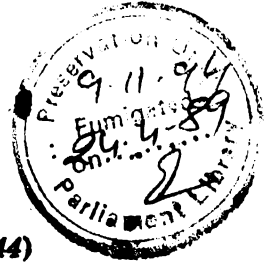


28th February 1944

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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Sardar SANT SINGH, M.L.A.

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

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LEGISLATIVE ASSEMBLY

Monday, 28th 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.

HARASSMENT OF RAILWAY STAFF BY POLICE.

265. *Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to my starred question No. 198, asked on the 16th November, 1943, stating that the matter of police harassment of Railway staff and malpractices were under inter-departmental investigations, does he propose now to make a statement on the result of the investigations on the allegations published in the *Railway Herald* of Karachi?

(b) What steps have been taken against the police officers concerned?

(c) What precautions have the Railway Administration taken to see that travelling without ticket was not encouraged by the police staff? If none, why?

(d) Has the Honourable Member's attention been drawn to a note appearing on page 169 of the *Railway Herald* of Karachi, in its issue of the 25th October, 1943, under the caption 'Ticket Collector harassed' under the general heading "Anti-corruption Department activities"? If so, does the Honourable Member propose to make a full statement on the subject stating what action Government propose to take to ensure that the Railway staff are not harassed in this manner? If not, why not?

The Honourable Sir Edward Benthall: (a) and (b). The cases referred to by the Honourable Member have been investigated and suitable action has been taken where it was called for.

(c) Government are informed that special checks have been arranged to be made in trains by Railway Special Ticket Examiners in collaboration with senior officials of the Government Railway Police. Railway Ticket checking staff have been instructed to be more vigilant and to exercise a strict check on the tickets and passes held by the Police, and the Assistant Inspector-General, Government Railway Police, Lahore, has been requested by the North Western Railway Administration to take strong action against Police staff who may be found guilty of travelling without tickets or assisting passengers to travel without tickets.

(d) The reply to the first part of the question is in the affirmative. As regards the subsequent parts, suitable action has been taken by the North Western Railway Administration.

Mr. Lalchand Navalrai: May I know what suitable action has been taken?

The Honourable Sir Edward Benthall: I cannot go into the details of each case referred to.

Mr. Lalchand Navalrai: It is not going into details. I want to know what action has been taken.

The Honourable Sir Edward Benthall: No, Sir. I don't think I can give any details.

Mr. Lalchand Navalrai: May I know from the Honourable Member if the Railways have at all any control over this Railway Police?

The Honourable Sir Edward Benthall: The Railway Police are under the Police authority.

Mr. Lalchand Navalrai: If it is so, why these things are happening? Why does not the Honourable Member take control of the Department himself?

The Honourable Sir Edward Benthall: Sir, the question relates to another Department.

DISCRIMINATION IN ISSUING RAILWAY PRIORITY CERTIFICATES FOR TRANSPORT OF BONES, ETC.

†266. ***Khan Bahadur Shalkh Fazi-i-Haq Piracha:** (a) With reference to the copy of order issued by the Regional Controller of Railway Priorities, placed on the table of the House, in answer to my question No. 414, dated the 29th March, 1943, will the Honourable Member for War Transport please state under what principle different zones for the movement of bones, hooves and horns have been prescribed for the supply of the said goods to different mills? How many zones have so far been prescribed, and for how many and which of the mills? (A statement may kindly be laid on the Table).

(b) What is the number of priority wagons now given to each of the mills for the movement of bones, hooves and horns, and what is the principle on which wagons are allotted to each of the mills?

(c) Is it a fact that in certain prescribed zones local booking of bones is allowed to dealers and mills of other prescribed zones, while in certain other zones it is not so allowed? If so, in which of the zones attached to a certain mill are bones not allowed to be drawn by either other dealers or mills, and to which of the zones such a restriction does not apply? What are the reasons for applying the said restrictions to some zones, and for not applying the same to others? Do Government propose to follow the same policy in all zones alike?

(d) Do Government propose either to widen the area of such zones, or to remove restriction from other zones also?

(e) Is it a fact that a portion of the North Western Railway is in the zone for drawing bones, prescribed for the Hapur mill, but unlike other zones ordinary booking of bones is not allowed except without a priority on the North Western Railway? Do Government propose to withdraw this restriction, in accordance with the policy followed in other zones, and to allow ordinary booking also?

(f) Is it a fact that movement of hoofs, horns and leather cuttings for manure purposes is allowed in the case of Bally (E. I. R.) Mill, but not in the case of the Hapur mill? If so, what are the reasons therefor, and do Government propose to give the same concession to the Hapur mill?

The Honourable Sir Edward Benthall: (a) In prescribing different zones for the movement of bones, hooves and horns by rail the following factors were taken into account:

(i) The necessity of rationalising movement by eliminating long, inconvenient and cross haulage of traffic; and

(ii) As movement of empty wagons is normally towards the coalfields, the movement of bones, hooves and horns in the same direction as the normal flow of empty wagons, would give maximum movement of bones, hooves and horns with a minimum demand on transport capacity.

A statement giving details of zones demarcated to various mills is placed on the table.

(b) The number of wagons allotted to the movement of bones to the respective mills per month are:

(i) *Hapur*.—No maximum fixed. Average varies between 20 and 30.

(ii) *Magarwara*.—25 broad gauge and 20 metre gauge.

(iii) *Agarpara*.—50 broad gauge.

(iv) *Bally*.—75 broad gauge.

(v) *Santragachi*.—50 broad gauge.

(vi) *Ultadanga*.—15 broad gauge and 30 metre gauge.

The movements of hooves and horns are governed by separate priority applications and priority orders which are issued on the merits of each application.

The quota of wagons allotted to each mill has been determined with reference to the demand from each mill and the ability of railways to meet these demands having regard to requirements for the movement of higher priority traffics. In

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

the case of Calcutta the quotas were settled by agreement with the mills themselves. In the case of mills other than those in Calcutta the quotas have been based on past traffic to the mills.

(c) The Hapur and Magarwara Mills draw from the same area to some extent, and Agarpara and Bally mills draw from the same zone. Booking of bones in any zone other than to prescribed mills is prohibited for the reasons stated in reply to part (a) of the question.

(d) If the demands of the mills require and the traffic situation permits, adjustment of these zones or relaxation of the restriction is permissible. It is open to a mill to state its case for alteration of zones or an increase in wagon allotment.

(e) The reply to the first part is in the affirmative. It is not proposed to withdraw this restriction which is required for operational reasons.

(f) It is a fact that movement of hooves, horns and leather cuttings from the zone above Lucknow and Cawnpore has been permitted to Calcutta. Such a movement is in the downward direction and conforms to the principles enunciated in para. (a). The Regional Controller of Railway Priorities would be prepared to allow similar movements to the Hapur mills provided they conform to this principle of movement and always subject to the availability of wagons.

Statement.

Particulars regarding the zones prescribed for the movement of bones, hooves and horns to different Mills and the area of supply allotted to each Mill are given below:

- | | |
|---|---|
| <p>(i) Hapur Bone Mills, Hapur (Proprietors, Haji Mohd. Said Mohd. Sharif.)</p> | <p>No specific demarcation but movements have been confined as far as possible to:</p> <p>(i) stations on the East Indian Railway Moradabad and above.</p> <p>(ii) stations on the Moradabad Ghaziabad section of the East Indian Railway.</p> <p>(iii) stations on the Shahadra Saharanpur Light Railway.</p> <p>(iv) stations on the N. W. Railway under special instructions from Regional Controller of Railway Priorities.</p> |
| <p>(ii) Magarwara Bone Mills, Magarwara (M/s. Ralli Bros.)</p> | <p>Stations on the East Indian Railway West of the section Cawnpore, Unao, Lucknow (all inclusive).</p> |
| <p>(iii) Bone Mill at Agarpara (M/s. B. N. Elias & Co.)</p> | <p>Stations on the East Indian Railway upto Cawnpore, Unao and Lucknow (all inclusive) the Agarpara Mills having for this purpose a dumping depot at Bansabati to avoid the bottle neck at Naihati.</p> |
| <p>(iv) Bone Mills at Bally (M/s. S. Curlender & Co.)</p> | <p>Stations on the Bengal Nagpur Railway exclusively.</p> |
| <p>(v) Bone Mill at Santragachi (M/s. David Sassoon & Co.)</p> | <p>Stations on the Bengal and Assam Railway (except the B.G. Section north of Abdullapur and M. G. Section on the Lalmanirhat, Dacca, Chittagong, Lumding and Tinsukia Divisions).</p> |
| <p>(vi) Bone Mill at Utkadanga (Chingrihatta Bone Mills).</p> | |

No movements of bones, hoof or horns are at present permitted from stations on the Oudh and Tirhut Railway in view of the extreme shortage of wagons.

PASSES FOR MEN RE-EMPLOYED AFTER RETIREMENT ON NORTH-WESTERN RAILWAY.

287. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether it is a fact that the Railway Board did not approve of the recommendation of the North Western Railway that such of their employees who had been re-employed after their retirement from Railway service may be given passes according to their Railway rates of pay before retirement and not according to the rates of pay allowed to them after retirement?

(b) Is it a fact that the Railway Board refused to reconsider their decision, although the North Western Railway again represented the matter to them?

(c) Is it a fact that the North Western Railway have issued a first class pass to a Training Inspector in the Recruiting Branch of the North Western Railway? If so, will the same considerations apply in the case of other staff similarly situated?

The Honourable Sir Edward Benthall: (a) and (b). Yes.

(c) The reply to the first part is in the affirmative, but the matter is under investigation.

FOOD INSPECTORS, ETC., ON NORTH WESTERN RAILWAY.

268. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state how many posts of Food Inspectors, Assistant Food Inspectors, Coupon Sellers and other miscellaneous posts in the subordinate cadre have been sanctioned on each Division of the North Western Railway?

(b) What is the communal distribution of these posts?

(c) What is the number of posts in the inferior cadre sanctioned for the food-supply organisation on each Division?

(d) What is the communal distribution of these posts?

(e) How many of these posts have been filled by direct recruitment, and how many by promotion?

The Honourable Sir Edward Benthall: (a) to (e). 5 posts of Food Inspectors have been created on the North Western Railway. The other information required is being collected and a further reply will be laid on the table of the House in due course.

CONTRACT FOR CASH AND PAY WORK ON NORTH WESTERN RAILWAY.

269. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether it is stated in paragraph 45 of the Proceedings of the Meeting of the Central Advisory Council for Railways, dated the 14th March and 1st April, 1942, that the cash and pay work on the North Western Railway is done on contract?

(b) What is the status of the contractor appointed for this purpose? Is he a Railway Contractor like other contractors, *viz.* Spencers, Wheelers, aerated water contractors, etc., or is he a Railway officer like other regular officers?

(c) Is it a fact that the contractor is allowed a metal pass for his journeys on the North Western Railway, as is admissible only to Railway officers?

(d) Is it a fact that he is allowed the use of a separate Railway carriage for his journeys? If so, why is this contractor treated differently to other contractors on the North Western Railway?

The Honourable Sir Edward Benthall: (a) Yes.

(b) The status of the Chief Cashier and Paymaster is like that of any other Railway Contractor. While he is not a Railway Officer he is responsible for running one of the permanent departments essential for Railway working and his work and responsibilities are similar to those of a Railway Officer.

(c) Under the terms of his agreement the Chief Cashier and Paymaster is given a First-class pass. He has several Cash Offices throughout the line.

(d) Yes, when possible. The reasons for the differential treatment will be clear from the reply to (b) above.

Mr. N. M. Joshi: Why is the Government of India doing this work through a contractor instead of doing it themselves?

The Honourable Sir Edward Benthall: That question was considered by the Central Advisory Council for Railways on the occasion referred to in the question and it was considered reasonable that the existing arrangements should continue.

Mr. N. M. Joshi: Is the Government of India unable to manage this work themselves?

The Honourable Sir Edward Benthall: This is an old-established arrangement. As this arrangement has worked satisfactorily, there is no reason why we should alter it.

EMPLOYEES OF THE CHIEF CASHIER AND TREASURER, NORTH WESTERN RAILWAY.

270. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether it is a fact that in paragraph 47 of the Appendix to Subject No 1 of the Proceedings of the Meeting of the Central Advisory Council for Railways, dated the 14th March and 1st April, 1942, it is stated as the Railway Board's opinion that the members of the minority community should, in future,

be appointed under the cashiers as opportunity offers, and that when the present agreements terminate, the future agreements shall contain a provision that will enable the policy regarding communal representation to be followed? Do these views of the Railway Board apply to the North Western Railway also?

(b) When does the present agreement with the Chief Cashier and Treasurer, North Western Railway, terminate?

(c) Is it a fact that when Sir Muhammad Zafarullah Khan was Railway Member, the question of terminating Chief Cashier and Treasurer's contract on the North Western Railway was considered and it was proposed to do the work departmentally?

(d) Is it a fact that at that time a definite undertaking was given that Muslims and members of the other minority communities will, in future, be employed by the Chief Cashier and Treasurer?

(e) What was the number of the employees of the Chief Cashier and Treasurer at that time, and how many of them were Muslims?

(f) What is the number of the employees of the Chief Cashier and Treasurer now, and how many of them are Muslims?

The Honourable Sir Edward Benthall: (a) Yes.

(b) According to the terms of the agreement with the Chief Cashier and Paymaster, North Western Railway, the agreement may be terminated on six months' notice being given by either side.

(c) Yes, but it was eventually decided that the present Cashier should continue to do the work.

(d) No.

(e) and (f). No information is available as these questions relate to the internal management of the Chief Cashier's Department. The matter will be looked into.

Mr. Lalchand Navalrai: With reference to part (a) of the question, where it is stated that members of the minority community should, in future, be appointed under the cashiers as opportunity offers, may I know from the Honourable Member whether members of the minority community will be appointed on their merits or only on communal basis?

The Honourable Sir Edward Benthall: That is a matter for the Chief Cashier.

Mr. Lalchand Navalrai: Have the Railways given any instructions to the Chief Cashier in the matter, namely, whether he should appoint people on communal basis or on merits, or is it left to him to do as he likes?

The Honourable Sir Edward Benthall: I think it has been intimated that members of other communities should so far as possible be employed. But the Honourable Member will realize that the Cashier is responsible for his own cash and obviously he has got to be very careful in regard to the antecedents of the individual persons whom he employs.

Mr. Lalchand Navalrai: If there is defalcation of money in the Cashier's office, who is responsible?

The Honourable Sir Edward Benthall: The Cashier.

Mr. Lalchand Navalrai: The Cashier himself, not the Railways?

The Honourable Sir Edward Benthall: The Cashier of course.

Mr. Jamnadas M. Mehta: Are the rights of the employees of the Cashier protected by the Railways with regard to dearness allowance?

The Honourable Sir Edward Benthall: I require notice of that question, Sir. I will look into the matter.

Mr. Muhammad Ashar Ali: May I know if the posts of these Cashiers are advertised?

The Honourable Sir Edward Benthall: If the Honourable member had listened to the answer he would have learned that there is one Cashier and one agreement and it is terminated on six months' notice. There has been no termination for some time. So there is no question of the contract being advertised in that way.

FOOD INSPECTORS, ETC., ON NORTH WESTERN RAILWAY.

271. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether Food Inspectors have been sanctioned for all Divisions of the North Western Railway?

(b) Is it a fact that a similar post was sanctioned for the Rawalpindi Division by the North Western Railway also?

(c) Is it a fact that instead of appointing a whole-time Food Inspector, the Divisional authorities have nominated one of the Assistant Staff Wardens of that Division to undertake that work, in addition to his normal duties?

(d) Is it a fact that both the Assistant Staff Wardens of the Rawalpindi Division are Hindus?

The Honourable Sir Edward Benthall: (a) No, Food Inspectors have not been appointed on the Delhi and Karachi Divisions.

(b), (c) and (d). Yes.

PADDY GONE WORSE AT STATIONS ON BENGAL AND ASSAM RAILWAY.

272. *Pandit Lakshmi Kanta Maitra (on behalf of **Mr. K. C. Neogy**): (a) Has the attention of the Honourable Member for Railways been drawn to recent discussions in the Bengal Legislative Assembly, in which reference was made to the fact that about two lakh maunds of paddy had been left at different stations of the Sealdah-Khulna Section of the Bengal and Assam Railway, for months together, without being transported by the Railway, that the paddy was left in most cases on the open platform, and that it had deteriorated very considerably and become unfit for human consumption?

(b) Does the Honourable Member propose to make a detailed statement explaining the situation so far as it may be known to the Railway authorities, particularly indicating the extent of responsibility of the Railway authorities for this state of affairs?

(c) Have the transport facilities offered by Railways for the movement of foodgrains within the province of Bengal been sufficient for the purpose of coping with the situation, in point of wagon space and promptitude?

(d) Is the Honourable Member in a position to state the approximate quantity of foodgrains that has been moved by Railways between different stations within the province of Bengal, for the consumption of the civil population, during the year 1943?

The Honourable Sir Edward Benthall: (a) Yes.

(b) About 1,76,000 maunds of paddy purchased by the Bengal Government's agent under the *Aus* Purchase Scheme in the district of Jessore was brought to various railway stations in the month of November with the intention of moving it into Calcutta. It was not moved for some time but, after being offered for sale locally without success, the whole quantity was sold to rice mills in Calcutta at Rs. 7/4 a maund, which fact appears to refute the suggestion that the paddy was unfit for human consumption or was seriously damaged. Movements of foodgrains in Bengal are arranged in accordance with programmes prepared by the Bengal Government and this paddy was not included in these programmes.

(c) I believe that the transport facilities have been reasonably adequate, save that in regard to movements to certain areas, military requirements have necessitated the imposition of restrictions from time to time. It is important owing to the heavy strain on transport that movements should be planned and programmed ahead.

(d) Information is not readily available.

Pandit Lakshmi Kanta Maitra: May I just enquire of the Honourable Member when wagon is to be requisitioned, who is the authority for it? Is it made at the instance of the military authorities or the Government of Bengal?

The Honourable Sir Edward Benthall: The Bengal Government, Sir, arranges the programme with the Regional Controller of Railway Priorities, who passes on the programme to the railways concerned.

Pandit Lakshmi Kanta Maitra: Regarding part (a) of the Honourable Member's answer, may I know from the Honourable Member whether when the paddy was stored the Honourable Member's Department was asked to send wagons to Calcutta in time?

The Honourable Sir Edward Benthall: All movements of food are programmed and this movement was not in the programme. Wagons were asked for but not supplied because they were not in the Bengal Government's programme. The Bengal Government at about that time, therefore, sought to sell the grain locally. They offered it for sale. It was not required locally and sometime later in January they decided to send it to the rice mills at Calcutta. It was sent under programme to the rice mills in Calcutta, who bought it and paid a reasonable price.

Pandit Lakshmi Kanta Maitra: Do I take it that the Bengal Government makes a sort of time table or programme and passes it on to the Department for Transport?

The Honourable Sir Edward Benthall: That is right.

Pandit Lakshmi Kanta Maitra: Is it made from time to time or at the beginning of the year?

The Honourable Sir Edward Benthall: It is made from time to time as the demands for foodgrains arise.

Pandit Lakshmi Kanta Maitra: Do I take it that a monthly time table is made or a time table for three or six months?

The Honourable Sir Edward Benthall: Generally speaking a programme is laid down for a period in advance. Of course as emergencies arise so the programme is altered as it becomes necessary to send grains to a particular area.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that very often in the Bengal Press and the Bengal Assembly this point is raised, namely, that due to wagon shortage or want of transport facilities foodstuffs cannot be removed from surplus to deficit areas?

The Honourable Sir Edward Benthall: Lots of things are said which are not strictly true.

UNSTARRED QUESTIONS AND ANSWERS.

DIRECT RECRUITMENT OF INSPECTORS OF WORKS ON NORTH WESTERN RAILWAY.

82. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that direct recruitment to the posts of Inspectors of Works is being made on the North Western Railway to the extent of 66 per cent.? If not, what is the percentage of direct recruitment to these posts?

(b) Has the attention of the Honourable Member been drawn to paragraphs 43 to 48 of Appendix II of the State Railway Establishment Code, Volume I, which lay down the 'group of recruitment and the channel of promotion' of the subordinate works staff on the Indian Railways? Why are all appointments not made in the lowest grade of Assistant or Sub-Inspectors of Works?

(c) Is the Honourable Member aware that these rules have been issued by the Governor General in Council under sub-section (2) of section 241 of the Government of India Act, 1935, and supersession of any provisions thereof on the North Western Railway will need the sanction of the Governor General in Council?

(d) Have the rules referred to in paragraph (b) above been amended by the Governor General in Council to authorise the course adopted on the North Western Railway referred to in paragraph (a) above? If not, does the Honourable Member propose to issue instructions to conform to the provisions of rules referred to in part (b) above? If not, why not?

The Honourable Sir Edward Benthall: (a) No, the posts of Inspectors of Works are filled by the promotion of Assistant Inspectors of Works.

(b) Yes, initial appointments are actually made to the grade of Assistant Inspectors of Works but the Administration has the power to recruit direct to

the grade of Inspector of Works by virtue of Rule 1 of Appendix II of the State Railway Establishment Code Vol. I.

(c) Yes.

(d) Does not arise.

SELECTION ON PERSONNEL OFFICERS ON NORTH WESTERN RAILWAY.

83. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is correct that the intention of having separate Personnel Officers on the North Western Railway, as stated by the Agent, North Western Railway, in his foreword to the Railway Memorandum submitted to the Royal Commission on Labour in 1929, was to ensure questions concerning human elements to be dealt with by a body of experts of suitable temperament? If so, is this principle followed in selection of Personnel Officers? If not, why not?

(b) Is it a fact that on representation that Assistant Executive Engineers' channel of promotion was slow, the post of the Divisional Personnel Officer has been made a stepping stone to the Divisional Officers' ranks for the Assistant Engineers? If so, why?

(c) Do Government propose to follow the policy referred to in part (a)? If not, why not?

The Honourable Sir Edward Benthall: (a) and (c). The document quoted by the Honourable Member is a confidential document and Government regret that they are not prepared to discuss its contents.

(b) Assistant Executive Engineers are eligible to be posted as Divisional Personnel Officers and this position has obtained from the time the cadres of the State Railways were separated.

CONTRADICTIONARY ORDERS FOR FIXING SENIORITY OF SUBORDINATE STAFF ON NORTH WESTERN RAILWAY.

84. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state what powers have been delegated to Railway Administrations in the matter of fixing seniority of the subordinate staff?

(b) Is it a fact that contradictory orders on the subject are issued on the North Western Railway from time to time? If so, why?

(c) If the reply to part (b) above is in the negative, how are the following contradictory orders justified:

(i) seniority of staff transferred from one branch to the other is to be reckoned from the date of confirmation in the first post, *vide* Agent's circular 1-A of 1927;

(ii) that recently typists transferred from other offices to the North Western Railway Headquarters, who agreed in writing to rank junior to persons drawing the same grade, were subsequently given higher place on the seniority list by the Assistant Secretary; and

(iii) that the seniority of Assistant Station Masters fixed on the Karachi Division in 1931 was altered after a lapse of twelve years in 1943?

(d) What is time limit within which seniority can be altered? If no such limit has been laid down, do Government propose to prescribe some limit now?

(e) What steps do Government propose to take to remedy such inconsistencies? If not, why not?

The Honourable Sir Edward Benthall: (a) Railway Administrations have full discretion in the matter.

(b) No. The latter part does not arise.

(c) (i) It is not clear what inconsistency is referred to.

(ii) Only one such case is traceable and the adjustment made was considered equitable in all the circumstances of the case.

(iii) There is no contradiction in this; omission to give certain individuals due seniority was rectified.

(d) There is no time limit; the reply to the second part is in the negative.

(e) There are no inconsistencies and Government do not consider any action is required.

PERIODICAL MEDICAL EXAMINATIONS OF NORTH WESTERN RAILWAY EMPLOYEES.

85. Mr. Lalchand Navalrai: Will the Honourable Member for Railways be pleased to state:

(a) the number of employees on the North Western Railway who failed to pass the periodical medical examination in their own class of service, during the (i) financial year 1942-43, and (ii) up to the 31st December, 1943;

(b) whether full facts about the nature of disease or defect, owing to which an employee is failed for his class of service, are communicated to him; if not, why not; and

(c) if the reply to the first portion of part (b) above be in the negative, whether it is proposed to issue orders that full facts of the defect or disease will be communicated to the examinees to enable them to consult specialists for remedy? If not, why not?

The Honourable Sir Edward Benthall: (a) (i) 547.

(ii) Information is not readily available.

(b) There is no rule requiring this, but the persons affected usually have a general idea concerning the defects; the second part does not arise.

(c) Does not arise.

PASSENGER TRAINS CANCELLED ON METRE GAUGE SECTION OF BENGAL AND ASSAM RAILWAY.

86. Mr. K. C. Neogy: (a) Does the Honourable Member for Railways propose to make a statement giving a list of the passenger trains that have been, or are proposed to be, temporarily cancelled on the Metre Gauge section of the Bengal and Assam Railway, comparing the number with the total number of such trains that were serving the localities concerned in the year 1942?

(b) When are the services in each case likely to be resumed?

(c) What are the alternative forms of transport available to the public in the case of the services thus curtailed?

(d) Are proposals for the curtailment of train services generally discussed at the Advisory Committees for Railways concerned before a decision is taken in that matter? If so, what are the opinions of the Advisory Committee for the Bengal and Assam Railway in regard to the cancellation of the train services referred to in part (a) of the question?

The Honourable Sir Edward Benthall: (a) and (b). The trains which were temporarily suspended were the Up and Dn. Assam Mails between Gauhati and Tinsukia with effect from Saturday, the 5th February; 1 Up and 1 Dn. Mixed trains between Pandu and Mariani, with effect from February 4th;

2 Up and 2 Dn. Mixed trains over the short section between Lower Halflong and Lumding, from 4th February. All these services were resumed from the 9th February. Normal train services:

	in 1942	in 1944
Pandu—Tinsukia	2 Up. 2 Dn.	2 Up. 2 Dn.
Badarpur—Lumding	Do.	Do.

(c) I regret no details of the alternative forms of transport by road or river are available.

(d) Whenever it is possible to do so, Advisory Committees are consulted. This temporary suspension, however, was an operational necessity requiring immediate decision which did not permit of prior consultation with the Advisory Committee.

The last portion of the question does not, therefore, arise.

SHORT NOTICE QUESTION AND ANSWER.**AMENDMENTS TO THE NEW DELHI RENT CONTROL ORDER.**

Maulvi Muhammad Abdul Ghani: (a) Will the Honourable the Labour Member please state whether amendments to the New Delhi Rent Control Order announced on January 24th, 1944, are applicable, retrospectively, as was stated by his Joint Secretary, Mr. Mozumdar, at a Press Conference, the account of which was published in the New Delhi Statesman of January 27th?

(b) Is he aware that these amendments are interpreted by the Delhi courts to apply retrospectively?

(c) If the intention of Government was not to give these amendments retrospective effect, do they propose to issue a clarification of their intention, in view of the interpretation placed on them by the Delhi courts? If not, why not?

(d) Is he aware that a copy of the *Gazette Extraordinary*, dated the 24th January, in which these amendments were announced, was privately handed over by his office to Mr. Shiva Rao, New Delhi correspondent of the *Hindu*, at a time when copies were not available to the public, to enable Mr. Shiva Rao to take advantage of it, in case of ejection which was pending in Delhi civil courts and judgment on which was to be announced on January 25th?

(e) Is he aware that his Joint Secretary, Mr. Mozumdar, has issued orders that house No. 7, Barakhamba Road in which Mr. Shiva Rao resides as a tenant, should be requisitioned, in case Mr. Shiva Rao was ejected in pursuance of the decree if given in favour of his landlord by the civil court? If these allegations are correct, does the Honourable Member propose to institute an enquiry in the alleged partiality of the Government servants?

(f) Is it a fact that Mr. Mozumdar had issued orders that, in the event of Mr. Shiva Rao being ejected, he should be provided with a three-roomed hutment by Government? Do Government propose to provide similar facilities to other journalists in New Delhi? If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) No such statement was made by Joint Secretary, Labour Department.

(b) We have no information on the subject.

(c) No. The interpretation of Statutes and Orders is a matter for the courts and not for Government.

(d) No. The allegation is incorrect.

(e) Yes, the order was passed because the house would, in the event mentioned, have fallen vacant and be available for use by Government. There is no question of Government requisitioning it for Mr. Shiva Rao. It is the policy of Government to requisition all available accommodation in Delhi that may fall vacant.

(f) No.

Sir Muhammad Yamin Khan: What is the intention of Government? Do they want to give it retrospective effect or not?

The Honourable Dr. B. R. Ambedkar: The legal intention is always for the Courts to interpret.

Sir Muhammad Yamin Khan: The Courts will undoubtedly interpret, but what is the order of the Government? Is it to have retrospective effect or is it only for the future?

The Honourable Dr. B. R. Ambedkar: That is a matter which must be left to the Courts.

Mr. N. M. Joshi: Is it not a fact that landlords in Delhi are harassing their tenants in order to profiteer and what steps are Government taking to stop it?

The Honourable Dr. B. R. Ambedkar: I have no information that the landlords are harassing, but we had a deputation from the tenants who placed before Government certain complaints and the amendment of the New Delhi Rent Control Order was made to meet some of the grievances.

Sir Muhammad Yamin Khan: In this case the house owner is a retired Executive Engineer, Rai Bahadur Durgadas, who has a big family of 20 persons, whom he cannot accommodate anywhere else.

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

Maulvi Muhammad Abdul Ghani: Is it the intention of the Government to clarify the effect of any order passed if the Court feels any ambiguity?

The Honourable Dr. B. R. Ambedkar: I do not follow the Honourable Member's question.

Maulvi Muhammad Abdul Ghani: May I know whether the Government propose to issue any clarification of their order passed regarding the applicability of its retrospectiveness to the Court?

The Honourable Dr. B. R. Ambedkar: Certainly, if there is any ambiguity it will be the duty of the Government to clarify it.

Mr. Lalchand Navalrai: Is the order very clear or does it require any interpretation?

The Honourable Dr. B. R. Ambedkar: I can supply a copy to my Honourable friend.

Mr. Lalchand Navalrai: My question is this: Is the order clear and unambiguous or liable to interpretations? The Honourable Member says that the Court will interpret it. The Court will undoubtedly do it but only in the latter case.

The Honourable Dr. B. R. Ambedkar: I do not know what my Honourable friend wants to convey.

Mr. Lalchand Navalrai: My question is this. The Honourable Member said that that order may be interpreted by the Court. But I say, is the order itself liable to interpretations, on which the Honourable Member says that it will be to the Court

Mr. President (The Honourable Sir Abdur Rahim): That is an argument.

Mr. Lalchand Navalrai: I am putting the question.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. (Mr. Lalchand Navalrai continued to speak.)

An Honourable Member: Order, order.*

Mr. Lalchand Navalrai: You cannot say order, order.

Mr. President (The Honourable Sir Abdur Rahim): That I disallow. That is not a question.

MOTION FOR ADJOURNMENT.

ORDER PREVENTING RAILWAY TRAVEL FOR ATTENDING THE ALL-INDIA KISAN CONFERENCE AT BEZWADA.

Mr. President (The Honourable Sir Abdur Rahim): A notice has been received from Mr. Govind V. Deshmukh who wishes to move for the adjournment of the business of the Assembly, *viz.*, that the business of the Assembly be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the order of the Government to prevent the travelling of persons to stations on the Madras and Southern Mahratta Railway who want to attend the eighth annual session of the All-India Kisan Conference at Bezwada convened to consider the problems facing the agriculturists and the food situation in the country.

Any objection to that motion?

The Honourable Sir Reginald Maxwell (Home Member): No such order has been passed by the Central Government, nor are we even aware that such an order has been passed by the Provincial Government, though to pass such an order would be within their competence.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): The order has appeared in the papers and I received information also and certainly such an order preventing travelling to Bezwada

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member got the order?

Mr. Govind V. Deshmukh: Some of it has appeared in the papers and some correspondence has been received by Mr. Joshi and me.

Mr. President (The Honourable Sir Abdur Rahim): The Government Member says that no such order has been issued by this Government or by the Provincial Government. . . .

The Honourable Sir Reginald Maxwell: No, Sir; I do not say that no such order has been passed by the Madras Government. What I stated was that it was entirely within the competence of the Madras Government to pass such an order, and we were not aware whether they had done so or not.

Mr. Govind V. Deshmukh: Can the Provincial Governments pass such an order without getting instructions from the Railway Department? That is the point. This Government must have instructed either the Provincial Government

[Mr Govind V. Deshmukh.]

or the railway department there to take such steps as are mentioned in this order, namely, to prevent persons from travelling to this place.

The Honourable Sir Reginald Maxwell: No; that is not the position at all. The Madras Government have powers under Rule 85B of the Defence of India. Rules to prevent any specified class of persons from travelling by railway, and that can be done without reference to the Central Government.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Are not Railways a central subject?

Mr. President (The Honourable Sir Abdur Rahim): The power to discontinue any railway service apparently in a particular case is vested in the Madras Government, but . . .

Mr. N. M. Joshi (Nominated Non-Official): May I say a word? This is a restriction on travelling by railways, and the Government of India are certainly responsible for this, and I have received information that the conference which is to be held in Bezwada on the 14th and 15th March is not allowed to be held on the ground that there is no accommodation on the railways. Therefore this is an adjournment motion which should be taken up in this House.

Sardar Sant Singh (West Punjab: Sikh): May I say this is the second instance in which the same thing has happened? One instance happened in Lyallpur where the Provincial Government had served a notice on the North Western Railway not to carry passengers. I think the point requires to be discussed whether the railways should submit to such an order and when they do, whether they are not liable to be censured by this House.

Mr. President (The Honourable Sir Abdur Rahim): Railways are a central subject; and I think it is competent to a Member of this House to raise a question of this character in the Assembly. I therefore hold that the motion is in order; but as objection has been taken . . .

An Honourable Member: I do not think, they are objecting . . .

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Yes, Sir; so far as the Railway Department is concerned, we are merely carrying out the orders of the Provincial Government, so far as we know.

Mr. President (The Honourable Sir Abdur Rahim): I want to know whether any objection is taken to leave being granted.

The Honourable Sir Edward Benthall: Yes, Sir; I object.

Mr. President (The Honourable Sir Abdur Rahim): As objection has been taken, will members in favour of leave being granted rise in their seats?

(Not less than 25 Members rose.)

As not less than 25 Members are for leave being granted, the motion will be taken up at 4 o'clock or earlier if the agenda is finished before then and the Government Member has no objection. I take it the Government Member has no objection to the motion being taken up earlier if the business is finished?

The Honourable Sir Edward Benthall: No, Sir. Which Government Member will take it up?

Mr. President (The Honourable Sir Abdur Rahim): That is for the Government Members to decide.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE CIVIL DEFENCE BRANCH OF THE DEFENCE DEPARTMENT.

Sir Charles Ogilvie (Secretary, Defence Department): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five non-official members to serve on the Standing Committee to advise on subjects with which the Civil Defence Branch of the Defence Department is concerned, during the financial year 1944-45."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five non-official members to serve on the Standing Committee to advise on subjects with which the Civil Defence Branch of the Defence Department is concerned, during the financial year 1944-45."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that for the purpose of election of members for the Standing Committee of the Civil Defence Branch of the Defence Department the Notice Office will be open to receive nominations upto 12 o'clock on Wednesday, the 1st March, 1944, and that the election, if necessary, will be held on Friday, the 3rd March, 1944. The election, which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, will be held in the Assistant Secretary's room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M.

DEMANDS FOR SUPPLEMENTARY GRANTS—RAILWAYS.

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed with Demands for Supplementary Grants in respect of Railways for 1943-44.

DEMAND NO. 3.—MISCELLANEOUS EXPENDITURE.

Mr. Zahid Husain (Government of India: Nominated Official): I beg to move: "That a supplementary sum not exceeding Rs. 3,33,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Miscellaneous Expenditure'."

I might mention that a brief explanation of the causes which have led to supplementary expenditure . . .

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member speak up?

Mr. Zahid Husain: I might mention that a brief explanation of the causes which have led to expenditure in excess of the original voted grants has been given in the List of Supplementary Demands for Grants, copies of which have been supplied to Honourable Members. Detailed reasons of the larger expenditures were given in the memoranda which were placed before the Standing Finance Committee for Railways at its meetings of the 29th January, and 1st February, 1944. These memoranda have since been incorporated in the Proceedings of the Committee, copies of which have also been supplied to Honourable Members. Sir, I move.

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

"That a supplementary sum not exceeding Rs. 3,33,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Miscellaneous Expenditure'."

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I find from the memorandum at page 1 of the List of Supplementary Demands for Grants, "Publicity scheme directed against unnecessary and dangerous travel." When I compare this with the original demand, I find that in the original demand there is no such item. If you refer to page 15 of the Proceedings of the Meeting of the Standing Finance Committee for Railways of the 29th January, and 1st February, 1944—Annexure H, item No. 7—you find "Contribution towards the cost of publicity scheme for publicising the activities of railways in the war". But here I find, "publicity scheme directed against unnecessary and dangerous travel". This is a new item entirely different from what is found in the proceedings of the Standing Finance Committee's meetings . . . (A voice: "No, no") . . . and this should not come in the shape of a supplementary demand. I, therefore, hope that the matter will be explained by the Honourable Mover of the supplementary demand, as I submit that this is a new expenditure and should not come under a supplementary grant. I, therefore, oppose it.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I have two words to say on this. I find that Rs. 2,96,000 has been shown as miscellaneous charges. No details are given in this pamphlet, though it is a big amount. I do not mean that all details should be given, but there ought to be explanation of big items at least so that we can understand what they are for. My Honourable friend has raised an objection that this contains a new item of expenditure. Besides, I should like to know since when this publicity has been going on, and also whether the Government have succeeded on account of this publicity to

[Mr. Lalchand Navalrai.]
stop unnecessary travel. In the first place, I do not understand what the railway means by unnecessary travel. It is a matter which is only in the special knowledge of those who travel and you cannot say what is unnecessary travel and what is not for them. You have been spending money upon this and I would like to know how far you have succeeded. I think the money is spent for nothing and I would, therefore, like to see how far the Honourable Member would be able to satisfy us on this point.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): I have only heard the concluding remarks of my Honourable friend. But, of course, in carrying out propaganda campaigns we do not force anybody to do anything. We merely try and persuade people. As I understood from previous speeches in the House, there were certain complaints against unsatisfactory conditions of travel in these days arising from the excessive number of passengers. We are only trying to persuade people not to travel unless it is absolutely necessary.

Mr. Lalchand Navalrai: It is a waste of money. How can you call it unnecessary travel when it is not within your knowledge whether the passenger's travel is necessary or not.

The Honourable Sir Edward Benthall: I quoted the case where 130,000 people admitted that they were travelling for pleasure.

Mr. Lalchand Navalrai: But . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has made his speech. He cannot make another speech. The question is . . .

Maulvi Muhammad Abdul Ghani: I raised a point that it is a new item of expenditure, but I have had no reply.

Mr. President (The Honourable Sir Abdur Rahim): But that does not give Honourable Member a right of reply.

Maulvi Muhammad Abdul Ghani: I raised a point of principle that it is a new item. I have had no reply. I want your ruling, Sir . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member himself has no right of reply. The question is:

"That a supplementary sum not exceeding Rs. 3,33,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Miscellaneous Expenditure'."

The motion was adopted.

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

Mr. Zahid Husain: I beg to move:

"That a supplementary sum not exceeding Rs. 32,80,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Payments to Indian States and Companies'."

As we expect a larger amount of traffic receipts there would be larger expenditure under this head for payment to worked lines and to Indian States and Companies.

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

"That a supplementary sum not exceeding Rs. 32,80,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

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

Mr. Zahid Husain: Sir, I move:

"That a supplementary sum not exceeding Rs. 2,30,39,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance of Structural Works'."

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

"That a supplementary sum not exceeding Rs. 2,30,39,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance of Structural Works'."

Maulvi Muhammad Abdul Ghani: In this item of expenditure, I find under (c) that additional staff for the patrolling of railway lines was appointed. I am given to understand that the Railway Board has failed to enforce the Resolution passed by the Home Department regarding the communal composition of services and Muslims have not been taken in in that staff.

The Honourable Sir Edward Benthall: With regard to the point raised by Mr. Abdul Ghani, this patrolling of railway lines is for the safety of the travelling public and I do not quite see how my Honourable friend mixes it up with communal representation. Generally speaking, communal representation on the railways is in accordance with the undertakings given to the House.

Maulvi Muhammad Abdul Ghani: On a point of personal explanation. Under item (c), I find that the Railway Board have appointed additional staff and . . .

Mr. President (The Honourable Sir Abdur Rahim): That is not a personal explanation.

The question is:

"That a supplementary sum not exceeding Rs. 2,30,39,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance of Structural Works'."

The motion was adopted.

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

Mr. Zahid Husain: Sir, I move:

"That a supplementary sum not exceeding Rs. 3,29,24,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

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

"That a supplementary sum not exceeding Rs. 3,29,24,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

Mr. Lalchand Navalrai: I want some information on this item. We find here that the money required is for maintenance and supply of locomotives. I can well understand grant for maintenance when you have some locomotives with you still. But what about the supply of locomotives? Is it that you are getting the supply from outside or you are building locomotives here, which, of course, you have shown that you are not able to do. I want an explanation of this item.

The Honourable Sir Edward Benthall: If the Honourable Member will read the heading, he will find that the demand deals with maintenance and supply of locomotive power. In order to produce power, you have to put coal into the engine and it is the cost of that sort of thing which makes the total of the expenses.

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

"That a supplementary sum not exceeding Rs. 3,29,24,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

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

Mr. Zahid Husain: Sir, I move:

"That a supplementary sum not exceeding Rs. 34,31,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

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

"That a supplementary sum not exceeding Rs. 34,31,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

The motion was adopted.

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

Mr. Zahid Husain: Sir, I move:

"That a supplementary sum not exceeding Rs. 3,67,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance and Working of Ferry Steamers and Harbours'."

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

"That a supplementary sum not exceeding Rs. 3,67,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance and Working of Ferry Steamers and Harbours'."

Sir F. E. James (Madras: European): May I ask my Honourable friend one question? He will recollect that at the meeting of the Standing Finance Committee, when we were considering these items, more especially those that dealt with increased cost, on account of increased consumption of coal, we inquired why it was that the price of coal had more than doubled itself since last year, and my Honourable friend, the Financial Commissioner, promised to advise the House of the reasons for that very large increase which has resulted in making a great deal of difference not only to the Railway Budget itself but to the extent of the supplementary demand that is now before the House.

Mr. Zahid Husain: This point really relates to the previous demand but I can give the House some information.

Sir F. E. James: I find the explanation under this demand is 'More consumption of coal'.

Mr. Zahid Husain: Before the war, Railways were in a position to purchase their coal requirements usually at a price of Rs. 4 per ton. These purchases were made from private collieries. Railways have always been in a very strong position, because they are the biggest purchasers of coal. State-managed railways alone purchase about 5 to 7 million tons, while Railways including Company-managed State Railways purchase about 9 million tons of coal. They also own some collieries themselves and are able to increase or decrease the output of such collieries in normal conditions. Up to the end of 1942-43, there was really no increase in the price of coal purchased by Railways. The requirements of 1942-43 were purchased at an average price of Rs. 4 per ton, and really no increase was recorded over the pre-war prices. The Railways get their requirements by inviting tenders and making contracts like other purchasers. Tenders are invited and contracts are made six monthly and for 1943-44 tenders were invited and contracts were made some time in January, 1943. For the first period of six months of 1943-44, the average price thrown up by these contracts was Rs. 5-11-2. Obviously, quite a large proportion of this increase was due to the increase that had taken place in the cost of stores and very likely in the cost of labour which must have been going on from the very beginning of the war. When the tenders were invited and contracts were made for the second half-year, the price of these tenders went up to Rs. 8-9-8. Most of our coal comes from the Bengal and Bihar coal fields and it is well known that conditions were very abnormal in that area and the labour costs had increased for various reasons, of which the House is fully aware. Even this increase in price was not found sufficient because the basis on which the tenders had been made by the collieries and the basis on which the contracts had been made was completely upset by the large increase in prices that took place in Bengal and Bihar. At a later stage therefore we agreed to give a small increase in the price of coal based on the increased cost of rice that had to be purchased by the collieries for feeding their labour. So far as the Railways are concerned, these are briefly the reasons which are responsible for increase in price. Labour, of course, became more expensive for various reasons and also some cesses on being imposed by the Central Government which will affect the cost of coal in the next year. Until now, we have been making purchases of our coal on contracts by inviting tenders, but next year we expect that purchases will be

made at a standard price fixed under the orders of the Coal Commissioner. That is briefly the position as regards the prices of coal for the Railways.

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

"That a supplementary sum not exceeding Rs. 3,67,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance and Working of Ferry Steamers and Harbours'."

The motion was adopted.

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

Mr. Zahid Husain: Sir, I move:

"That a supplementary sum not exceeding Rs. 1,32,08,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of Traffic Department'."

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

"That a supplementary sum not exceeding Rs. 1,32,08,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of Traffic Department'."

Maulvi Muhammad Abdul Ghani: Sir, this demand consists of three items of expenditure. As will be seen from page 6 of Supplementary Demands for Grants, these three items are:

- (a) engagement of additional staff;
- (b) stationery, forms and tickets, due to rise in the price of paper and rates for printing; and
- (c) increased provision for wagon sheets and ropes, etc.

It is a very big item of expenditure and it amounts to Rs. 1,32 lakhs odd. We had expected that sufficient clarification will be given so that we may know what is the amount under each of the three heads. I hope the Honourable Member will enlighten us on the amount of expenditure incurred on these different items.

The second point that I wish to bring to the notice of the Honourable Member is that additional staff had been appointed and I am given to understand that the Railway Board has failed in their duty to enforce the communal proportion under the Home Department Resolution on the various Railway Administrations. If I am wrong, the Honourable Member will correct me. What I want to know is whether the Muslims have been given adequate representation in the additional appointments?

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Sir, there are one or two small points which I wish to raise in connection with this supplementary demand. This and other supplementary demands are all accompanied by an intimation that part of the proposed expenditure is for the dearness allowance so that it may disarm all opposition. My criticism does not relate to dearness allowance at all.

I have two points; one of them is about the engagement of the additional staff. I have often heard—and I state this for the information of the Railway Board for what it is worth—that the innumerable warrants for the military which are to be exchanged for tickets at the Railway Stations are often not exchanged on account of the rush and the result is that unless they are so exchanged the Railway Board does not get the money for them. In this way, quite a large amount of railway revenue is lost and the military travel free. The result is that while, on the one hand, the railway revenues suffer, the military expenditure, on the other hand, appears to be less. I do not know how far this evil has been known to the Railway Board, but many of the railway staff have complained to me that because they are working under heavy pressure, they cannot always check the military tickets. My knowledge of it is through the railway staff, and I can only ask the Railway Board to look into this matter and see whether this complaint is real.

The second point is that the staff engaged is not always polite or attentive. I dissociate myself from the general outcry against railwaymen. They are generally far more honest than most people give them credit for. But my point

[Mr. Jamnadas M. Mehta.]

is about an occasional lapse from the attention and civility which they are bound to give to the passengers. And the attitude of the Railway Administration, when such cases come to their knowledge, is to punish the smaller fry and to screen the bigger fry.

I will give you only one case out of several that I know of. It is a case of inattention to three first class passengers between Ahmedabad and Abu Road and it happened some time ago. The passengers had asked for their meal at a station called Mehsana. Not only the meals did not arrive at Mehsana but right up to Abu Road, which was reached after more than 2 hours, there were no meals forthcoming and the train was so long that the first class passengers were far away from the platform even to shout for their meals.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is discussing the general grievances of the railway passengers.

Mr. Jamnadas M. Mehta: I am not ventilating the general grievances, but I am only trying to show that the staff, which they want to appoint, is not efficient and is not polite. I am concentrating on that. What happened was that the first class passengers shouted for the guard and said that they had no water and no meals. They ultimately sent one of them to the guard and the other two kept on shouting. The guard did not care to listen to them as he was changing at that place. Another guard took his place but he also did not care for them. This was brought to the notice of the B.B. and C.I. administration but they went on defending the guard although the passengers were unanimous in saying that the guard was to blame. After apologising for the inconvenience, they have kept a very discreet silence, which is objectionable to my mind. But what they did was to punish the poor caterer, while the real culprit was the guard. These things, I am bringing to the knowledge of the Railway Board

12 Noon. because in these days when trains are heavily loaded with passengers, and the carriages are far away from the platform the passengers are put to a lot of difficulties. If they want this additional expenditure, the Railway Board should at least issue strict instructions that the guards and other railway officials will be as attentive as possible and, secondly, when guilt is brought home, they will not punish the poor smaller fry, but will take proper care that even more senior employees are brought to book for their inattention.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, as this is the place to ventilate our grievances, I might mention the inconveniences that we find while travelling about, the insufficiency of staff on the Grand Trunk Express which was described by my Honourable friend, Sir Frederick James, as neither 'Grand', nor 'Trunk' nor 'Express'. Sir, it is really true that one of the chief complaints is that the train is very long, so long that a number of carriages are left on either side of the platform. The first and second class passengers generally order food, and they do not know where to go. Even the caterer's carriage is far away, and by the time you reach there to order, the train begins to start. Not only myself but a number of others have noticed the insufficiency of the staff, and a number of army officers also have very severely complained against it. I hope something will be done to relieve the poor passengers of their difficulties, either the platform should be extended at particular stations or the trains should stop for longer intervals at important stations and there should be more men in charge of the train to receive orders about meals at the stations.

Mr. E. L. C. Gwilt (Bombay: European): Sir, as a point of civility has been raised, there is one remark I would make. I think many of us must have been impressed by the almost "incredible" civility on the part of railway employees, subjected as they are frequently to a great deal of incivility on the part of passengers, and working under the greatest difficulties these days. I feel, Sir, it is right that another point of view should be given expression to.

Mr. Lalchand Navalrai: Sir, I do not find any civility on the part of railway officials which the Honourable Member, Mr. Gwilt, just now referred to. On the contrary, the point is that the trains are very long, and the services do not reach all the passengers, and the guards and other people who are in charge of the trains do not care to help the passengers. I will give you one instance of my own. As the train in which I was travelling was very long and the carriage was far away, I asked one of the conductors just to say if there was any man of Spencers attending on the train. That conductor curtly replied, "it is not my business". I asked him whose business it was then. He said, "go and ask anybody whose business it is." When I showed him my card he came to know that I was such and such a man, then he came round and said "Yes, Sir, it is my duty, and I am just going to comply with what you want". But by that time the train steamed out of the platform.

The Honourable Sir Edward Benthall: Sir, with regard to the first speaker, Maulvi Muhammad Abdul Ghani, I am afraid he has not read the footnote to the supplementary demand, which points out that "additional provision has been found necessary on practically all railways for dearness allowance, compensation for goods lost or damaged . . . etc". The Honourable Member referred only to the cases of (a), (b) and (c) which are cases applicable to certain railways and are relatively of minor importance. The biggest item is appropriately dearness allowance.

The question raised by other Honourable Members is really two-fold, insufficiency of staff and a certain incivility.

Mr. Lalchand Navalrai: Also the length of trains.

The Honourable Sir Edward Benthall: My answer to the first question is that everybody is aware that the demand on the railways is much greater than the supply, more passengers have to be catered for in the limited space of the platform and it is physically impossible to give the same attention to all the passengers as it was when there was a lesser number of passengers travelling. Similarly as regards food arrangements, it is a matter of extreme difficulty to feed all the passengers at a particular moment. I may say that those conditions are not peculiar to this country. Anybody travelling in the United Kingdom at the present time will be aware that exactly the same conditions prevail there also and there also it is equally difficult to get food at all when one wants to. On the question of civility, I think that on the whole, in view of the extraordinary conditions in which the railway running staff are placed, they are coping with the situation today extremely well and I entirely agree with my Honourable friend, Mr. Gwilt, that they deserve commendation on the whole rather than blame. On occasions, of course, as is human nature, one or two of the members of the railway staff are perhaps apt to lose their temper, and a higher standard of civility is demanded of Government servants than of the passengers. I think it is rather too much, however, to expect that railway servants, like Honourable Members sitting on the Front Bench, should be civil at all times whatever be the nature of incivility on the part of passengers.

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

"That a supplementary sum not exceeding Rs. 1,32,08,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of Traffic Department'."

The motion was adopted.

DEMAND No. 6-F.—WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENT.

Mr. Zahid Hussain: Sir, I move:

"That a supplementary sum not exceeding Rs. 32,88,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of General Department'."

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

"That a supplementary sum not exceeding Rs. 32,88,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of General Department'."

Maulvi Muhammad Abdul Ghani: Sir, this big item of expenditure of Rs. 32,88,000 consists of three items of expenditure.

The Honourable Sir Edward Benthall: No, Sir. If I may again draw the Honourable Member's attention, it consists of items mentioned at the head of the foot-note in addition to three items mentioned down below.

Maulvi Muhammad Abdul Ghani: I was saying, Sir, that this big amount consists of three items of expenditure and perhaps some thing more as has been explained already by the Honourable Member for War Transport. I see that one of the items of expenditure mentioned here is contribution towards the cost of order police. I say that this is a kind of expenditure which is really a waste of money because the police on these railways are of no use at all these days. The whole of the railway administration, so to speak, is paralysed in giving help to civilian passengers in the face of military, the soldiers and the recruits. No station staff ventures to help the passengers against these military people, nor is the police of any greater help to passengers against the military. Therefore, this item of expenditure should not be here. They should be charged to the Defence Department because this expenditure serves no useful purpose to the travelling public. I, therefore, oppose this motion.

Sardar Sant Singh (West Punjab: Sikh): Sir, I take this opportunity of bringing to the notice of the Honourable the Railway Member a very tragic state of affairs that has been reported to me with regard to the insecurity of travel on a certain portion of the North Western Railway, and I hope he will look into the matter immediately. I have just received a letter from Mianwali district to the effect that near the Kundian railway station 25 to 30 desperate characters generally get into the trains with fatal weapons and assault and rob the passengers, and the railway police and the staff are unable to render any help. The names of these desperate characters with their places of residence are also mentioned.

Mr. President (The Honourable Sir Abdur Rahim): This is hardly relevant to the motion.

Sardar Sant Singh: The motion relates to the contribution to the cost of additional police. The names are given, namely, the ringleader is Mir Abdullah Khan of village Meed in Mianwali district.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot read all that. The time for all this was the general discussion when it would be relevant for the Honourable Member to bring to the notice of the railway authorities and of Government the hardships of the travelling public. But it is not relevant now.

Sardar Sant Singh: Very well, Sir. Then I will draw the Honourable Member's attention generally to the fact that there is insecurity in this part of the North Western Railway line which has been troubling the people there tremendously. I hope the additional staff to be employed will be posted there so that order and security may be restored and ticketless travel restricted, if not entirely eliminated.

Mr. Lalchand Navalrai: Sir, I want some information with regard to these items. The first item is "contribution towards the cost of order police". I want to know whether "order police" means the police who keep order or orderly police. If it is to keep order, I must say that the police itself makes disorder; and when policemen are asked for help and protection they are indifferent because they are not under the control of the railway officials who are defied by the police. There have been many cases like that. Then, we are also told that the additional police is needed to protect railway property "under conditions created by the war". I want to know if greater protection is required for railway property on account of the war, and whether property is stolen on account of the war. If it is stolen it must be by the military people, and care should be taken

about it. I do not understand why on account of the war any further protection is needed for safeguarding railway property.

The Honourable Sir Edward Benthall: Sir, I should perhaps explain that there are two kinds of police, crime police and order police. The order police are maintained at the stations for the purpose of keeping order, and in most cases a contribution is made by the railways to the Provincial Government for paying for these men.

In this case the House again speaks with a divided voice. I understood an earlier speaker to say that he wanted the order police to be abolished; but if Honourable Members will turn to the proceedings of the Central Advisory Council, if my memory serves me right, I think they will find a strong recommendation that the order police on the railway stations should be very largely increased. In the case of my Honourable friend, Sardar Sant Singh, it is a case for the crime police and is a matter for the Provincial Government.

As regards the last point as to why additional police are necessary for the protection of railway property under the conditions created by the war, the answer is that under the conditions created by the war there are more thefts. My Honourable friend himself has pointed out that this was so in Sind. The people, particularly in that part of the country, seem to have been more addicted to thefts during the war, and the value of the property on the railways has increased. Therefore, it is necessary to take additional precautions for the safety of Government property in case of theft.

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

"That a supplementary sum not exceeding Rs. 32,88,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of General Department'."

The motion was adopted.

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

Mr. Zahid Husain: Sir, I move:

"That a supplementary sum not exceeding Rs. 8,35,95,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Miscellaneous Expenses'."

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

"That a supplementary sum not exceeding Rs. 8,35,95,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

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

Mr. Zahid Husain: Sir, I move:

"That a supplementary sum not exceeding Rs. 19,98,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of Electrical Department'."

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

"That a supplementary sum not exceeding Rs. 19,98,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of Electrical Department'."

Sir F. E. James: Sir, may I ask a question? Is there a programme for the renewal of electric lamps? What prospect is there of obtaining supplies for the railways through lease-lend or in any other way? I also hope he will reassure us that the use of castor oil referred to in (b) has no sinister significance!

The Honourable Sir Edward Benthall: Sir, with regard to the second point I can give that assurance. With regard to the first point, I am afraid, I have not got the figures of the number of electric lamps and bulbs on order, but they run into a very large number. We are getting them both from the U.S.A. and also from the United Kingdom, in addition to placing large orders for local manufacture. The shortage is entirely due to failure to get delivery of those on order. In order to try and rectify the position as soon as possible, I understand that certain quantities are being flown out, if it is possible to do so.

Sir Muhammad Yamin Khan: The supplementary demand should be Honourable Member see that bulbs which are imported for the railways have the word "Railways" on them so that they may not be stolen and sold outside?

The Honourable Sir Edward Benthall: I will give the most careful consideration to the Honourable Member's suggestion.

Mr. Ananga Mohan Dam (Surma Valley *cum* Shillong: Non-Muhammadan): Sir, I wish to draw the Honourable Member's attention to the fact that in the Assam Bengal zone of the Bengal and Assam Railway there are absolutely no lights in any of the compartments or bath rooms. If this black-out is for safety purposes, I may say that the engine has a head-light. So it is not for safety. I wish to bring to notice the inconvenience suffered by passengers on this account in that zone.

The Honourable Sir Edward Benthall: Sir, I have already in a previous debate expressed sympathy with my Honourable friend's darkness in Assam! Whether it is due to military precautions or to the prevailing shortage of electric lights I do not know. If it is due to military precautions, it is perhaps better to suffer the inconvenience of darkness rather than the inconvenience of having a bomb dropped on the train. I will however, as I have said before, enquire into the matter, with special reference, of course, to the B. and A. Railway.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): My Honourable friend says that when it is for military precautions then the people should agree to suffer. But there might be very dim light which will not be seen from outside; that could be arranged. The compartments should not be completely dark, because that will mean a very great deal of inconvenience to passengers.

The Honourable Sir Edward Benthall: My recollection is that when I was travelling in those parts, those were the conditions which did prevail.

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

"That a supplementary sum not exceeding Rs. 19,98,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of Electrical Department'."

The motion was adopted.

DEMAND No. 7.—APPROPRIATION TO DEPRECIATION FUND.

Mr. Zahid Husain: Sir, I move:

"That a supplementary sum not exceeding Rs. 4,03,32,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Appropriation to Depreciation Fund'."

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

"That a supplementary sum not exceeding Rs. 4,03,32,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Appropriation to Depreciation Fund'."

Mr. Jamnadas M. Mehta: Sir, I have three serious objections to this demand being granted. First of all, it is that it is entirely unauthorized, against the Convention, and until the Assembly passes a Resolution by a specific motion in this House, this is *ultra vires* and unconstitutional. My second point is that it is excessive. (Interruption.) I am not raising a point of order. I am making a submission. If the Honourable the President rules it out of order, nobody will be more pleased than myself.

Mr. President (The Honourable Sir Abdur Rahim): Was not that objection taken and considered during the discussion of the budget?

Mr. Jamnadas M. Mehta: I did raise this point, but. . .

Mr. President (The Honourable Sir Abdur Rahim): It is a question of general policy.

Mr. Jamnadas M. Mehta: This is for the current year and, therefore, it did not come up for voting during the railway budget.

Mr. President (The Honourable Sir Abdur Rahim): But the policy was discussed.

Mr. Jamnadas M. Mehta: Not even the policy. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can mention his points, but we cannot have a full length debate on a subject like that in dealing with supplementary demands.

Mr. Jamnadas M. Mehta: I am saying that under the Convention of 1924 the Assembly authorized certain allocations to the Depreciation Fund. If any change in the system is to be made, it should have been done by first bringing it as a regular motion before this House. That has not been done. This Assembly does not know why this demand is necessary. No arguments are given and we are referred to the fact that the Railway Standing Finance Committee has accepted and the Convention Committee has recommended. I submit that the Convention Committee was not authorized to make any such recommendation at all. Therefore, until the Railway Board produces a definite Resolution of this House this demand is absolutely illegal.

My second point is that it is in excess of requirements. We do not know why these four crores are taken again away from the railway revenues, which means higher rates and fares and also lower wages to the workers. If this four crores was not thus diverted, it would have been possible for the Railway Board to grant some more dearness allowance to its employees. But they take away railway revenues under one guise or another and deprive the poor worker of adequate maintenance. Between the maintenance of the railway worker and a supposedly required provision for the Depreciation Fund, I think the preference should be given to the poor.

My third point is that Government should finally accept that they will never bring anything before this House which has not been authorized on principle by the Assembly itself. This is bringing a surprise on the House without any authority and is, therefore, also illegal.

Sir F. E. James: Sir, as a Member of the Convention Committee, of which my Honourable friend is also a member, I am bound to say that I find his three reasons for opposing this motion entirely unconvincing. His first point is that this is an unauthorized demand. He suggested that there can be no change in the system of the 1924 Convention until this House has considered that Convention and has agreed to a change. My point is that this is not a change in the system. This is merely an additional allocation which the Convention Committee found justified during the stressful years of the war. The Convention Committee's *interim* report first of all suggested that there should be no reduction in the amount of the appropriation to the Depreciation Fund calculated on the basis of 1/60th of the capital at charge. But it went on to say that it very much doubted whether during the war this was enough owing to the excessive wear and tear occasioned by the strain on the railways and, therefore, it requested certain investigations to be made as to the extent to which that excessive wear and tear should be compensated for by additional appropriation as an emergency measure. This is the result of that investigation and of the Committee's recommendation on the information made available to it, and, therefore, cannot be regarded as being a change in the system to which this House gave its approval in 1924.

Dr. P. N. Banerjee: But the House should have an opportunity of discussing it.

Sir F. E. James: The House has this opportunity now.

Dr. P. N. Banerjee: No. A supplementary demand for grant does not offer the proper opportunity.

Sir F. E. James: It is perfectly open to this House to say that it does not wish this additional appropriation to be made, but I do not think it is just to suggest that this in itself constitutes a change in the system of the Convention of 1924.

Then, my Honourable friend suggested, in the second place, that this appropriation was actually in excess of requirements. On that, of course, there can be difference of opinion, but certainly on the information which was made available to the Committee at its last meeting, this is in no wise in excess of the requirements of the case. We did agree on the information which was made

[Sir F. E. James.]

available to us though some of us may have strong doubts as to whether this is in fact, sufficient for the requirements of the railways. But I am quite willing to admit that between my Honourable friend Mr. Jamnadas Mehta and myself there may be, on this point, a legitimate difference of opinion.

The other proposition he made was that nothing should be brought before this House which had not been authorised by this House first. I think that is a very strange constitutional proposition. The Government of India surely are able to bring propositions before this House for their approval before this House has actually approved those propositions. My Honourable friend's suggestion would bring the relationship between the Government of India and the Legislature into a strange complication, which I cannot believe for one moment he himself really means; certainly not if he were, as I hope he will be one day, a Member of the Government of India.

Therefore, Sir, I support this demand, which is recommended by the Convention Committee and by the Standing Finance Committee for Railways, which is a accredited and representative Committee of this House, and I very much hope the House will accept it.

Dr. P. N. Banerjee: Sir, I am sorry I cannot agree with my Honourable friend, Sir Frederick James, when he says that the recommendation of the Convention Committee should be given effect to by the Government without placing that recommendation before this House.

Sir F. E. James: May I interrupt my Honourable friend. I did not really say that. If I said it I did not intend to say it. I said the House was perfectly entitled to express their views on this demand. My point was that this demand in itself was not a major alteration in the system of the Convention of 1924.

Dr. P. N. Banerjee: Sir, even in the modified form in which my Honourable friend places this question before us, I think it is open to serious objection. He says that in a minor matter like this the Convention Committee was entitled to make, and the Government was entitled to give effect to, that recommendation before it was discussed in this House. Now, Sir, where should we draw the line between major and minor principles. A principle, if it is a good one, should be given effect to whether it involves a large sum of money or a small sum of money. If we look at the amount, Rs. 4 crores is not a small sum of money. May I ask my Honourable friend, the War Transport Member, why it was not possible for him to place the *interim* report of the Convention Committee before this House for discussion and acceptance. This could easily have been done so as to avoid these recriminating statements before this House. Sir, I am one of those who think that the Depreciation Fund is an important fund and proper provision should be made for this purpose, otherwise the railways would go to rack and ruin in no time. But the amount which is necessary, and which is not beyond the capacity of the public to pay should be fully ascertained, and this House must express itself on the proper amount that should be sanctioned. As the Convention of 1924 was sanctioned by this House, I think any alteration in the Convention should receive the sanction of this House also. As this has not been done so far, I hope the Honourable the War Transport Member will take the earliest opportunity to place the altered Convention before this House.

With these words, Sir, I would suggest that the supplementary demand may be accepted for the present if an assurance is given by the Honourable the War Transport Member that the Assembly will have an opportunity of discussing the matter at an early date.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): I think Sir, we have got rather tied up in knots on this question. The Honourable House will remember that Government through the Transport Member brought a Resolution before this House with regard to the Convention of 1924. The Resolution he proposed was that the allocation between the general revenues and the reserves in the Railway Department should be changed due to war conditions and the change should be decided from year to year until the Convention was studied and amended. The House passed that Resolution. Then

there was a considerable amount of criticism in this House and it was suggested that a Committee should be appointed to study the Convention and to report upon these allocations to this Honourable House. The Committee has met on more than one occasion. I cannot remember the number of times we met. So far as I can remember we signed one *interim* report. I do not remember that report having been presented to this Honourable House.

Sir Muhammad Yamin Khan: Yes, it has been.

The Honourable Sir Edward Benthall: It was laid on the table of the House.

Sir Cowasjee Jehangir: Well, that report was evidently laid on the table of the House. Since then we had to discuss the allocation for the year under consideration and so far as I am concerned, my opinion was that this is not sufficient. I would have liked to see this Rs. 4 crores increased—and I am not going to go into the reasons why I desire that this Rs. 4 crores should be increased; it may not be quite appropriate—but I can assure the House that I am personally strongly of the opinion that our reserves are by no means what they ought to be considering the position in which we are due to war conditions.

A great deal of the part of the speech of the Honourable the Transport Member in moving the Budget dealt with this important question and I had occasion to point out what I considered was an inconsistency in that Budget speech. That inconsistency related to this very question. Now, the Honourable House does not perhaps realise that the less you put into reserves the more will have to be taken to general revenues. You take more to general revenues and thereby weaken the financial position of the railways (interruption), because there must be a division of the surplus between general revenues and railway reserves. What was the 1924 Convention? I have not got it here—but it provided that interest should be first provided for, depreciation should be provided for, reserve should be provided for; and then the surplus should be divided between the reserves and the general revenues by a certain method.

Mr. Jamnadas M. Mehta: That is not the Convention

Sir Cowasjee Jehangir: I could have brought the Convention

Mr. Jamnadas M. Mehta: It said one per cent.

Sir Cowasjee Jehangir: That is the Convention—in certain proportions.

Mr. Jamnadas M. Mehta: No; one per cent.—no proportion; the proportion comes later.

Sir Cowasjee Jehangir: A certain portion of the surplus should

Mr. Jamnadas M. Mehta: No, no.

Sir Cowasjee Jehangir: If the Honourable Member will allow me to go on

Mr. Jamnadas M. Mehta: Go on, if you like; but you are wrong.

Sir Cowasjee Jehangir: I am perfectly right; a certain proportion should go to the general revenues; and after that, if the surplus is still higher, the proportion should be changed. By that Resolution that was brought before this Honourable House, it was intended to change that proportion. We considered in the committee that the proportion suggested by Government was not fair to the railways and that even more than 4 crores should be set aside for reserve. There may be a difference of opinion

Dr. P. N. Banerjea: But it is for the House to express an opinion.

Sir Cowasjee Jehangir: You are getting the chance now.

Dr. P. N. Banerjea: No, no; this is not the proper occasion.

Sir Cowasjee Jehangir: My point in short is this: that there is not the slightest doubt that large sums of money will have to be spent on the rehabilitation of the railways after the war. If you have not got sufficient reserves or a depreciation fund, then you will have to do it out of loans; and if you do it out of loans, which you will have to do, you will weaken the financial position of the railways as you did after the last war.

Dr. P. N. Banerjea: That is so, I agree.

Sir Cowasjee Jehangir: But if you do it at the proper time, which is now, there may be fewer chances of your having to raise loans on the security of

[Sir Cowasjee Jehangir.]
 the railways. The difference is this: that instead of Government raising loans, you will make the railways raise loans for rehabilitation when the railways are making good money in the words of the Honourable Member. Which would you rather do? Would you rather that the railways raise loans for rehabilitation due to having taken more monies to general revenues than is justified when profits are being made, or will you take what is fair and just to reserves when profits are being made and thereby relieve the railways of having to raise loans for that purpose after the war? Actually, the Finance Member will contend that it is his business to see that as few loans are raised by him as he possibly can arrange, and he will naturally try to take more to general revenues than even may be justified; but after all he has to keep an eye on the finances of this Government, including railways; and therefore, I contend that it is in the interests both of the Finance Member and the Transport Member that a fair allocation should be made. I consider this 4 crores may be on the side, not of safety, but it may be a little less than is justified, but that 4 crores should be accepted by this House, if not increased, because I have not the slightest doubt in my mind that these 4 crores should be set aside and that general revenues should get so much less

Mr. Jamnadas M. Mehta: After the Assembly's sanction.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): We have doubts in our mind.

Sir Cowasjee Jehangir: There can be a difference of opinion. Therefore I would suggest, leaving aside the question of the method of bringing it up before this House, if you are to argue on that point of view, then perhaps there may be some reason to say that an *ad interim* report ought to have been presented to this House for consideration. (Interruption.) If that is the only contention, then I am not going to quarrel with my Honourable friend behind me; but when he goes to argue on merits and says that 4 crores is too much or should not be allowed by this Honourable House, I have a bone to pick with him. I would therefore suggest that under the present conditions this grant be allowed without further hesitation.

Sir Muhammad Yamin Khan: Sir, I quite agree with my Honourable friend, Sir Cowasjee Jehangir; I was of the same opinion as he was that these 4 crores may not be quite sufficient for the requirements of the railways after the war. At present the railways are put to such a great strain, that the wear and tear is so abnormal, that if the war goes on for another two or three years and if we do not change many of these things, then we will have to spend a large amount after the war for changing locomotives, the railway lines and many other essential things. After what we have seen in the Convention Committee and the report from the Railway Board which we asked to go into this question thoroughly, we find that the amount in the reserve and depreciation funds is not quite sufficient to meet the requirements after the war. At one time it was suggested that we might exhaust the whole amount in 1951. Of course, this matter is under consideration and is being examined by certain officials and the railway Convention Committee has not come to any definite conclusion on this point, whether the whole of the amount in the reserve and depreciation funds will be exhausted in 1951 or not.

Dr. P. N. Banerjee: The interim report should have been discussed here.

Sir Muhammad Yamin Khan: This is not in the interim report, this was done after the interim report, and that is why interim report was presented and no final report because certain matters were left for investigation which are being investigated at present. Unless and until we know the result of those investigations we cannot say one way or the other. But if the position comes to this that by 1951 we shall not have any amount in the fund and we shall have spent the whole of our depreciation fund, the situation is very, very critical. When the Convention Committee voted these 4 crores we took a very, very conservative view, and I for one was of this opinion—and I still hold the same—that these 4 crores are not sufficient. If we take the seriousness of the position which is facing us,—if it is true that we shall require so much money

by 1951, then I think these four crores extra are too small for our requirements. Our locomotives which would have run their normal life up to a certain period after this war, are working at such a strain that they will be absolutely useless within two or three years. If they are normally to do 100 miles a day, they are now doing 200 miles a day, and they are not going into repair shops as they ought to have done. When we have got a surplus, when the railways are making great profits, not to consider the whole future would not have been very wise, and the safest policy was to keep as much as we could in the depreciation fund and the reserve fund. We have been doing that, and the Railway Convention Committee alone is not responsible for this amount which you find here. It is the Standing Finance Committee for Railways which has also endorsed it. Of course, some of our Members sat in both the committees but in each committee they examined the matter purely from the angle that pertained to it. Their position was different while sitting on one committee, from that which they held when they sat on another committee, because they had to discuss the whole financial position in the Standing Finance Committee, and that committee approved of this amount which was recommended by the Railway Convention Committee. This House has not been taken by surprise. This amount which we find as a supplementary grant is only for the current year, but this House has also adopted this amount for the coming year. (*An Honourable Member*: "Without discussion.") May be without discussion, but the House has voted four crores for the coming year. After the House has approved of four crores for the coming year, there is not justification for not voting for the current year also. The vote of the House is already here, so the House has not been taken by surprise in this matter. I think there is ample justification. I would rather have liked that the interim report which has been submitted had been discussed in this House. I would like it to be discussed, but it would not have been proper for me or appropriate for me who had been a member of the Convention Committee, to say that our report should be discussed here. That was laid on the table of the House and I thought that some Honourable Member who did not agree with its view would raise the question here and have it discussed in this House. I shall only be too glad if it is discussed here because I think that the interim report is based on sound principles, that it will get the sanction of the House and it will no longer remain a mere report of the Convention Committee, but it will be a report practically unanimously adopted by this House.

Dr. P. N. Banerjea: That is all the greater reason.

Sir Muhammad Yamin Khan: But for the present I do not think there is any difficulty and I do not think that there is much in not supporting the present supplementary demand.

Dr. P. N. Banerjea: I also supported it.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Will the accepted because we have accepted the demand for the coming year. With these observations I support the motion.

Mr. N. M. Joshi (Nominated Non-Official): During the general discussion I had made a complaint that the Government of India is denying adequate opportunities which this Legislature should have of discussing the railway finance and thus maintaining control over the Indian railways. I had complained then that the Government of India did not follow the recommendation of the Committee of the Legislature which laid down the basis of the convention which we are following. That committee had recommended that not less than six days should be allotted for the discussion of the railway budget. The House has also been following the practice of discussing by a specific resolution any departure from the terms of the convention which have been laid down. I, therefore, feel that it was not enough that the demand for the appropriation for the depreciation fund, should have been placed among the other demands. A specific resolution should have been brought forward. My Honourable friend, **Sir Muhammad Yamin Khan**, said that we have also adopted the demand. It is true because the Government of India denied us the opportunity of discussing the subject on a separate resolution.

Dr. P. N. Banerjee: That is my point.

Mr. N. M. Joshi: We want, by discussing this subject, to tell the Government that it is a wrong thing which they did. Therefore, we are entitled to discuss this question on this supplementary demand. On the merits of the question, I have heard from Sir Cowasjee Jehangir and Sir Frederick James their great anxiety for having a sufficient reserve for making good the wear and tear of the railway property. I am not against railway property being kept in a good condition, but I am equally anxious and I would like the House to be equally anxious to keep the human element which is necessary for running the railways, in a good and efficient condition. If there is wear and tear to your property—and I agree that we should make provision for keeping the property in a good condition,—I maintain that we should take greater care for keeping the human element in a good and efficient condition and see that the wear and tear is made good. I agree that on account of war there is greater wear and tear of the property. The War Transport Member himself has paid a compliment to the human element which is running our Indian railways, and I have no doubt that he will agree with me that there is greater wear and tear of the human element; of the human strength, and therefore there is great need for a special fund, a larger fund to be kept in our reserves for the welfare of the railway employees. I feel that the Government of India should create a separate depreciation fund, I would call it a labour welfare fund.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not in order in discussing that question. I have been trying to follow him in his very ingenious attempt to bring in that subject, but it is not in order.

Mr. N. M. Joshi: I am not speaking at length on it, I am only . . .

Mr. President (The Honourable Sir Abdur Rahim): I rule that the Honourable Member cannot go into that subject at all now.

Mr. N. M. Joshi: I am not going into that matter now. I am only suggesting that this sum of four crores of rupees should be kept as a sort of reserve for labour welfare fund.

The Honourable Sir Edward Benthall: Several Honourable Members have given a detailed and I think, on the whole, accurate description of what happened on the Convention Committee and I need not cover that ground again. I must, however, refer to Dr. Banerjee's leading remark that any alterations to the Convention should be placed before the House. Well, Sir, it was the House itself which altered the Convention last year and as a result of the discussions that took place then, we set up a special committee. It was a special committee superseding the Standing Finance Committee and the Central Advisory Council for Railways. At the request of the House, we set up this special committee to examine questions arising out of the Resolution which the House had passed. That Committee duly issued an *interim* report and that *interim* report was laid on the table of the House. Generally speaking, I think I am correct in saying, without having refreshed my memory by looking up the matter, that a very representative committee of the House endorsed the policy which the Government recommended and the policy which the House itself adopted last year except in one respect and that was in the case of the depreciation fund. It was not a question of principle there but the question of the adequacy of the allocation to the fund and after examining the position with some care, they said that the depreciation fund should be examined under two heads—a special depreciation allocation to be set aside to deal with the conditions arising out of the war and the long term, if I might call it, depreciation policy. As regards the former, it called for further information. That information was placed before it and the Committee recommended that an additional allocation of about 8 crores be set aside to meet the special conditions arising out of the war. That recommendation of this Committee the Government decided to accept. Incidentally, the recommendations were also placed before a committee of the House, the Standing Finance Committee, who also examined it and recommended acceptance. The other question still remains—what is to be done with regard to the depreciation fund of the future. That is still under investigation and the Committee has not yet issued any final report

on that. Further information has to be collected and the matter has to be discussed. Since no question of principle has arisen since the House last settled what the policy should be, I suggest that the proper time for the consideration of this Convention Committee's report is when the Committee makes its final report and its recommendations in regard to the depreciation fund. In the meantime, as two committees of the House have considered this matter and both committees have recommended that this additional appropriation to depreciation fund—four crores of rupees—should be made and, as Sir Muhammad Yamin Khan has pointed out, since the House has also agreed to it for the forthcoming budget year, I suggest that the House do now pass this demand and give its sanction for the current year.

Sir Muhammad Yamin Khan: May I ask the Honourable Member one thing? Under the Convention which had been adopted last year, it was given out in the Resolution that the decision was made for the budget year 1943-44 and it is laid down that it will be revised each year and laid before the House and that will be adopted. When does the Honourable Member propose to bring this motion before this House? What is going to be the division between the surplus and the depreciation and the General Revenues for the Budget year?

The Honourable Sir Edward Benthall: I should require notice of that question which does not arise out of this particular demand.

Sir Muhammad Yamin Khan: This is the Honourable Member's own Resolution, that each year he will bring this question before the House for settlement. When is he going to bring it?

The Honourable Sir Edward Benthall: I should require notice of that question because it does not arise strictly under this supplementary demand.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 4,03,32,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Appropriation to Depreciation Fund'." The motion was adopted.

DEMAND NO. 8.—INTEREST CHARGES.

Mr. Zahid Husain: Sir, I move:

"That a supplementary sum not exceeding Rs. 85,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Interest Charges'."

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

"That a supplementary sum not exceeding Rs. 85,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Interest Charges'."

The motion was adopted.

DEMAND NO. 10.—APPROPRIATION TO RESERVE.

Mr. Zahid Husain: Sir, I move:

"That a supplementary sum not exceeding Rs. 2,55,91,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Appropriation to Reserve'."

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

"That a supplementary sum not exceeding Rs. 2,55,91,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Appropriation to Reserve'."

The motion was adopted.

DEMAND NO. 12.—OPEN LINE WORKS.

Mr. Zahid Husain: Sir, I move:

"That a supplementary sum not exceeding Rs. 1,85,82,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Open Line Works'."

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

"That a supplementary sum not exceeding Rs. 1,85,82,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Open Line Works'."

The motion was adopted.

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

Mr. Govind V. Deshmukh: Sir, may I move my adjournment motion after the lunch interval?

Mr. President (The Honourable Sir Abdur Rahim): If it suits the House better, it can be moved after the lunch interval. Will it suit the House better if the motion is moved after the lunch interval?

Honourable Members: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Very well; the House stands adjourned till half-past two.

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

The Assembly reassembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

MOTION FOR ADJOURNMENT.

ORDER PREVENTING RAILWAY TRAVEL FOR ATTENDING THE ALL-INDIA KISAN CONFERENCE AT BEZWADA.

Mr. Govind V. Deshmukh: Sir, I move:

"That the Assembly do now adjourn."

The subject matter of this motion is an order directing that persons proposing to travel to stations on the Madras and Southern Mahratta Railway within 30 miles of Bezwada shall not be carried on that railway between the 10th and 20th March, 1944, both days inclusive, unless the railway administration is satisfied that they are proceeding to their destination otherwise than for attending the 8th annual session of the All-India Kisan Conference at Bezwada. It is evident that the object of this order is to prevent persons from attending this agricultural conference of All-India Kisans. This is one of the illustrations of how a Government which is being run under section 93 of the Government of India Act usurps powers which do not legitimately belong to it, and how the Defence of India Rules can be misused and abused. It therefore throws a heavy responsibility on the Central Government to see that such Governments behave properly. This order clearly shows the stupidity of the Government which passed it. It is apparent to all that food situation cannot be handled properly unless there is co-operation from the public, principally the agriculturists. But this is not the best way to receive that co-operation for growing more food, if you create discontent among them when they wish to hold this conference to discuss matters which are legitimate and which will ultimately benefit the country. Every one in the country is anxious about growing more food and supplying food for the deficit provinces from the surplus provinces. In a matter like this it is very necessary that the kisans should come together and discuss these all-India problems. I have been an agriculturist; I have presided over agriculturists' conferences. Before I came here for the November Session I presided over the C. P. and Berar Agriculturists' Conference where matters which I will shortly relate were discussed. I have presided over district agriculturists' conferences. It seems to me that my Government which is also run under section 93 is not so backward as the Madras Government and I was therefore able to hold these conferences. In these conferences we suggested some lines of action for Government to follow in the matter of growing more food, and in the matter of rural rationing, Government want food to be sent from surplus districts to deficit districts and from surplus provinces to deficit ones. We said that we do not wish any part of the country to starve; we do not wish to see the army abroad, composed of Indians, deprived of proper food. We have made some suggestions to find out whether a particular area is self-sufficient or not and what can and should be spared for the deficit provinces. We have also suggested means of distribution and fixing the prices; this is important in procurement operations and in requisitioning without bringing pressure to bear, directly or indirectly, on the agriculturists. We have also suggested how investments could be made by the agriculturists. If more food is to be grown we have suggested the stoppage of slaughter of cattle and means

for preserving the plough-cattle. We have made many other suggestions for growing more food. It is well known that the Indian agriculturists are heavily indebted; many have had to go to the debt conciliation boards and there have been awards against them and they had to pay instalments. If they have to invest some money compulsorily something should be done to see that their obligations are met. These are all problems which the agriculturists have to consider. They want to help you and save the country and the army. In a letter written to the Chief Secretary to the Government of Madras by the President of the Reception Committee of this Kisan Conference at Bezwada the objects of the conference are mentioned. One paragraph reads:

"It is well known that the policy of the Ryots' Association is to rally the peasants to grow more food to feed the people and the army, to work for the control of the foodstuffs and fight against the hoarders, to solve the food problem . . . Besides, the Ryots' Association have categorically declared themselves against sabotage activities and for the defence of the country against the Japs as its marauders. With this policy the Ryots' Association, under the guidance of the Provincial Ryots' Association, have been working in the Province and achieved many notable results on the grow-more-food campaign."

Now, Sir, a body which has so much to its credit, a body like that is prevented from holding a Conference of all India Kisans, a conference where persons from all over India could gather together to consider the problems affecting India as a whole, not those affecting a particular Province or a district, a conference where such all India problems as grow-more-food and distribution and other factors were to be considered, that conference is being prohibited by an order which I have read out to you. It is very curious that this order is passed under the Defence of India Rules. I have already said that this is one of the instances how the Defence of India Rules can be abused. This order was passed saying that this preventive action will be taken unless the railway administration is satisfied. It is the function of the railway administration which these ordinary administrators have usurped. How are they going to be satisfied? Virtually it means that all persons holding tickets for going to Bezwada will be detained and they will not be allowed to proceed. If a person is really honest, and if he wants to be honest and says 'I am going to Bezwada, to attend the conference', he will be prevented; but a person who does not wish to disclose his destination, but his main object is to attend the conference, such a person will be allowed to travel. How is the railway administration going to satisfy itself that each and every traveller that goes to Bezwada is going to attend the conference or not, with what machinery shall it satisfy itself? This order is very defective, and I say it is silly also. What is more. It is a suicidal order; this order is against their interest; it kills the very intentions and motives of the Government because I have shown that the principal motive of these persons who wish to hold the conference was to give an impetus to the grow-more-food campaign and to help the Government. That object is defeated by this order. Apart from this, this order is taking away an invaluable right of the ordinary citizens to come together and discuss a lawful matter which is to help the country. This is certainly a deprivation of the civil liberty of the citizens. The order has got to be looked at from all points of view. It is not merely that it affects the Government. As I have said, they are handicapped and they will be handicapped in their activities of grow-more-food campaign, and in their efforts to help the civilians or the army. It really deprives us of a valuable right to discuss matters which would be helpful to the country. From both points of view, I submit that this is a reprehensible order which deserves condemnation at the hands of this House, as severely as it possibly can do it, and I have no doubt that the House will support me in this motion.

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

"That the Assembly do now adjourn."

The Honourable Sir Edward Benthall: Sir, before the debate goes any further, I think it would be helpful if I try to clarify the position. The Honourable Member has stated that the order has been issued for the purposes which he described. As the Honourable the Home Member has already said, the Government have no knowledge of any such order having been issued, nor

[Sir Edward Benthall.]

have they issued one themselves. But if it has been issued, it must have been issued under Rule 85-B of the Defence of India Rules. This Rule says:

Section (1):

"The Central Government or the Provincial Government may by order require that any specified person or class of persons or persons proposing to travel to specified destinations shall not be carried on a railway."

Section (2) goes on to say:

"Notwithstanding anything to the contrary contained in the Indian Railways Act, 1890, a Railway Administration shall be bound to comply with any order made under clause (a), of sub-rule (1)."

It appears therefore from this that the Railway Department to whom my Honourable friend issued his notice of adjournment is only concerned with carrying into effect such an order as may have been given. It is clear from this that either the Central Government or the Provincial Government must have issued this order. I repeat that the Honourable the Home Member has stated that the Central Government did not issue this order. It means therefore that, if it has been issued at all, it must have been issued by the Provincial Government. I am not quite clear why it is that the Honourable the Mover is trying to censure the Central Government for something with which they are not concerned.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): Sir, I rise to a point of order. This adjournment motion was admitted by the Honourable the President with a clear and definite observation that the railways were a central subject and as such the motion was perfectly in order. The Honourable Member is now raising the question as to whether it is permissible for the House to censure the Railway Department.

Mr. Deputy President (Mr. Akhil Chandra Datta): I do not think that the Honourable Member for War Transport is raising the question of admissibility. He is arguing the merits, as I understand them.

The Honourable Sir Edward Benthall: I was merely trying to find out for what the Honourable the Mover was trying to censure the Central Government. I have already explained that the Railway Department is completely exonerated under sub-clause (2) of Rule 85B of the Defence of India Rules, under which the railways have to carry out such orders as are given to them.

Pandit Lakshmi Kanta Maitra: Very well, then let us censure the Home Department.

The Honourable Sir Edward Benthall: But the Honourable Member, Mr. Deshmukh issued notice of adjournment motion to myself.

Mr. Govind V. Deshmukh: I gave notice not only to the Railway Member but also to the Home Member as well, to both Members.

The Honourable Sir Edward Benthall: Then, Sir, I can sit down after a very few brief remarks, having completely exonerated this Department, and I must however draw the attention of my Honourable friend to the fact that the rest of his speech seems to be directed against the Department of Education, Health and Lands, because everything that he said for about five minutes was directed to the effect of this order on the "Grow More Food" campaign. Well, Sir, I have said enough to clarify the position and I hope it will be helpful to the House.

Mr. N. M. Joshi: When the Defence of India Act was passed in this House, Sir, I objected to the passing of that Act and voted against it. Knowing full well that it was very dangerous to give such wide powers to the governmental authorities in this country—whether this authority is Central or Provincial—I felt, Sir, that as all Governments do, they will use these powers not only for the ostensible object for which the Defence of India Act was passed but for another object, the other object being to make the administration easy by using the wide powers which the Defence of India Act gave to the Central Government and to the Provincial Governments. In my speech on that occasion, I also said that the wide powers will be used by the Government of India and by the Provincial Governments in order to put down the labour and Kisan movements which these

Governments do not generally like. I remember, when the Defence of India Act was passed, the first order under that Act was passed against the workers in the oil fields in Assam, and there are hundreds of instances of the Defence of India Rules being applied and used to put down the legitimate activities of these organisations of the Indian workers and of the masses. Sir, the order which we are discussing today is an instance of how the governmental authorities in this country are using the wide powers which the Defence of India Act has given to them to put down these organisations of workers and of Kisans. One can understand the Governments using these wide powers to put down activities which are likely to hamper the war effort—the Defence of India Act was ostensibly passed for that purpose—but the Act has been used not only for that purpose but also for hampering war efforts, which is an illegitimate object. Now, we are dealing with an organisation which is prevented from holding its meeting called the All-India Kisan Sabha. The All-India Kisan Sabha has declared from its platform that it stands to help the war effort. My Honourable friend, Mr. Deshmukh, has quoted a letter which was written by the Chairman of the Reception Committee of the All-India Kisan Sabha to the Madras Government stating what the objects of the conference were: The conference wanted to help the 'Grow More Food' campaign. Along with the conference, they were going to hold an agricultural exhibition, a cattle show and so on. The All-India Kisan Sabha has also advised all its constituent bodies to help the Government in its work of getting food supplies and distributing food supplies equitably. I know for a fact that they are helping the Provincial Governments by advising the Kisans and the peasants to give their surplus foodgrains to the Government. When an organisation stands to help the war effort in various ways, one cannot understand why any Government—whether Central or Provincial—should prevent meetings being held of such an organisation. The real fact is that these Governments—both Central and Provincial—do not want any activity of any kind; they want the country to be dead so that the administration should be easy. Sir, that is the object of these Governments, and they are using the Defence of India Act for that purpose. I feel, Sir, that this House is bound in duty to protest and should protest against the use of the Defence of India Act in this manner.

How does the order stand? The order, in my judgment is not only wrong, because it has no justification at all—no war effort is hampered—but all those people who want to help in the war effort are being prevented from doing so. The order itself is unreasonable, as my friend, Mr. Deshmukh, has stated. How is the order going to be effectively enforced unless every railway passenger who is going to Bezwada during those days is harassed. Every passenger must be asked why he is going to Bezwada or why he is travelling in that region, and if he happens to tell that he may visit this Kisan conference also, he will be prevented from proceeding by rail. Sir, these Governments—both Central and Provincial—are issuing orders which even cannot be enforced. I want to ask the Honourable the Home Member or the Honourable the War Transport Member how is the Government going to enforce this order? The Honourable the War Transport Member said that he had nothing to do with the order, but he has to enforce the orders of the Madras Government. How is he going to do that? People who are going to travel round about thirty miles of Bezwada are not going to travel with the object of

The Honourable Sir Edward Benthall: Is my Honourable friend suggesting that all these people who are going to the conference are going to tell lies on a wholesale scale?

Mr. N. M. Joshi: In any case he shall have to ask every passenger why he is travelling. My point is that these Governments—Central and Provincial—have become habituated to use all sorts of powers and to use the Defence of India Act in any manner they like. They do not even think how the order is to be enforced. Sir, this is an abuse of the Defence of India Act in every possible way. The Government are issuing these orders without any justifica-

[Mr. N. M. Joshi.]

tion and the orders themselves are unreasonable. We, therefore, feel that this House, within its rights in protesting against the use of the Defence of India Act in this manner, and in using this Act in this particular matter I feel that not only the legitimate work of the citizens of this country is prevented but even war effort is hampered. I know this organisation quite well; I know the promoters of this organisation; I know those people who take part in this organisation; they have declared from the house-tops that they stand for helping the war effort. I know also that they are helping the war effort in every possible way and especially in the case of foodgrains they are carrying on a campaign so that it should be easy for the people of this country and also for the Government to solve the difficult problem of supplying food to this country. I hope that the House will carry this adjournment motion.

Sardar Sant Singh: Sir, this is the second time that such an order has been brought to the notice of this House. The first instance was when members of the Sikh community were prevented from proceeding to the annual fair of Nankana Sahib in the Lyallpur district and such an order was issued by the Provincial Government. At that time I tried to bring this fact to the notice of the Government of India, and asked as to whether such an order was legally justified and such an order could be issued by a Provincial Government to a corporation, which is a statutory corporation, which came into existence under an Act of the Government of India and, as such, stands on a footing much superior to an ordinary corporation. Sir, I am glad that the Honourable the War Transport Member has taken his stand on the legal position as defined in rule 85(b) of the Defence of India Rules. Therefore, I will not go into the question whether the Defence of India Rules are being abused for this purpose or for any other ulterior purpose than it ostensibly appears to be, because enough light has been thrown on this point by my Honourable friend, Mr. Joshi, and the Mover of the motion. I will examine, Sir, whether this rule made by the

3 P.M. Central Government is *ultra vires* and made under the Defence of India Act at all. The Honourable Member has referred us to clause 2 of Rule 85B in which it is stated :

"Notwithstanding anything to the contrary contained in the Indian Railways Act, 1890, all railway administrations shall be bound to comply with any order made under clause (a) of sub-rule (1)."

May I ask the Honourable Member whether he agrees with me or not that by this rule practically one section of the Railway Act has been repealed? The railway as a public carrier is bound to carry passengers. This is a statutory obligation laid upon the railways. Now if this amounts to repealing a section of the Railway Act, may I ask when this rule was made? Could he point out under section 2 of the Defence of India Act whether there is any provision giving the power under that Act to repeal a part of a statutory Act passed by this House?

I will try to explain myself. The legislative powers are given under the Government of India Act, 1937 for two Bodies. Firstly, to Central Legislature on subjects mentioned in the relevant schedule of the Act—secondly, to Governor General of India. May I ask under what power this rule has been made by which a section of the Railway Act is repealed under the rule-making power of the Defence of India Act? Under section 2, I do not find any word wherein this power is given.

The Honourable Sir Reginald Maxwell: Section 3 of the Defence of India Act, if the Honourable Member will refer to it.

Sardar Sant Singh: I am glad that he agrees with me that there is no rule-making power under section 2 to repeal such legislation.

The Honourable Sir Reginald Maxwell: If the Honourable Member will read section 3 as passed by this House his point will be clear.

Sardar Sant Singh: Section reads:

"Any rule made under section 2 and any order made under any such rule shall have effect notwithstanding anything inconsistent therewith contained in any enactment or other Act or any instrument having effect by virtue of any enactment other than this

May I ask whether this section empowers any authority to repeal a provision of an enactment of Legislature? I do not think so. This section only says that in case of a rule made under the Defence of India Act is inconsistent with any Act, it shall have preference. But the section does not lay down, nor was it intended to lay down the proposition that the rule-making power can override the provisions of a legislative enactment. Secondly, the condition precedent for rule-making power is that the rule should conform to the object of the Act, namely, Defence of British India—public safety, the maintenance of public order or the efficient prosecution of war, etc. I have a copy of the order. The order is a press note which says that the Government has directed that persons proposing to travel on stations on the Madras and Southern Mahratta Railway within 30 miles of Bezwada shall not be carried on railways between March 10 and 20th, 1944, unless the railway administration is satisfied that they are proceeding to them otherwise than for attending the 8th annual session of the All-India Kisan Conference at Bezwada. May I ask under what part of section 2 is it sought to bring such an order? Government should not forget that the railway is a public carrier created under an Act of Legislature and as such whatever the railway does it cannot affect the safety or the peace and tranquillity of the British Empire. Whatever there may be in section 2 of the Defence of India Act, it should not be lost sight of that the Provincial Government is issuing an order to a statutory authority. Therefore, my submission would be that neither section 2 nor section 3 of the Defence of India Act empowers them to repeal a provision of legislative Act. Again, the order is not being addressed to a private individual. If it were so, they could restrain his movements or his activities, but an authority created under a statute under the laws of the land cannot be served with such a notice. I still hold that clause 2 of Rule 85B is *ultra vires* of the powers.

The second legal objection I want to raise is that Rule 85B as it is worded today controls three actions. It is that the Central Government or the Provincial Government may by order require that no specified person or class of persons or persons proposing to travel to specified destinations shall be carried on a railway. It prohibits the travelling by railways to any specified person or class of persons. Here the rule prohibits three things—specified persons, class of persons and thirdly specified destinations. These are the three points which this rule covers. May I ask whether this rule covers the present case? With respect to specified persons, my friend will agree that they have not specified any person who has to travel. The specified person is one whose identity is known. This is not a rule directed against a specified person or class of persons. It does not mean any person proceeding to attend the Conference. That would be straining the sense. Then comes specified destination. This order says that they are not to travel within 30 miles of Bezwada on the Madras and Southern Mahratta Railway. Now, within 30 miles of Bezwada is not a specified destination. So, either way this Act of the Provincial Government, apart from the merits of the order, is an illegal order.

The other day when I gave notice of the stopping by the North Western Railway of pilgrims to Nankana Sahib I suggested to the Government to obtain a legal opinion upon this. I wonder if they have obtained it. I know that the legal expert, Sir George Spence, sits behind the Home Member ready with his interpretation of the Defence of India Rules. Misinterpretation, I should think, would be the right word. I know that the Defence of India Act has practically superseded all legislation but at any rate we expect that there is some decency left in this Government, and that there is some sense of propriety left in them as well. When the Defence of India Act was being enacted, I forced the Government at that time to give an assurance. The then Leader of the House was not prepared to give us an assurance that they would be prepared to use it in the spirit for which it was passed. Still I forced them, in spite of themselves, to read the assurance given to the House of Commons, though it was neither spontaneous nor given with grace as I should have expected. But I would expect them to do this at least, that they should work the Defence of India Act

[Sardar Sant Singh.]

with some decency, for the purpose for which it was enacted. At that time we responded to their call; it was the war period and we responded to the call of the Government that extra powers are necessary to be given to the executive; but we expressed our fears then that this Defence of India Act will be used for purposes other than those for which it was being enacted, and our fears are proving only too true every day. I should ask the Government—could they ever have imagined that a Provincial Government would address a prohibitory order under the Defence of India Rules to an institution created by the Central Government: One corporate body issuing an order of prohibition to another corporate body, probably superior to them, and that superior body like the railways actually submitting on their knees and saying "Baba, you are a bigger man and I bow before you; and I accept what you say."? This is the position to which the railway authorities are being reduced. The Provincial Government seems to be all powerful. Indeed they have told the Central Government "you do this thing", and this position, humiliating as it is, has been accepted by the present Government of India. May I ask if they have no sense to revolt against such a position? Cannot they change the rule and take away this power from the Provincial Government, not to address such orders to an institution which is directly under the Government of India? Cannot they have the decency not to publish this rule and have negotiations with the Government of India that such and such a thing should not be done or should be done? Cannot the Government of India take up this attitude that the Provincial Government shall not issue such silly orders to the Central Government? No. We find that there is absolutely no co-ordination in the country between the Provincial Government and the Central Government and they are drifting apart

Mr. Deputy President (Mr. Akhil Chandr Datta): The Honourable Member has got one minute more.

Sardar Sant Singh: If that is so, I would remind the Central Government that not only they are guilty of being humiliated by the Provincial Government but they are accepting that humiliation cheerfully without any protest. They should thank the Opposition for reminding them of their duty towards the public and towards the Government of India. I support the motion.

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Mr. Deputy President, I rise to support this motion, because I feel that I may in a very small measure perhaps add to the information that has been placed before this House. This order is perhaps the third order that I have seen during the last three months emanating from the Government of Madras. If my memory is correct, the first one relates to the festival near about Trichinopoly, a place called Srirangam, sometime in December 1943, when a similar order was promulgated by the Madras Government that people should not be carried within thirty miles of Trichinopoly Junction by the South Indian Railway administration unless the railway administration was satisfied that they were not going to their destination for the purpose of attending the Vaikunta Ekadesi festival. A month later a similar order emanated from the Madras Government in respect of a festival in a place called Chidambaram, about 160 miles south of Madras. I am not surprised, therefore, that in order to prevent the holding of the All-India Kisan conference at Bezwada the Madras Government thought of this very convenient method of putting an embargo on people travelling by rail to Bezwada. A certain amount of confusion seems to exist about this matter—whether that confusion exists in the minds of the Members of the Treasury Benches or in the minds of the people, I am not able to say. So far as we are concerned, not possessing the sixth sense, we are unable to divine what is happening in the minds of Members of the Treasury Benches in regard to this particular matter. It may be that this is a matter which relates to the Home Department; it may even be that it relates to Health and Lands Department, it may be that it relates to the Defence Department or it may be that the main culprit is my Honourable friend,

Sir Edward Benthall. But is it not fair to ask whether the three orders that have enacted from the provincial administration should have emanated *suo motu*, of their own accord, the provincial administration acting in the matter without the respective railway administrations approaching the provincial administration and requesting them to pass the order? We have heard in this House and elsewhere of how the Defence of India Rules are being used. The Defence of India Rules are being used for every conceivable purpose that any ordinary administration can possibly think of. I know that many of the sections of the rules are being used for purposes totally unrelated to the original object of the framers. The other day there was a discussion, or rather by way questions and answers, in regard to the application of rule 75A in the matter of requisitioning of houses. I happen to know that in Mangalore in the Madras province, paddy was requisitioned under rule 75A. If we are to examine in this House the various purposes to which these Defence of India Rules have been put to, the various acts of misuse to which they have been put, I think we can think of only one exception. The Central and Provincial Governments have not thought of using the Defence of India Rules in order to propagate birth control; otherwise every conceivable act has come under the Defence of India rules

The Honourable Sir Sultan Ahmed (Leader of the House): We will certainly consider that.

Mr. T. T. Krishnamachari: The Leader of the House has a sense of humour and I hope his neighbours on the Treasury Benches will imbibe some portion of it from him. On this particular motion, I would like to ask the Honourable the Railway Member if the Madras Government chose to act not in one instance, but in three instances, without consulting the respective railway administrations, and what was the object of these prohibitions? Ostensibly it was for the purpose of avoiding overcrowding in trains. There it is. The Honourable the Railway Member can feel glad that provincial administrations are more vigilant about this question of overcrowding than he himself is. In the two previous instances, the ostensible object was the same: it may be that the Madras Government did not like people to attend these festivals at Chidambaram and Srirangam for public health reasons, or they thought it would be hindering war effort in some manner, I do not know how; but still why trot out this reason of overcrowding in trains? What has the Honourable the Railway Member to say about it? Is it a case of the Honourable the Railway Member having to be saved from his friends? Previous speakers have dilated on the question of the inequity of the application of the Defence of India Rules, and particularly this method of applying it to restrict the ordinary liberty of the citizen. I think questions of the utility of the All-India Kisan conference, of the good that that conference is likely to do to the grow-more-food campaign and incidentally to War effort, are a little outside the scope of this particular adjournment motion. If speakers who preceded me felt that by talking in this way they could make the Government's mind melt and make them agree that they have made a mistake, they are sadly mistaken. War effort—the one thing that seems to count today—emphasis on these words will not make the Government agree that this order is wrong. The prestige of the Government whether Central or Provincial must be supported. Even if it be that a foolish Provincial Government uses the Defence of India Rules and uses the railway administration for purposes which are not justifiable by any stretch of imagination, I have no doubt the Honourable the Home Member as the custodian of the prestige of the British Government in India will rise and say "This is all nonsense. The Provincial Government are certainly within their rights in promulgating this order." He will say: "We have passed the Act, we have obtained powers thereby and these powers have not been granted to us merely to allow them to become a dead letter". But I am glad that the absurdity of this position has been publicised on the floor of this House. I do not know if the Honourable the Railway Member will help me if I ask for a ticket to go to some place near Bezvada, say to

[Mr. T. T. Krishnamachari.]

Guntur, at Delhi Station in the event of the ticket being refused. Possibly I will go there to attend the All-India Kisan Conference, but does the order of the Madras Government apply even to Delhi? The Honourable Member shakes his head. I am merely citing an instance to show the absurdity of the Madras Government's order. Why not straightaway prohibit this conference? The Madras Government could have prohibited those festivals at Chidambaram and Srirangam, it has been done before by the Madras Government, they have prohibited festivals. They have prohibited festivals for reasons of public health using the Defence of India Rules. Why not prohibit this Conference straightaway? Why adopt this devious method? Why should the Honourable the Railway Member allow himself to be prostituted for this purpose? I think it is quite right that, notwithstanding the provisions of the Defence of India Rules and 85B thereof, the purpose for which it has been framed being totally unrelated to the purpose for which it has been used, this House should protest against such arbitrary use of the Defence of India Rules by Provincial Governments for reasons which would not stand scrutiny. Why not straightaway ban the All-India Kisan Conference under section 144 of the Criminal Procedure Code, and then this House cannot take cognisance of what has happened. Why should not the Central Government say to the Madras Government, don't put us to shame, don't misuse the rules for this purpose when there are other remedies open? Why bring in this question of overcrowding? After all, if one reads this report of the Associated Press of India, it says:

"In connection with the forthcoming session of All-India Kisan Conference at Bezwada the Government has issued an order under the Defence of India Rules to prevent overcrowding of trains by persons proceeding to attend the Conference."

So far as this House is concerned it is only seized with that ostensible purpose for which this order has been issued, and so far as that is concerned, the Honourable the Railway Member must say something about it unless it be that he has completely abdicated his authority over the railway administration and he is prepared to allow Provincial Governments to use the railway for any purpose that suits them and take shelter under it in order to avoid a possible misuse of section 144 of the Criminal Procedure Code.

I think the issue is very clear. The issue before the House is whether the Provincial Government was right in using the railway for a purpose which is entirely provincial and entirely within their competence under the Criminal Procedure Code to prevent. It does not matter whether they have powers under the Defence of India Rules, whether those powers can be interpreted by my Honourable friend, Sir George Spence, in order to aid the Provincial Government. What really matters is whether there has been a misuse of powers. Here the reason has been stated categorically—to avoid overcrowding of trains. Does the Provincial Government desire so anxiously to assist Sir Edward Benthall in the administration of his Department? I challenge the Honourable Member to say, "We do not want this assistance. We want to avoid overcrowding, but we do not want the assistance of the Provincial Government". The All-India Kisan Conference can be prohibited under section 144 of the Criminal Procedure Code. Festivals can be prohibited under sections of the Public Health Act which fortunately exist in Madras, and why use rule 85B of the Defence of India Rules? I think it will be right and proper if this House protests against this continuous and perpetual misuse of the Defence of India Rules, and the opportunity that has been afforded by this action of the Madras Government to let the Government know the views of the House is a welcome one indeed. support the motion.

The Honourable Sir Edward Benthall: On a point of information, arising from the last speaker's remarks. Provincial Governments have from time to time issued orders in consultation with the local railway administration for the purpose of stopping over-crowding to certain *melas* and fairs for the safety of the public, but in this particular case there is no information at all. The Honourable Member is merely quoting from a press report. Neither the Government nor any of Honourable Members speaking have seen a copy of the order

itself, and what the House is basing its judgment on is merely a press report.

Pandit Lakshmi Kanta Maitra: Has the order come out of vacuum?

Mr. N. M. Joshi: It is a communique issued by the Government.

The Honourable Sir Edward Benthall: That is what I want to know.

Mr. T. T. Krishnamachari: Am I to understand from the Honourable Member that unless it is authenticated by the Honourable the Information Member it has no validity?

The Honourable Sir Sultan Ahmed: It can be authenticated by the Leader of the Nationalist Party!

Mr. T. T. Krishnamachari: Or the Chief Press Adviser!

Mr. K. S. Gupta (Gaujam *cum* Vizagapatam: Non-Muhammadian Rural): The All-India Kisan Conference is to be held at Bezwada, that is, the heart of Andhra Desa. It has been published in the papers from time to time that such a conference is to be held in the month of March. No order declaring it unlawful was ever passed, no Sabha,—all-India, district, or village—was ever declared unlawful. You could have done it if you could. I know that you feel funky and panicky. You smell that there is something behind it. It is the illiterate masses that contribute the kisans, that is, ryots, landlords, tillers, landless labourers who work for agriculture regarding which you say you are having plans for the post-war reconstruction of the Department of Agriculture. All this tall talk won't do. It has no meaning, it is simply meaningless to say that such an order should have been passed now, and thereby you are enforcing hardships on passengers, whether they belong to third class, intermediate class, second class or first class. It is uncalled for, unfair, unjust hardship to those who might travel to Bezwada from place to place. You cannot take a referendum, you cannot put a check on passengers who go to Bezwada or around Bezwada. If you wanted to do anything to prevent it, declare the All-India Kisan Conference unlawful. If you say that under the Defence of India Rules such a thing is possible, I would call the Defence of India Rules, not defence but offence to human sense, to human dignity, and to the whole liberty of a nation. However, dominated by a foreign power, this country has its own self-respect. You want, at every stage in your administration, to show that you are tyrannical, that you are something which is not decent, and fair for an administration which is considered to be civilised. You now want to see that nobody should meet in a conference like this which is considered to be the most peaceful conference. For what purpose they are going to meet, it has already been said, in this House, and in papers. It is with the intention of improving their lot and conditions of life and to do the best for the country such a Kisan conference is to be held which you want to prohibit by stopping passengers from going to Bezwada and within the radius of 30 miles. Sir, one of my friends said that the Government should have the melting of the heart. I question whether they have a heart at all. They have no heart. If they have, it is stony, it is adamant. You cannot expect a change of heart on the part of this Government which is most irresponsible and unrepresentative and autocratic. As I have said several times on the floor of the House and elsewhere, such orders are most nauseating to every patriot. It is an illegal order and the sooner that order is revoked the better. It is high time you did it. My friend, Mr. Krishnamachari, was talking about Chidambaram and Srirangam. Do you mean to say that the Government has got any respect for religion in this country, for religious and festival occasions? Have they got any respect for the civil liberties of the people or the religious feelings of the pilgrims or passengers attending a conference of this kind as delegates? They do not differentiate between politics and religion. Everything is the same to this Government, because they are dead to all human sense of dignity, decency and fairness.

Sir Vithal N. Chandavarkar (Bombay Millowners Association, Indian Commerce): On the insufficient information I have before me, much as I would like it, I am not prepared to censure Government. But, at the same time, I would

[Sir Vithal N. Chandavarkar].

like to take this opportunity of placing before the Government Benches the confused state of mind in which I have often found myself during the last two or three years as regards the exact relations between the Central Government and the Provincial Governments functioning under section 93A. In my capacity as the Chairman of the Millowners Association, I come frequently in contact with the Provincial Government and what I am going to say has happened more than once during the last three years. Take the question of price control and other things. Very often the Provincial Government authorities have told us that their freedom of action is restricted and that in many cases they have to take the orders of the Government of India. Perhaps, legally speaking, they may not be orders but instructions. We are often told that even in the case of Provincial subjects the position is quite different in those provinces where Governors are administering with the help of Advisers from the provinces where Provincial Ministries are functioning. Therefore we are always left wondering whether it is not a matter of convenience on the part of the Provincial Governments functioning under Section 93A to pass on the baby to the Government of India, when they find it difficult to hold it. One gets nervous in such a case. Here is a case of the Railway Department which is essentially a Central Department and the Provincial Government passes an order even without consultation with the Central Government authorities. Everyone knew that this conference was going to be held. Ample notice was given that the conference would be held in March. There was ample time for the Provincial Government to get into touch with the Central Government and sound them for guidance and yet they proceed to pass this novel kind of order without even consulting the Central Government. I am not echoing the sentiments of the last speaker. I am not saying anything about the legal aspect, because whatever opinion the Home Member may hold or Sardar Sant Singh may hold, it is only the High Court that can decide this question. The floor of the Assembly is not the place for legal quibbles, because we know that even the different High Courts hold different opinions and even sometimes the Privy Council does not agree with the majority of the High Courts in India. What I want to point out is that for the sake of the peace and contentment of this country and proper administration, there should be greater co-ordination between the Central and the Provincial Governments. Because the word 'Provincial' is to be found in the Act, it is no use for the Central Government to say that the matter is one for the Provincial Government. It may be technically right but having regard to the present position as between the various Governments which are functioning under Section 93A and the Central Government, the Central Government cannot take up that attitude. Take the question of food. It is the business of the Central Government to interfere and to see that there is a co-ordinated policy in regard to procurement and proper distribution of food.

What is the position today? Neither the War Transport Member nor the Home Member knows what is the exact position and we are asked to vote on the strength of a statement which has been issued by the Associated Press. Government could have reasonably taken up the attitude that they wanted time to ascertain the facts and that the motion should be proceeded with after they had got the correct information. But the attitude of the Treasury Benches was not very friendly this morning. They were against the motion without any qualifications. Now, that is an attitude which I cannot understand and I only intervene in this debate in order that this position between the Central and Provincial Governments may be clarified. We should be told definitely whose baby it is. We are told here that it is the Provincial Government baby. When I go to Bombay I am told that the general policy is laid down by the Central Government and the Provincial Government is only carrying it out. This sort of thing creates lot of confusion. The order has one mischievous element. I am a Member of the Assembly and if I become a nuisance here, under the guise that my presence is required in Bombay where

the mills are engaged in important war work, an order may be served on the G.I.P. and the B., B. & C. I. Railways not to carry me to Delhi! Such an order is conceivable. I do not think such an order will be passed. I am prepared to give the Government credit for common sense to that extent. But the principle underlying the order passed in Madras is likely to allow abuses of authority in that way. So, I suggest that the Central Government should tell the Provincial Governments functioning under Section 93A that when they introduce a new principle in the administration of Defence of India Rules they should have previous consultation with the Central Government. This will prevent a lot of misunderstanding and people will not attribute motives which they are doing now, that this is an order meant for the prevention of propaganda in connection with the Kisan movement and Government are doing indirectly what they are not prepared to do directly. It is for urging this point of view on the Government that I have intervened in this debate.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I do not want in the least to introduce heat into the discussion. A very serious legal question has arisen. We need not go to the Federal Court or the High Court to have the section interpreted. My learned friend who spoke just now said that we were not concerned with the legal question here and that was for the High Court. I do not agree with him in the least. As a lawyer, I know it is a very serious question and that has to be decided by the House, because the issue before the House is whether the Government should be censured or not. If the Government have done any illegal act, then it is for the House to consider it and censure Government.

To begin with, the Government of India was allowed to make rules. There is no doubt about it and fortunately for them and unfortunately for the public, the Government was given a blank cheque to make rules as they like. Now, the rules that have been made, many of them, are *ultra vires*. Yet, up to this time, they are not revising their rules. They have been telling us that there are certain rules that may be revised, but no attempt has been made in that direction.

Now, with regard to the matter under discussion they have said that they do not know if any order has been made like that by the Provincial Government but it has not been made by the Central Government. This is shilly-shallying and not taking the real responsibility. Now, the point is this. If the Central Government did not know that the Provincial Government had made such an order, surely the Honourable Member could have sent a telegram to them asking for the necessary information and he would have got this information before he got up to speak. Apart from that, they are divided even amongst themselves and they do not know who should take the responsibility for this. The Honourable the Railway Member exonerated himself by saying that he has to obey the order. I maintain that he is not bound to obey this order. The legal point is this: Was this order legal? If the order was not legal, then the Central Government should have pulled up the Provincial Government. The Provincial Government ought to have been told that they had made an illegal order and they would have cancelled it. If it is an illegal order given even by the Home Member or by the Provincial Government, the Honourable the Railway Member is not bound to obey it. He will certainly obey the legal order but not the illegal one. Without taking any more time of the House, I will go into the question of the legality of the order and show its futility.

The order that has been made by the Provincial Government has been made under Rule 85B, which runs thus:

"The Central Government or the Provincial Government may by order (a) require that any specified person or class of persons, or persons proposing to travel to specified destinations, shall not be carried on a railway."

This means that the Provincial Government cannot make an order unless they are legally authorised to do so. I maintain that they were not legally authorised to make this order because if you read Rule 85B carefully you will notice that this power can be exercised by the Provincial Government provided

[Mr. Lalchand Navalrai.]

it is for the purpose which is indicated in Rule 85 itself. I will read out Rule 85. It says:

"The Central Government may, with a view to facilitating any operations of His Majesty's forces or the movement of persons or supplies in connection with such operations, by general or special order make an order."

Now, I ask: Was this order made for facilitating the operations of His Majesty's forces or the movement of the persons or supplies for such operations? If it was not made for these purposes, then it is illegal and there is nothing to show that the order was made for these purposes. May I, then, put a direct question? Was this order made with the object that people should not go within those 30 miles to Bezwada because the operations of the war were going on there or people were going to interfere with them? Not at all. There was nothing between these 30 miles which affected the war or any operation of the war. To make such an order, therefore, is absolutely illegal. If such an order has been made as it has been made under Rule 85B, then the Central Government or the Railway Administration is not bound to obey it. Perhaps the Honourable the Railway Member feared the consequential provision which is contained in clause (3). It says:

"If any person contravenes any order made under clause (b) or sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years."

Perhaps he thought that he would get three years imprisonment if he did not obey this order. But he misunderstood the position. Sir, I am reasoning out a very important legal point and I expect that I would be listened to. I know the Railway Member is not a lawyer, but there are lawyers besides him and they will tell him whether I am correct or not. My point is that this order was not issued for facilitating any operations of His Majesty's forces or for the movement of persons or supplies in connection with such operations. It was not made with that object. There is nothing to show that it was made with that object and there was nothing which was going on between those 30 miles with regard to war effort. Therefore, this order was illegal and the Railway Member is not bound to obey it and he should not fear that he will get three years imprisonment. To give another illustration, it is something like this. An officer makes an order to shoot such and such man. As in fact, if this is an illegal order, then the man who obeys it will also be punished. In the like manner, the present order of the Provincial Government was absolutely wrong and illegal and the Railway Member cannot be exonerated.

Then, Sir, it is always very easy to say in order to shirk responsibility that it is the action of Provincial Government to whom we have given orders. If the authority to make orders is delegated to the Provincial Government, then the Central Government should be a watch-dog over it and from time to time they should see whether their orders are legally made or not. If the Provincial Governments make illegal orders and the Central Government does not try to rectify them, then the Central Government must be censured.

I have seen, Sir, that the Madras Government is going too far. They have not only made this order but even when a Collector wants a bungalow of a particular person for himself, he simply makes an order that bungalow should be vacated for him or his successor under rule 75A. An order such as this is quite illegal. Therefore it does not lie with the Government to say that they will sit silent, and allow the Provincial Government to run amuck to issue such orders as they like. I, therefore, think that the Government deserves the most severe censure.

Mr. G. Rangiah Naidu (Madras City: Non-Muhammadan Urban): Sir, I have got every right to speak on this motion because I am one of the Members who represents the Madras Presidency in this House. I represent the people of that Province. Moreover, I am one of the Executive Members of the Ryots' Association of the Kistna district, where I was born and brought up and educated.

I heard the previous speakers, and most of them referred to the legal points involved in this motion, they referred to Defence of India Rules and

sections. I am not going to weary the House by referring to those rules and regulations. I am simply going to refer to the common sense of the Government, either Provincial or Central. There are so many enactments and so many sections, but I submit that every section and every rule has its own exception. The Government must use their common sense and do things accordingly. Is it not common sense that when a Provincial Government does anything wrong, the Central Government should interfere and ask them to cancel that order and allow the people in those parts to attend the conference. If they really want to prohibit the holding of the conference, why not prohibit the institution itself. The conference is proposed to be held in Bezwada from the 14th to the 16th March. When the Provincial Government goes wrong, is the Central Government justified in adopting a neutral attitude? I request the Honourable the Home Member or the Railway Member whoever is responsible to interfere in the matter even now and ask the Provincial Government to cancel this iniquitous order and allow the conference to meet.

What is there in the Defence of India Rules which can go against common sense. Ever since this Defence of India Act came into force, there is not an inch of land left in the country to do anything. Why cannot the Government ask the conveners of the conference to pass Resolutions supporting war efforts? They can encourage such conferences being held to help Government in their war efforts. Suppose this conference is held on 14th to 16th March, have the Government got any information as to what kind of Resolutions they are going to adopt? If the conference is not going to pass any resolution interfering with the war efforts, why should the Government prohibit such a conference? It may be that this conference may pass a resolution formulating plans for the 'Grow More Food' campaign. I, as an agriculturist, know the mind of the agriculturist. I have travelled throughout the length and breadth of the Presidency. I found nowhere the 'Grow More Food' campaign has any success.

What are the irrigation projects that have been taken up by the Provincial Government or the Central Government to help the 'Grow More Food' campaign anywhere? The ryots in the Ceded Districts are now suffering very badly for want of irrigation facilities. The Tungabhadra project which has been much talked of, for the last fifty years is still in the stage of consideration. Why cannot the Government bring this project into existence at once to help the 'Grow More Food' campaign? How many lakhs of acres of waste lands are there in the Ceded Districts which are starving for want of water? Even the existing culturable lands are also suffering for want of water. Nobody is taking any steps. When villages are flourishing everybody goes there, but when the villages are suffering nobody goes there, no Collector, no Tahsildar, no villager or any other official goes there.

With these few remarks I appeal to the Government, I appeal to Honourable Members sitting on the Treasury Benches, to take steps to cancel this order. I support the motion to censure the Government, if the Government do not yield.

The Honourable Sir Reginald Maxwell: Sir, we are not on very firm ground in debating this motion today because no one, not even the Honourable the Mover, has been able to produce a duly authenticated copy of the order alleged to have been passed and which is under discussion. As the House has already been told, the Central Government have, up-to-date, no copy of that order. We will, however, for the purpose of this debate, assume that the order quoted, that is, the press report of the order quoted by the Honourable the Mover, is correct in the main respects, although I must warn the House against taking it as verbatim, because these reports are sometimes not correct and sometimes they contain interpretations etc., placed by correspondents on the communiques. Within the limit of time prescribed for a motion of adjournment, it is not possible to go into the legal questions which have been raised during this debate and I do not therefore propose to deal

[Sir Reginald Maxwell.]

with that point at any length. All I have to say is that the Defence of India Act itself, by section 2, sub-section (2), item (xvi), authorises the Central Government to make rules prohibiting or regulating traffic on railways. Sub-section (3) of the same section of the Act authorises the Central Government in making such rules "to confer powers and impose duties upon any Provincial Government or officers and authorities of any Provincial Government as respects any matter," and this is the important point, "notwithstanding that that matter is one in respect of which the Provincial Legislature has no power to make laws". That is to say the Act itself contemplates conferment of powers on provincial officers in respect of central subjects, such as, railways, etc. And the mere fact that they have exercised powers in regard to a

4 P. M. central subject is no reason for interference by the Central Government or for censure of the Central Government, because this conferment of powers is made in accordance with principles decided by this House in passing the Act itself.

* Now let us come to rule 85B under which I presume this order or this alleged order has been passed. My Honourable Colleague the War Transport Member has read to the House the relevant rule by which the Central Government or the Provincial Government may require that certain persons shall not be carried on a railway. The power is a concurrent one. The Central Government have not abrogated their power there and they would no doubt use it in cases where the object to be secured or safeguarded was one outside the authority of the province where the action had to be taken. But at the same time the Provincial Government is given these powers because situations may obviously arise under which the Provincial Governments would require to use them. We may suppose that at any moment the Provincial Government has information that a large body of persons are proposing to use the railway in order to travel to a place with the object of there forming an unlawful assembly or creating some disturbance. That would be a local matter in which the Provincial Government would require powers in order to save the local law and order situation. Or again, they might have information that persons were proposing to disperse themselves from an area which was affected by some infectious disease like cholera to a place which was not yet affected. They might, therefore, in the interests of public health require to use a power of that kind. Or again, quite apart from the objects for which the people wished to travel, it might be the case that a large number of people travelling for some legitimate purpose, such as a *mela*, might so congest the railway traffic in present conditions that the Provincial Government had to place local restrictions on travelling. All these objects are things which can legitimately be entrusted to Provincial Governments; and it would be impossible to require reference of every such point to the Central Government. That, I think, is the answer to the question raised by my Honourable friend, Sir Vithalrao Chandravarkar, as to how a Provincial Government could pass an order in a matter affecting a central subject. But in regard to the particular order or alleged order now under consideration there is one thing which I would point out, and that is that an order of the kind quoted does not really relate to a central subject at all. It does not stop trains; it does not stop railway travelling; it does not prevent the generality of the public making journeys for purposes for which they would otherwise have performed them. All it does is to place restrictions on individuals travelling to a particular place for a particular purpose in which the Provincial Government is interested. And therefore I would submit to this House that there is some difference between an order of this kind regulating traffic to a place for a particular purpose, which is a concern of the Provincial Government, and an order which might, we will suppose, stop all persons travelling by rail for some reason which might properly concern the Central and not the Provincial Government. In the latter case an order of that kind would normally be passed by the Central Government and not by the Provincial Government.

That is all that I can explain about the legal position, and now we will go to the question of the propriety of the order passed or assumed to have been passed by the Madras Government. The main case for this motion of adjournment is that the object of this Kisan Conference was a proper one and that it was a misuse of powers to interfere with it. Now, in the first place, I would not admit that the order in question, if passed, would interfere with the proposed conference of the All-India Kisan Sabha. It was represented to this House as though this order was one which would prevent that meeting from taking place and therefore defeat its object. Now I do not know actually whether the Madras Government are allowing that conference to take place or not.

Mr. N. M. Joshi: They are not; they have not yet given permission.

The Honourable Sir Reginald Maxwell: But have they refused it specifically? All we know from the debate on this motion is that they passed an order restricting travel by rail to attend that conference. I myself at this moment have no information as to whether that conference will be allowed by the Madras Government or not, apart from travelling to it by rail.

Now, let us see how far an order of the assumed kind would interfere with the actual holding of this conference. Certain letters from the President of the local Reception Committee have been read to this House, but I have better information. I have received a letter from Mr. P. C. Joshi himself on the subject only a few days ago, and there he explains to me that they originally asked the railway to run special trains to Bezwada or to the nearest station for this purpose. He admits that this was a mistake and they ought not to have done so, because the policy of the Communist Party is to assist the war effort instead of congesting transport; and he points out that "there will be no heavy strain on transport because the peasant masses will be from the same district and we will campaign among them to come for the rally in their own bullock carts,—the usual peasant way. We are ourselves interested in not messing up war transport as much as the Government itself is".

So, there the House can have it from Mr. P. C. Joshi himself that the action of the Provincial Government, assuming that such order was passed, will not in any case affect the holding of the conference. Mr. Joshi mentions to me that he proposes to have a 50,000 rally at Bezwada and out of that whole rally it is stated in papers which he himself forwarded to me that they expect delegates from other parts of the country who would come by train to number only 500. To suppose that preventing 500 people from going to a rally of 50,000 would in any way interfere with the objects of a meeting that was otherwise legitimate is entirely against facts.

Now, Sir, I do not know, as I said, what the precise circumstances were in which this alleged order was passed or whether this conference will be allowed or not. But I have certain information regarding local conditions which might possibly and very probably influence the action of the Madras Government in this regard. The House may not know that the All-India Kisan Sabha is a communist-controlled organisation, and this meeting is put up by the Communist Party. Their reason for wishing to hold it at this place (Bezwada) is that the Andhra Provincial Ryots' Association which is controlled by the communists is the second largest provincial branch of the All-India Kisan Sabha. At the same place there is another and a rival Andhra Kisan Sabha led by Professor N. G. Ranga, who was formerly and may still be a Member of this House; and he is proposing to hold a simultaneous meeting of his rival organisation in Bezwada. It is an opposition session to that of the All-India Kisan Sabha in whose behalf this adjournment motion is moved. There have been not infrequent clashes between these rival groups in the past. During the last two years they have come to blows and as recently as the 13th of January last there was a local clash between the Communists and members of the public in Bezwada itself. At the present moment, the Andhra Communists, that is Professor Ranga's party, are reported to be training volunteers' they have been training them for some months

[Su Reginald Maxwell.]

past in order, as they say, to keep order at their annual session, and some reports say that they are even going to be armed with lathis. It is, therefore, highly improbable that if these two sessions of rival Kisan organisations are allowed to take place at the same time and at the same place, the meetings would be entirely peaceful. (Interruption.) This is official information that I possess, but it is not derived directly from the Provincial Government on a reference on this subject. I am, therefore, pointing out that in a situation like this the Provincial Government in their responsibility for the preservation of order in Bezwada do come into it and it is, if any, a proper case on which they could pass an order of the kind now in question, if they wish to restrict access to the place and to prevent a clash between the rival parties. I hope, therefore, that this House will agree with me that in spite of the fact that the Central Government has been criticized for allowing the Provincial Government to exercise powers over travelling by rail, there are situations in which they might properly exercise such powers without reference to the Central Government, and that, so far as we know, if their object is to prevent these rival gatherings from taking place at the same time the action which they took in this case was entirely proper. Sir, I oppose.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, this debate has at least made one revelation. It has shown how this country is being governed and under what principles. The principle that is being followed is 'Let not the right hand know what the left hand is doing'. My Honourable friend, the Member for War Transport, got up and said "It is not I who is to blame, but it is my brother". . . .

The Honourable Sir Sultan Ahmed: He did not say that.

Nawabzada Muhammad Liaquat Ali Khan: I will show you how he did. He said something like this "I am only carrying out the orders that have been passed by the Provincial Government under Rule 85(b) of the Defence of India Rules". Am I right, or not? Am I putting some different interpretation on his words to what he actually said.

The Honourable Sir Edward Benthall: At that stage I was trying to find out what my Honourable friend the Mover had in mind when he addressed the adjournment motion to me.

Nawabzada Muhammad Liaquat Ali Khan: My Honourable friend, the Mover, made a mistake; he thought that the Government of India really functioned as a Government—that was his mistake. He forgot that the Government of India functions as so many departments which are headed by these illustrious gentlemen who are sitting over there on the Treasury Benches. They do not function as a Government; they do not take the responsibility as a Government for the actions that are done by any of their authority. That is the implication of what my Honourable friend, the War Transport Member, has said.

When some Honourable Member was talking on this motion, the Honourable the War Transport Member interrupted "Is it contended that all those gentlemen who are going to take part in this conference are going to tell lies to the Railway authorities." He thought he had scored a point. But may I tell him that all is fair in love and war and certainly there is no love between those who are going to attend this conference and the authorities sitting over there.

The Honourable Sir Edward Benthall: You are apparently. . . .

Nawabzada Muhammad Liaquat Ali Khan: I have got only 15 minutes at my disposal.

The object of this motion was to find out as to what were those serious reasons which prompted the passing of such an order by the executive authority. The Honourable the Home Member stated that he, in fact, did not have any information on the point and therefore he was not in a position to state why the Madras Government have passed such an order. The right thing for the Government to do would have been, as was suggested by my

Honourable friend over there, that they should have requested the President to take up this adjournment motion either tomorrow or the day after when the Government would have been in a position to state the case before this Honourable House. He said that apart from the fact whether a certain conference is prejudicial to war efforts, or not, there are other considerations which may be necessary for the prohibition of the holding of a conference. One of those considerations, he stated, can be that there is some infectious disease prevailing in that area. I wonder if that is the reason why the Government of India did not get the information by means of telephone; they thought they might catch the infection. Sir, the replies that have been given go to show that we are still living in the 17th century when people did not know about such things as telephones or telegrams. This adjournment motion was handed over to the Member in charge at 10-30 this morning and now it is 4-20.

The Honourable Sir Reginald Maxwell: But the motion was going to be taken up as soon as the business was finished.

Nawabzada Muhammad Liaquat Ali Khan: The business was not going to finish before 12-30 in any case, even if there had been no discussion of any kind, unless my Honourable friend can say that the telephone line to Madras was out-of-order. That would be a valid excuse for saying that they could not get any information. Yet the Honourable the Home Member is not completely blank as to the activities of these bodies. He said that he did not have any information officially from the Madras Government but it was the official information which he was giving to this Honourable House. In other words, there is, as we know, a certain machinery at the disposal of the Central Government through which they get all the information regarding everything that is happening in the way of political activity of any particular organisation, whether it is in Madras or whether it is in Peshawar or whether it is in Bengal, whatever the place may be. Sir, I was really wondering when my Honourable friend, the Home Member, was speaking whether he was not contradicting himself in every other sentence. He said that according to Mr. Joshi they expected that there would be about 50,000 persons at this conference and that only about 500 were expected from outside as delegates and he said how could the conference be disturbed or become unsuccessful only by 500 people not taking part in such a conference.

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

Sir, I do not think that my Honourable friend is so ignorant of the constitution of the various conferences. At a conference you may have ten lakhs of people, but it is really the delegates who count. It is only the delegates who can take decisions and these 500 people, let me tell you, as far as the decisions of that particular, or any, conference are concerned, are more important than the 5 lakhs of people who may be gathered there. If you are taking action and stopping the real delegates from attending a conference, you are in fact stopping the holding of that particular conference. Sir, if it is only a question of 500 people, then the excuse which they have given in the communique or in the press report which has appeared that it would put too much strain on railway transport is, to put it very mildly, very stupid. Surely the carrying of 500 persons within 30 miles, because they can go up to 30 miles from Bezwada, is not going to bring about a breakdown in the whole railway transport system of the country. Sir, I am afraid that the case which the Government have put forward is indeed a very weak one and this House is justified in censuring the Government, if for nothing else, for showing complete incompetency in dealing with matters of this kind. Either they do not take the House seriously and they think that any kind of speech or any kind of statement would do, or they are incapable of dealing with a legislature. They have during the last few years been filled so much

[Nawabzada Muhammad Liaquat Ali Khan.]

with their own votes in their own pockets, that they have ceased to think that it is the duty of the Executive to try and convince the Legislature of the reasonableness of their actions. We have been noticing during the past that on that point the Executive have not been paying much attention. If you are really anxious that this Assembly should function as a Parliament, then you must play your part if you expect the Opposition to play its part. I support the motion which has been moved by my Honourable friend.

Mr. Govind V. Deshmukh: All that I have to say is that all that has fallen from the Home Member was not the basis of the order, namely, rival parties coming to blows, etc., and much of what the Madras Government has done in that particular province seems to me to deprive the members of the public of the rights of civil liberties, and it seems that there is much rottenness in this Government of Madras. Sir, I hope this House will pass this motion.

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

"That the Assembly do now adjourn."

The Assembly divided:

AYES—42.

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.
Choudhury, Mr. Muhammad Hussain.
Dam, Mr. Ananga Mohan.
Das, Mr. B.
Datta, Mr. Akhil Chandra.
Deahmukh, Mr. Govind V.
Eesak Sait, Mr. H. A. Sathar H.
Ghuznavi, Sir Abdul Halim.
Gupta, Mr. K. S.
Gupta, Mr. R. R.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Joshi Mr. N. M.
Kailash Bihari Lall, Mr.
Krishnamachari, Mr. T. T.

Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Liaquat Ali Khan, Nawabzada Muhammad.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhudayal.
Naidu, Mr. G. Rangiah.
Nauman, Mr. Muhammad.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Reddiar, Mr. K. Sitarama.
Sant Singh, Sardar.
Sham Lal, Lala.
Siddique Ali Khan, Nawab.
Siddiquee, Shaikh Rafiuddin Ahmad.
Srivastava, Mr. Hari Sharan Prasad.
Subbarayan, Shrimati K. Radha Bai.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.

NOES—43

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.
Caroe, Sir Olaf.
Chapman-Mortimer, Mr. T.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Gwilt, Mr. E. L. C.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Inskip, Mr. A. C.
Ismaiel Alikhan, Kunwar Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasjee.
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.
The motion was negatived.

Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mudaliar, The Honourable Dewan Bahadur.
Sir A. Ramaswami.
Ogilvie, Sir Charles.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka.
Shabhan, Khan Bahadur Mian Ghulam Kad.
Muhammad.
Siva Raj, Rao Bahadur N
Spence, Sir George.
Stokes, Mr. H. G.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Capt.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Vijai Prasad Singh, Maharaja Bahadur Rao
Rao.
Wagstaff, Col. H. W.
Zahid Husain, Mr.
Zaman, Mr. S. R.

The Assembly then adjourned till Five of the Clock on Tuesday Evening, the 29th February, 1944.