the person who thinks that the people are out to do the wrong and they will never do the right thing. I say many accidents have happened in this country. It is an accident that Britain is here to rule us; it is an accident that there are Indian States and there is the British India; it was an accident that there was French territory in this country;

Mr. President (The Honourable Sir Abdur Rahim): All this has nothing to do with the Bill. The Honourable Member must stick to the motion before the House.

Mr. T. T. Krishnamachari: All these accidents have led to the stringent salt and preventive legislation in this country and those legislations are sought to be made the general legislation for all excise commodities. That is why even at this stage, when I think it is customary and conventional to throw bouquets on the Members who are in charge of Government measures, I raise my voice to say that people will be afraid of the manner in which this measure will be put into operation, that the dice is loaded against the people engaged in the several trades which this measure seeks to control. I am not unalike to those little mercies that I have had at the hands of the Government. It might be that I

[Mr. T. T. Krishnamachari.]

may have had to go upto the Finance Member and thank him for those tender mercies which he has shown to me. But nevertheless, I cannot help stating once again that notwithstanding those restrictions on the provisions in regard to rule-making that Government have so generously voluntarily brought into being today in this House, the country will feel that the people are not quite safe, the people who are engaged in this trade are not quite safe. I would like even at this stage an assurance from the Honourable the Finance Member that he is alive to the fact that the most stringent provisions of some excise laws have formed the general provision of the consolidating Bill and therefore they would require a watchful eye from those who are in charge of this Department. The tax gatherer looks only to tax gathering. The Government of India must devise some other means by which the people's interests must be safeguarded. No other agency could be devised in the short space of time that was available to us which would protect the rights of the people and as things are, unless the Government are going to realise their own responsibilities in the matter, the people will be left entirely at the mercy of the tax gatherer.

Before I close, I urge upon the Government to realise this fact. The only reason why I have attempted to stem the tide of progress of this Bill was to make the Government realise that this measure ought to be worked only in the interest of the people, that the measure as it is before the House will ultimately end in harassment of the poor people engaged in trade, that some agency had to be created to protect the people's interests. That is all I have to say.

The Honourable Sir Jeremy Raisman: Sir, there is only one thing I should like to say in answer to the eloquent third reading speech of my Honourable friend. I should like to remind him that the trading community, the community of manufacturers of these excisable goods are the people who are most interested to see that the administration of these taxes is efficient. It is no advantage to the honest trader that the revenue departments of the Government should be slack in dealing with offences. An efficient and straightforward administration of taxation is in the interest of everybody and is a prime essential of any well run country and, therefore, I ask my Honourable friend not to look beyond the simple object of this Bill which is merely a measure for consolidating the law. We have in no respect gone beyond the existing provisions, we have brought together in one measure the effect of a large number of already existing measures. We have done that primarily, I must say, in the interest of administrative efficiency; but I also claim that it will be to the benefit of the taxpayer to be able to find in one place the whole of the legislation to which he is subject.

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

"That the Bill, as amended, be passed."

The motion was adopted.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

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

"That the Report of the Public Accounts Committee on the accounts of 1941-42, be taken into consideration."

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

"That the Report of the Public Accounts Committee on the accounts of 1941-42, be taken into consideration."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, before discussing this Report, I should like to say a few words about the meetings which were held to consider the Audit and Appropriation reports. Sir, I find that the whole subject was finished within a period of 13 days—ten days were devoted to the consideration of non-military items, and the Military Accounts Sub Committee discussed the matter within their purview for three days. But, it seems to me that the time which was given for the consideration of important matters connected with the finances of this country,—the Audit and Appropriation reports,—was very inadequate. I can point out to this House that when the accounts for the year 1935-36, were placed before the Public Accounts Committee, no less than 22 sittings of the Committee took place,—19 for non-military subjects and three sittings for military subjects. During this war,

when the accounts have become very complicated, and in this complex state of affairs more and not less time should have been given to the Public Accounts Committee to consider the whole question.

Then, Sir, there is another matter which should also be borne in mind. When were these meetings of the Public Accounts Committee held? I find, Sir, that the Public Accounts Committee did their business in two series of meetings; the first series of meetings took place immediately after the August Session of the Assembly. If I remember aright, this Assembly finished its labours on the 25th August and on the very next day, that is to say, on the 26th August, the Public Accounts Committee was asked to meet. Now, Sir, was that fair to the Members of this Committee that, after a busy season, they should immediately be asked to commence their labours on this committee, on a notice of only a few hours. I think it was exceedingly unfair. When the minds of the Members of this Public Accounts Committee were extremely busy with other matters, immediately after the Session to ask them to take up such a difficult subject as the Audit and Appropriation report was very undesirable. Then, the second series of meetings were taken up just before the commencement of the November Session of this House. The second series of meetings ended on 2nd November and the Legislative Assembly met on 3rd November, the very next day after the conclusion of the sittings of the Public Accounts Committee. This was also unfair. The Members of the Public Accounts Committee could not devote their attention to the business before the Legislative Assembly as they were busy with the Public Accounts Committee meetings. I do not think that the Public Accounts Committee has been treated properly by the authorities. The Public Accounts Committee is a very important Committee. This Committee provides the machinery for enforcing the accountability of the executive to the Legislature in matters financial; and financial matters, as we all know, are the most important of all the matters which come up before this House. Therefore, Sir, the Public Accounts Committee had the right to be treated in a better way than it has been. I hope and trust that in future more time will be given to the consideration of the very important subjects which are placed before the Public Accounts Committee and that the meetings will be fixed in such a manner that there may be no difficulty in the matter of Honourable Members attending to their business properly.

Coming now to the Report of the Public Accounts Committee, I have to make some observations. First of all, I will take up the question of the division of charges between India and England with regard to war. We have been repeatedly told that this division of charges has been very fair and that nothing need be said about it. But I find that exception was taken in the Public Accounts Committee and there were serious differences in the Committee. We are told on page 9 :

"We ourselves have, of course, not examined any individual cases of allocation and cannot, therefore, certify, nor indeed be expected to certify, that the allocations made during the course of the year are correct."

That is not a very satisfactory state of things. The Committee were asked to consider what suggestions could be made for improvement but they admitted their inability to make suggestions. In this House it has been urged again and again, and I urge once more, that an impartial and independent tribunal should be appointed to go into this question.

Then I take the Military Engineering Services. It is pointed out by the Committee :

"The Accounts and Audit Reports have brought to notice numerous irregularities of various kinds, some of them of a very grave nature, in connection with the execution of works for the defence services."

The Committee point out that considerable sums were involved and they further say that matters left much to be desired. These expressions of opinion on the part of the Committee should be taken into consideration. Then, towards the end the majority of the Committee give a half-hearted certificate to these services, saying that on the whole they may not be regarded as unsatisfactory. I hope that adequate steps will be taken to improve this state of things in future.

[Dr. P. N. Banerjea.]

Certain suggestions were made but the Committee merely expressed a pious hope. They said :

"We trust that the valuable reforms which will have the effect of re-establishing firm and centralised control will bear testimony in their effect in reducing extravagance and waste."

It is admitted that there has been a great deal of extravagance and waste. Let us all hope, as the Committee hoped, that steps will be taken to reduce this extravagance and waste.

Then I come to stores. Here they say:

"We observe with regret that the Military Accountant General had to make reservations in the certificate. He had said that in practice the goods could not be linked up with the stores which were used and the Committee desire that the losses should be known."

That is very unsatisfactory; and it is said further that it is impossible to know the losses because of the inadequacy of the accounting. Why should there be any inadequacy in the accounting of these stores? It is further pointed out that the list of losses, which is a very small one, contains only those losses which have been brought to account, the main losses having occurred in items which never entered the Government account at all. That is most unsatisfactory. The Committee were assured that the authorities were fully alive to the extreme importance of stores and that steps would be taken to restore control. The Committee suggested that the accounts of the year 1943-44 must show an improvement in this regard. That is their hope and their injunction.

I next take up the Supply Department. It is pointed out here that the atmosphere of the Supply Department is one of mutual co-operation, trust and good will, but in some cases *ex post facto* costing inquiries have led to refunds being made on old contracts. It is to be hoped that these defects will be removed in future. Then the Committee refer to the utilisation of the surplus. They say that with regard to surplus obsolete and waste stores steps should be taken that they should not be lightly dealt with. These are very important observations, and I hope the different Departments of Government will take note of them and give effect to the recommendations.

Now coming to observations regarding other Departments of Government, I will first take up the Department of Education, Health and Lands which was considered at the fifth meeting of the Committee. In regard to the manufacture and sale of vaccines and sera it was pointed out to the Public Accounts Committee that appreciable profits were made over the last few years and this did not indicate any change in the policy of Government in regard to this matter. Now this is a question of policy. Vaccines, sera and so forth are for improving public health of the country. Should the Government make much profits under this head? I hope the Department of Education, Health and Lands will see to it that the public get the benefit of the manufacture of these things, so that they may purchase them at cost price. No profits should be made.

Some observations have been made (on page 27, paragraph 58) by the Public Accounts Committee with regard to the Finance Department:

"On a general review of financial results the Committee, recognising that accurate budgeting and control over expenditure had been rendered very difficult owing to the intensification of the war and the innumerable demands connected with it which could not possibly be anticipated, agreed with the conclusion of the Auditor-General that, taking all the factors into consideration, both budgeting and control had been, on the whole, satisfactory during the year under review."

This is again, a very halfhearted certificate given. I hope the Honourable the Finance Member will do his best to get a full-hearted certificate in future.

Sir, with regard to the Railway Department, some observations have been made by this Committee. I do not want to take up the time of the House any further, but I will ask the Honourable the War Transport Member to give due consideration to this matter so that all irregularities and defects may be removed at the earliest possible moment.

Mr. Muhammad Nauman (Patna and Chotta Nagpur *cum* Orissa: Muhammadan): Sir, I do not want to take up much time of the House in making comments on this Report, but I would just like to make one or two observations

particularly with regard to Naval Accounts. On page 10 in paragraph 10, it is stated:

"Allied to this problem is the problem of Naval Stores Accounts which was mentioned in our Report last year. We are informed that a complete reorganisation of the accounting arrangements in the Royal Indian Navy has taken place"

Then on page 71, last page, it has been shown that certain surplus commodities were either discarded or condemned without any revaluation being done. For instance, it is not stated exactly what happened to the 57,000 surplus table napkins—were they condemned or thrown away? What I wanted to impress on the House is whether the Government is at all guided by the observations that are made from time to time by the members of the Committee. This issue, as far as I remember, was tackled by the Public Accounts Committee during the year before last but things have not improved in this particular case.

Then, Sir, with regard to Appropriation Accounts of 1941-42—Legislative Assembly and Legislative Departments, we find that savings have been increasing consistently every year. They are as follows: 1939-39, 18-5; 1940-41, 20-6; 1941-42, 23-40. The Legislative Assembly Department had to surrender one lakh 30 thousand rupees to Government. But we find that whereas we are making big savings we are being deprived of the privilege of getting a pencil on the table which we used to have. When the Department has got enough money to surrender, I do not see any reason why even this facility should be withdrawn. Last year I complained about Members not being provided with paper, and, of course, Dr. Ambedkar was good enough to say that there was no scarcity of paper and we found that things improved and we did not have any difficulty in so far as paper was concerned. But now another difficulty has arisen—we are not supplied with pencils. I point out this difficulty because, on seeing the Accounts, I was surprised to find that we have surrendered such a big amount. With these few remarks I take my seat.

The Honourable Sir Jeremy Raisman: I do not think that there is much that I can say on the points which have been mentioned by the two Honourable Members. Even Professor Banerjea's points have been mostly met in the Report itself. The answer to most of his observations is to be found in sentences either preceding or immediately succeeding the sentence which he has quoted. But I would like to say something about his charge of lack of adequate consideration in fixing the time for the meetings of this Committee.

It has been my unfortunate experience—and this year is the first exception—that I have the utmost difficulty in getting this House to perform its duties in regard to the Report of this Committee. I am at this moment congratulating myself that for the first time since I have been the Finance Member the consideration of this Report has actually been taken up on the first day on which the motion was put down and on which I sought to move it. That has been one kind of trouble. But this year I had another kind of trouble: Owing to the fact that there was a Session of the Legislature during the summer, I found it extremely difficult to get the Members of this Committee to agree to meet at all. There was no time which suited them to carry out their duties. They said they were tired; they had a longer Session than they expected and they wanted to go home.

Dr. P. N. Banerjea: You might have had the meetings in July.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Are they paid for working on this committee?

The Honourable Sir Jeremy Raisman: They draw the usual allowances. Allowances differ according to whether the Sessions of the Committee are held immediately after or before a Session of the Assembly, and as Finance Member I must plead guilty to the desire to try and save the taxpayer additional expense in sending Members home and bringing them back again. But the main point is this. In the old days when there was either no Session in the summer or a short one. I used to be able to get the Committee together for two or three weeks and by keeping continuously at it we used to finish the

[Sir Jeremy Raisman.]

whole of our business and present our report. This year, in spite of super-human efforts I was unable to get them to do that. So I had to split them up. I did what I could with them. I had them for a few days after the last Session and then they were in such an advanced stage of fatigue that it was absolutely inevitable that we should postpone further sessions of the Committee until some later date. I therefore postponed them and we took them towards the end of October and the beginning of November. We met then and concluded the examination of witnesses and finished the report.

Dr. P. N. Banerjea: Just before the commencement of the new Session.

The Honourable Sir Jeremy Raisman: It is true that was immediately preceding another Assembly Session. But I would remind the House that a large number of witnesses have to be brought together for the examination of the accounts; they are all busy officials and I myself do not exactly enjoy a loaf! In times like these, there is important work to be done and it is not possible to arrange the sessions of this Committee so as to suit everybody perfectly. Somebody has to make some sacrifice of convenience if the business of the Committee is to be expeditiously concluded, I would like to say that I think the members of the Committee did, when they came together, proceed in a businesslike way with the examination of the accounts, and I think the report represents their deliberations and I think it is a useful indication to the House of the field that has been covered.

Dr. P. N. Banerjea: Undoubtedly.

The Honourable Sir Jeremy Raisman: I therefore take it that the House has nothing very much to say by way of criticism. I myself am very grateful to my colleagues on the Committee for the way in which they have assisted in carrying through this work. It is tiresome. It involves going through complicated accounts. Many of the details are not easy even for people with some technical training like myself. At times they are not easy to follow and a good deal of patience and good humour is required in order to get through the proceedings.

Sir Cowasjee Jehangir: May I say that there was one important point raised by Dr. Banerjea which has not been answered. It related to the appointment of an *ad hoc* committee to look into allocations under the financial settlement. That suggestion was made in the last budget. It is referred to here but nothing has been done about it.

The Honourable Sir Jeremy Raisman: I think I pointed out before that there is one very difficult aspect about that suggestion. The military expenditure is first dealt with by the Public Accounts Committee in India and then it is dealt with by the Public Accounts Committee in England. There are two parties to this business. The Auditor General carries out his functions on behalf of the Government of India and also on behalf of the Home Government. That machinery is the agreed machinery for dealing with the accounts. If you wish to go beyond that and attempt to set up another kind of enquiry or tribunal, or anything of that kind, it must be a joint enquiry. You could not have an *ex-parte* committee. An enquiry of that kind would have to be done by a body which represented on the one hand the Indian taxpayer and on the other hand the British taxpayer, because the British Parliament has its responsibility in relation to these very accounts and the Auditor General of England also has his responsibility. So long as the Public Accounts Committee here and the Auditor General here and the Public Accounts Committee and the Auditor General there accept the accounts, then there is nothing more to be said. But if one side wishes to start any further enquiry into the question of allocation then the other side would certainly have something to say. This is the point that my Honourable friend has not understood.

Sir Cowasjee Jehangir: The suggestion was to have an *ad hoc* committee in India to replace the Public Accounts Committee for this specific work, because

the Public Accounts Committee has too much work to do. This is a war measure.

The Honourable Sir Jeremy Raisman: Yes, but I am explaining to my Honourable friend that this is a constitutional matter. It arises from the constitution and it affects the constitution both in India and in England. The statutory body in England is the Public Accounts Committee of the House of Commons and that Public Accounts Committee which acts on the report of the Auditor and Controller General of England have agreed to consider and accept the reports of the Public Accounts Committee of India. It is a unique and interesting arrangement but essentially a constitutional arrangement and the statutory responsibility would not be discharged unless it were done in that way.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): It is in deference to the remarks of the Honourable Member that I have something to say.

Mr. President (The Honourable Sir Abdur Rahim): I cannot have you going into the discussion like that, after the Mover has replied.

Sir Syed Raza Ali: With reference to the remarks he made. . . .

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow that. The Honourable Member ought to have got up in his seat before.

Sir Syed Raza Ali: May I ask. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must sit down.

Sir Syed Raza Ali: Have I not the right to take part in the debate?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has no such right at this stage, when the Mover of a motion has replied.

DEMANDS FOR EXCESS GRANTS FOR 1941-42.

CIVIL.

DEMAND No. 12.—EXECUTIVE COUNCIL.

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

"That an excess grant of Rs. 14,088 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Executive Council'."

I would like to say by way of explanation that these are the excesses which have actually occurred in the expenditure for the year in question and that the circumstances have been reviewed by the Public Accounts Committee which has recommended that the excesses be regularised in accordance with the usual procedure by the vote of this House.

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

"That an excess grant of Rs. 14,088 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Executive Council'."

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I see that the explanation is—More tour expenses of the new Executive Councilors, partly offset by savings under equipment allowances. That is the reason for the excess given in this report. I am glad to say that I saw one Honourable Member of the Executive Council travelling in an air-cooled coupe, instead of a saloon. That is certainly a great economy and a convenience in these difficult times. But I also found to my great surprise a huge saloon attached to one of our trains which was late by three or four hours because the engine failed to drag the load. This huge saloon was occupied by an agent and his good lady—he happened to be a railway official—while an Executive Council Member on another occasion was travelling in a coupe by himself. I think if these heavier expenses are incurred on account of our Executive Council Members doing more touring it is all to the good. But I would draw the Honourable Member's attention to these huge saloons still being used by his officers and delaying thereby a mail train by overloading it.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): That should be stopped: no saloon for anybody.

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

"That an excess grant of Rs. 14,088 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Executive Council'."

The motion was adopted.

DEMAND No. 15.—HOME DEPARTMENT

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 24,647 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Home Department'."

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

"That an excess grant of Rs. 24,647 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Home Department'."

The motion was adopted.

DEMAND No. 15A.—CIVIL DEFENCE DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 12,061 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Civil Defence Department'."

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

"That an excess grant of Rs. 12,061 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Civil Defence Department'."

The motion was adopted.

DEMAND No. 17A.—DEPARTMENT OF INDIANS OVERSEAS.

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 3,018 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Department of Indians Overseas'."

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

"That an excess grant of Rs. 3,018 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Department of Indians Overseas'."

The motion was adopted.

DEMAND No. 18.—FINANCE DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 225 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Finance Department'."

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

"That an excess grant of Rs. 225 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Finance Department'."

The motion was adopted.

DEMAND No. 27.—POLICE.

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 42,154 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Police'."

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

"That an excess grant of Rs. 42,154 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Police'."

The motion was adopted.

DEMAND No. 38—EDUCATION.

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 240 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Education'."

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

"That an excess grant of Rs. 240 be voted by the Assembly to regularise the

expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Education'."

The motion was adopted.

DEMAND No. 46.—INDUSTRIES.

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 19,280 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Industries'."

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

"That an excess grant of Rs. 19,280 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Industries'."

The motion was adopted.

DEMAND No. 49.—BROADCASTING.

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 36,265 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Broadcasting'."

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

"That an excess grant of Rs. 36,265 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Broadcasting'."

The motion was adopted.

DEMAND No. 63.—STATIONERY AND PRINTING.

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 6,73,892 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Stationery and Printing'."

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

"That an excess grant of Rs. 6,73,892 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Stationery and Printing'."

The motion was adopted.

DEMAND No. 10.—THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT—WORKING EXPENSES.

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 2,72,265 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'The Indian Posts and Telegraphs Department—Working Expenses'."

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

"That an excess grant of Rs. 2,72,265 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'The Indian Posts and Telegraphs Department—Working Expenses'."

The motion was adopted.

RAILWAYS.

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

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 16,52,694 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Payments to Indian States and Companies'."

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

"That an excess grant of Rs. 16,52,694 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

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

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 1,61,305 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

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

"That an excess grant of Rs. 1,61,305 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted

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

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 10,70,700 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Working Expenses—Expenses of Traffic Department'."

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

"That an excess grant of Rs. 10,70,781 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Working Expenses—Expenses of Traffic Department'."

The motion was adopted

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

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 47,47,554 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Working Expenses—Miscellaneous Expenses'."

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

"That an excess grant of Rs. 47,47,554 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

DEMAND No. 9-A.—REPAYMENTS TO DEPRECIATION RESERVE FUND.

The Honourable Sir Jeremy Raisman: Sir, I move.

"That an excess grant of Rs. 83,47,748 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Repayments to Depreciation Reserve Fund'."

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

"That an excess grant of Rs. 83,47,748 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Repayments to Depreciation Reserve Fund'."

The motion was adopted.

THE CANTONMENTS (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. C. M. G. Ogilvie (Secretary, Defence Department): With your permission, Sir, I present the Report of the Select Committee on the Bill further to amend the Cantonments Act, 1924.

STATEMENT OF BUSINESS.

The Honourable Sir Sultan Ahmed (Leader of the House): As there is no official business for to-morrow afternoon and the day after, may I ask you, Sir, to cancel the sittings for to-morrow afternoon and the day after?

Mr. President (The Honourable Sir Abdur Rahim): As there is no official business for to-morrow afternoon and the day after to-morrow, the meetings for to-morrow afternoon and the day after to-morrow are cancelled, and the House stands adjourned till 11 O'Clock on Monday, the 21st February, 1944.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): What about elections? It will be inconvenient for Honourable Members to come all the distance here to cast only one vote. Therefore, may I request you to postpone elections to some other day?

Mr. President (The Honourable Sir Abdur Rahim): Very well, I will fix another date. I have to remind Honourable Members that there will be the Address by His Excellency the Viceroy to-morrow morning.

The Assembly then adjourned till Eleven of the Clock on Monday, the 21st February, 1944.