

6th April 1940

THE
LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume III, 1940

(27th March to 6th April, 1940)

ELEVENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1940

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Legislative Assembly.

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LEGISLATIVE ASSEMBLY

Saturday, 6th April, 1940.

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

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 19 asked by Mr. K. Santhanam on the 3rd February, 1939.

REDUCTION IN FIRST CLASS ACCOMMODATION ON RAILWAYS.

The following statement shows the reduction in first class accommodation on each of the Class I Railways, separately for main line services and for branch lines. It is not possible to demarcate between the reduction effected as a result of the Wedgwood Committee's recommendations and that arising from an independent examination of the subject by railways.

Statement.

| Railway | Abolition of first class accommodation | | Reduction in first class accommodation other than total abolition |
|-------------------|--|--|--|
| | Main-line services 2 | Branch-line services 3 | |
| 1 Assam Bengal | NIL. | <p>(i) Between Chittagong and Dohazari (on 4 trains up and 4 trains down).</p> <p>(ii) Between Katakhal and Sitchar on train Nos. 298/296.</p> <p>(iii) Between Katakhal and Lalabazar on train Nos. 296/294.</p> <p>(iv) Between Karimganj and Dullabcherra on trains Nos. 275/274 and 289/280.</p> <p>(v) Between Karimganj and Kalkalghat on trains Nos. 277/275, 279/278 and 281/272.</p> <p>(vi) Between Furkating and Jorhat Town on trains Nos. 371/374 and 373/376.</p> <p>(vii) Between Simaluguri and Khowang on trains Nos. 411/414, 413/416 and 415/418.</p> <p>(viii) Between Chaparmukh and Slightat Town on trains Nos. 351/352, 353/354 and 355/356.</p> <p>(ix) Between Chaparmukh and Mairabari on trains Nos. 361/362, 363/364 and 365/366.</p> | <p>A reduction in upper class accommodation has been effected by combining the first and second classes.</p> |

N. B. 1.—Upper class accommodation is provided on these trains if 48 hours' notice is given.
2. When an upper class passenger is booked from any main or branch line station, and the connecting train has no upper class accommodation, the station master of the junction concerned is advised by telegram to enable him to attach an upper class carriage.

| Railway | Abolition of first class accommodation | Main-line services | Branch-line services | Reduction in first class accommodation other than total abolition |
|-------------------------------|---|---|---|---|
| | | 2 | 3 | 4 |
| East Indian | (i) Jaunpur-Partabgarh on train Nos. 161/160 (ii) Fatehpur-Cawnpore on train Nos. 123/124 (iii) Farakabad-Lucknow on train Nos. 167/168 (iv) Fyzabad-Lucknow on train Nos. 173/174 (v) Cawnpore-Pharrabad on train Nos. 133/134 (vi) Nagpur-Shahganj on train Nos. 177/178 (vii) Rae Bareilly-Lucknow on train Nos. 165/166 (viii) Rae Bareilly on train Nos. 185/186 (ix) Bhagalpur-Monghyr on trains Nos. 67/68 and 69/70 | On all services on the following branches and sections:— (i) Tinpahar-Rajmahal. (ii) Bhagalpur-Mandari Hill. (iii) Onda-Gourangli. (iv) Dhanbad-Katrasgarh-Phularitand. (v) Dhanbad-Jherria-Lodia-Pathardih. (vi) Dildernagar-Tarighat. (vii) Akbarpur-Tanda. (viii) Barabanki-Bharanighat. (ix) Ahmedpur-Madhoganj-Balamau. (x) Balanaut-Sikapur. (xi) Shahjahanpur-Sikapur. (xii) Najibabad-Kotdwara. (xiii) Hardwar-Elkhikosh. (xiv) 1 and 2 K G Kiri-Gaya. (xv) 1 and 2BK Khurja-Balandshahr. (xvi) Dhanbad-Bermo. (xvii) Dhanbad-Pathardih. | The reduction effected on 21 main and branch line trains amounts to 158 first class seats. | |
| Great Indian Peninsula. | (i) On Bhusaval-Amalner-Surat through service trains Nos. 302/301 and 304/303. (ii) Between Poona and Lonavai on trains Nos. 456/457, 458/459, 460/461 and 462/463. | (i) On the Chalalgason-Dhulla branch. (ii) Between Bhusaval and Amalner on trains Nos. 300/299, 314/316, 318/316 and 311/312. (iii) On the Jalamb-Kuansgaon branch. (iv) On the Bednara-Ahmadnagar branch. (v) On the Bina-Kotah branch. (vi) On the Cawnpore Banda branch. | A reduction of first class accommodation on five main and branch line trains has been effected which amounts to 27 first class seats. | |
| Madras and Southern Mahratta. | (i) Between Madras and Bangalore on trains Nos. 15, 16, 19 and 20. (ii) Between Madras and Arkonam on train Nos. 17/37 (iii) Between Madras and Jalapet on train Nos. 43/49 (iv) Between Arkonam and Kalladi on train Nos. 48/50 (v) Between Madras and Kanchi on train Nos. 92/98 (vi) Between Benigantha and Gooty on train Nos. 39/36 (vii) Between Arkonam and Benigantha on train Nos. 47/41. | On all services on the following branches:— <i>Broad Gauge.</i> (i) Guntur-Tenali-Repalle. (ii) Simlaha-Occanda. (iii) Widadavolu-Narasapur. (iv) Wallajah Road-Benpet. (v) Bowringpet-Markuppam. | All services. | |

| | |
|--|---|
| <p>(cciv) Between Benigunta and Madras on trains Nos. 49/18.</p> <p>(cz) Between Gundur and Waltair on train Nos. 31/10</p> <p>(c) Between Kavali and Bitragunta on train Nos. 161/162.</p> <p>(ct) Between Madras and Kavali on train Nos. 29/30</p> <p>(cti) Between Nidadavolu and Rajahmundry on train Nos. 363/363</p> <p>(ctii) Between Madras Smburban locals.</p> <p style="text-align: center;"><i>Metre Gauge.</i></p> <p>(t) Between Miraj and Londa on train Nos. 11/12.</p> <p>(ti) Between Pooma and Belgaum on train Nos. 5/6.</p> <p>(tii) Between Hubli and Dharwar on trains Nos. 103 to 108, 110, 31, 32 and 36.</p> <p>(tj) Between Miraj and Hubli on train Nos. 39/40.</p> <p>(tj) Between Devangere and Dharwar on train Nos. 109/110.</p> <p>(tk) Between Bezwa and Donakonda on train Nos. 49/50.</p> <p>(tki) Between Bezwa and Narasravupet on train Nos. 43/44.</p> <p>(tkii) Between Bezwa and Guntakal on train Nos. 45/46.</p> <p>(t) Between Samasata and Multan on train Nos. 235/236.</p> <p>(tl) Between Delhi and Jind on train Nos. 105/106</p> | <p style="text-align: center;"><i>Metre Gauge.</i></p> <p>(i) Gudivada-Bhimavaram.</p> <p>(ii) Horpet-Kotur.</p> <p>(iii) Sandli-Miraj-Kolhapur (excluding trains Nos. 15 and 16).</p> <p>(iv) Gadag-Sholapur (excluding trains Nos. 61, 62, 63, 64 and 32.)</p> <p>(v) Dharmavaram-Pakala</p> <p>(vi) Kaniadi-Pakala-Benigunta-Gudur (excepting trains Nos. 81 and 82.)</p> <p>(f) Between Sialkot and Wazirabad on train Nos. 294/293.</p> <p>(ff) Between Chakamru and Lahore on train Nos. 314/313.</p> <p>(fi) Between Narawal and Sialkot on train Nos. 398/297.</p> <p>(fv) Between Amritsar and Narawal on train Nos. 302/301.</p> <p>(f) Between Baljath Paprola and Pathankot on train Nos. 332/331.</p> <p>(vi) Between Amritsar and Tarn Tarn on trains Nos. 30/29, 32/31 and 460/459.</p> <p>(vii) Between Jullundur City and Jaijon Doaba on train Nos. 396/395.</p> <p>(viii) Between Jullundur City and Nawashehr Doaba on train Nos. 270/269.</p> <p>(ix) Between Jullundur City and Hoshiarpur on train Nos. 164/267.</p> <p>(z) Between Jullundur City and Lohlan Khas via Nankodar on trains Nos. 354/353 and 276/275.</p> <p>(zi) Between Jullundur City and Mukerian. on trains Nos. 204/203, 484/403 and 430/429.</p> <p>(zii) Between Ludhiana and Lohlan Khas on train Nos. 416/415.</p> <p>(ziii) Between Quetta and Harnal on trains Nos. 470/469 and 468/467.</p> |
|--|---|

| Railway | Abolition of first class accommodation | | Reduction in first class accommodation other than total abolition |
|--|---|--|---|
| | Main-line services 2 | Branch-line services 3 | |
| 1 Robinkund and Kumern South Indian | Nil. | Nil. | 4 Nil. |
| | Between Cuddalore and Villupuram on trains Nos. 69 and 70 | <p>On all services (except where otherwise stated) on the following branches and sections:—</p> <p>(6) Madurai Junction-Hodimayakam Junction.</p> <p>(64) Chinglepet Junction-Viduthalankam Junction.</p> <p>(104) Salem Junction-Chinglepet Junction.</p> <p>(106) Madras Beach-Chinglepet Junction (on other than through main line services).</p> <p>(9) Tennevally-Tiruchendur Railway.</p> <p>(96) Cuddalore Junction Vridhachalan Junction on trains Nos. 421 and 424.</p> | |

Information promised in reply to part (i) (a) of unstarred question No. 62-asked by Mr. Muhammad Azhar Ali on the 12th April, 1939.

CATERING ARRANGEMENTS ON RAILWAYS.

The figure of Rs. 30,868 for the Eastern Bengal Railway mentioned in the reply already given was a composite figure of the total amount paid in 1937-38 by Hindu and Muhammadan refreshment room contractors, stall-holders and platform vendors and *per capita* hawking charges, and it included charges for the use of stall, provision of water, electricity, etc.

Similar information for the other State Railways is as follows :

East Indian Railway.—Rs. 95,454-6-0.

This was composed of :

- (1) rents for accommodation provided;
- (2) charges for electrical equipment and current consumed;
- (3) municipal tax, water charges etc.;
- (4) hawking fees; and
- (5) trolley and barrow hire.

Great Indian Peninsula Railway.—Rs. 39,148.

This covered licence fees and rents.

North Western Railway.—Rs. 26,497.

This was composed of :

- (1) rents for residential portions of shops;
- (2) water and conservancy charges;
- (3) ground rents;
- (4) rent for tea stalls owned by the North Western Railway; and
- (5) charges for electric energy consumed.

Information promised in reply to starred question No. 86 asked by Seth Haji Sir Abdoola Haroon on the 15th February, 1940.

MUSLIMS AND NON-MUSLIMS IN CERTAIN POSTS ON THE NORTH WESTERN RAILWAY.

There are 37 Muslim and 111 Non-Muslim Head Clerks working at present on the North Western Railway.

Information promised in reply to starred question No. 107 asked by Kunwar Hajee Ismail Ali Khan (on behalf of Mian Ghulam Kadir Muhammad Shahban) on the 15th February, 1940.

PENALTIES TO RAILWAY EMPLOYEES FOUND TRAVELLING WITHOUT TICKETS.

(a) Yes.

(b) The answer to the first part is in the affirmative. As regards the second part, the Governor General in Council has delegated to General Managers of State-managed Railways, with powers to re-delegate to authorities subordinate to them, power to forego Government dues to the extent provided in the Schedule of Powers. On the North Western Railway, Divisional Officers have powers to decide whether a particular railway employee should be prosecuted in Court for recovery of railway dues.

- (c) The answer to both parts is in the affirmative.
- (d) No. Travelling without a ticket is a fact capable of proof, and the recovery or non-recovery of fares is no evidence as to the fact.
- (e) One ex-waterman at Rohri appealed against an order of dismissal and the appeal was rejected by the General Manager.
- (f) The answer to the first part is in the negative. As regards the second part, the Honourable Member is referred to the reply to part (d).

Information promised in reply to starred question No. 140 asked by Mr. N. M. Joshi on the 23rd February, 1940.

EMPLOYMENT OF STAFF FOR CONSERVANCY WORK IN THE PAREL WORKSHOPS OF THE GREAT INDIAN PENINSULA RAILWAY.

- (a) Yes.
- (b) Does not arise. but I would point out that workmen are not required to do conservancy work, i.e., the cleaning of latrines, but they are required to sweep out workshop floors and offices.
- (c) Does not arise.
- (d) No, but labourers employed as general help in shops who are required to sweep shop floors and offices would render themselves liable to disciplinary action if they refused to carry out these duties.

Information promised in reply to starred question No. 212 asked by Mr. H. M. Abdullah (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha) on the 27th February, 1940.

INFERIOR SERVANTS PROMOTED TO CERTAIN SUBORDINATE POSTS ON THE NORTH WESTERN RAILWAY.

(a) and (b) Two statements are placed below giving the information required by the Honourable Member.

Statement showing the number of inferior servants promoted permanently and temporarily as Sub-Inspector of Works and Assistant Way Inspectors during 1935-39.

| Period | Permanent | | | Temporary | | | Indian Christians |
|---------|-----------|---------------------------------|-------|-----------|--------|-------|-------------------|
| | Muslims | Hindus | Sikhs | Muslims | Hindus | Sikhs | |
| | | <i>Sub-Inspector of Works</i> | | | | | |
| 1935-36 | 1 | 2 | 1 | 2 | 10 | 3 | .. |
| 1936-37 | .. | .. | .. | 1 | 8 | 4 | .. |
| 1937-38 | .. | .. | .. | 7 | 17 | 1 | .. |
| 1938-39 | .. | .. | .. | 11 | 13 | 4 | .. |
| | | <i>Assistant Way Inspectors</i> | | | | | |
| 1935-36 | 3 | .. | .. | 17 | 32 | 7 | 1 |
| 1936-37 | .. | .. | .. | 21 | 45 | 10 | .. |
| 1937-38 | .. | .. | .. | 36 | 51 | 13 | 1 |
| 1938-39 | 3 | 1 | 1 | 52 | 48 | 9 | 3 |

Statement showing the number of works mistries appointed permanently and temporarily during 1935-39.

| Period | Permanent | | Temporary. | | |
|---------|-----------|--------|------------|--------|-------|
| | Muslims | Hindus | Muslims | Hindus | Sikhs |
| 1935-36 | 8 | 8 | 26 | 48 | 10 |
| 1936-37 | 1 | 2 | 58 | 67 | 15 |
| 1937-38 | 1 | .. | 71 | 84 | 31 |
| 1938-39 | 2 | 2 | 81 | 111 | 39 |

Information promised in reply to part (g) of starred question No. 219 asked by Mr. H. M. Abdullah on the 27th February, 1940.

EMPLOYMENT OF MUSLIMS AS OFFICE SUPERINTENDENTS AND HEAD CLERKS ON THE NORTH WESTERN RAILWAY.

The following number of Muslims were posted as Office Superintendents and Head Clerks as a result of selections made since the 6th August, 1931 :

| | |
|--|--|
| Office Superintendents | 2 against officiating vacancies. |
| Head Clerks and Assistant Superintendents. | 4 against permanent vacancies. 3 against officiating vacancies. |

In addition to the above, five Muslims have been posted as Head Clerk since 1931 in cases where no selection was made. The post of Superintendent, Lost Property Office, fell permanently vacant twice since 1931 and temporarily vacant on two occasions. On all four occasions, Muslims were appointed to fill the post.

Information promised in reply to unstarred question No. 54 asked by Mr. Suryya Kumar Som on the 27th February, 1940.

COMPLAINTS AGAINST THE CONTRACTORS FOR VENDING FRUITS, ETC., AT THE LAHORE RAILWAY STATION.

During the two years there have been four well-grounded complaints. Three were against the salesmen of one vendor and the contractors were directed to discharge the salesmen concerned. One was of an assault by salesmen employed by a different contractor. The salesmen were prosecuted and fined and the contractor was directed to discharge the men.

Information promised in reply to part (a) of starred question No. 404 asked by Dr. Sir Ziauddin Ahmad (on behalf of Mr. Muhammad Nauman) on the 15th March, 1940.

SYSTEM OF GIVING ADVERTISEMENTS ON CERTAIN RAILWAYS.

The Publicity Branch of the Eastern Bengal Railway is under Mr. S. K. Mukerjee, Superintendent, Rates and Development. Its cost, during 1938-39 was Rs. 1,06,563.

Information promised in reply to unstarred question No. 83 asked by Mian Ghulam Kadir Muhammad Shahban on the 15th March, 1940.

SENIORITY OF LOCO. RUNNING STAFF ON THE NORTH WESTERN RAILWAY.

(a) Yes.

(b) and (c) Grade IV is a diminishing cadre and the existing incumbents are amalgamated with grade III. Instructions are in existence that grade III drivers on the maximum of their pay, viz., Rs. 180, (old scales), should be given preference over grade IV drivers who are in receipt of less than Rs. 190 per mensem (old scales) in the working of mail and other important trains.

(d) Does not arise in view of the reply to parts (b) and (c) above.

Information promised in reply to parts (b) and (c) of starred question No. 451 asked by Mr. H. M. Abdullah on the 19th March, 1940.

UNEMPLOYMENT AMONG EDUCATED CLASSES.

(b) Statement showing the number of officers and clerks in the Government of India Secretariat and its Attached Offices (i) granted extensions of service, (ii) re-employed after retirement, and (iii) re-employed after retrenchment, during the year ending February 1940.

| | |
|--------------------------------|------|
| (i) Officers | 12 |
| Ministerial servants | Nil. |
| (ii) Officers | 11 |
| Ministerial servants | 10 |
| (iii) Officers | 1 |
| Ministerial servants | 6 |

(c) These were re-employed or were granted extensions of service on public grounds, i.e., in view of their technical knowledge, special qualifications or experience of work, or because men with the requisite qualifications were not available to replace them.

Information promised in reply to parts (a) to (d) of starred question No. 471 asked by Bhai Parma Nand on the 20th March, 1940.

SELECTION OF CANDIDATES FOR THE POST OF TRAFFIC INSPECTOR ON THE NORTH WESTERN RAILWAY.

(a) Yes.

(b) Forty-six employees appeared; 20 were selected as fit to officiate in long term vacancies and 22 in short-term vacancies. The answer to the second part is in the negative. As regards the third part, the following statement gives the information required:

| | For long term vacancies | For short term vacancies |
|---------------------------------------|-------------------------|--------------------------|
| Europeans and Anglo-Indians | 10 | 6 |
| Muslims | 4 | 4 |
| Hindus | 5 | 10 |
| Other minority communities | 1 | 2 |
| | 20 | 22 |

The results will remain valid until the list is nearly exhausted when a fresh selection will be held.

(c) The answer to the first part is in the negative. The candidates included 13 graduates, two Intermediate Arts or its equivalent, nine Matriculates or equivalent, and 13 non-Matriculates. Information regarding the other five men is not readily available.

(d) Divisional Superintendents are asked to recommend the names of individuals whom they consider fit for the post for which recommendations are called. They either hold Selection Boards or make nominations based on the reports of the Executive Officers concerned, the service records of the staff and their confidential reports.

Information promised in reply to starred question No. 523 asked by Bhai Parma Nand on the 26th March, 1940.

PERSONS EXTERNEE FROM THE DELHI PROVINCE.

(a) The required information is given below :

- | | |
|---|----|
| (1) Externed under section 3 of the Punjab Criminal Law (Amendment) Act, 1935 | 7 |
| (2) Externed under section 6 of the United Provinces Goondas Act of 1932 as extended to Delhi | 39 |

(b) Two lists are attached. The externments under the Punjab Criminal Law (Amendment) Act were ordered because the Chief Commissioner was satisfied that there were reasonable grounds for believing that the persons concerned had acted, were acting, or were about to act, in a manner prejudicial to the public safety or peace, or in furtherance of a movement prejudicial to the public safety or peace. The externments under the United Provinces Goondas Act were ordered because the Chief Commissioner was satisfied on the report of the Advising Judges that the persons concerned should be removed from the Delhi Province.

List of persons who were externed from the Delhi Province under section 3 of the Punjab Criminal Law (Amendment) Act, 1935, during the past two years.

1. Ramji Lal, son of Jawahar Singh, Rajput.
2. Chaman Lal Azad, son of Bhagat Ram, Khatri.
3. Shiam Behari Singh, son of Udit Singh.
4. Chandra Gupta Vidyalkar, son of Sri Narain, Brahmin.
5. Swami Vichara Nand, parentage not known.
6. Ram Dass Ooriya Baba Swami, parentage not known.
7. Harbandhu Samajdar, son of late Pandit Ananda Charan Samajdar, Brahmin.

List of persons externed from the Delhi Province under section 6 of the United Provinces Goondas Act of 1932, as extended to Delhi Province, in 1937 during the past two years.

1. Sultan Khan, *alias* Sultan, son of Gul Mohammad.
2. Mohammad Yaqub, *alias* Yaquba, son of Mohammad Hussain.
3. Sardar Khan, *alias* Sardara, son of Gul Mohammad.
4. Pir Mohammad, *alias* Piru, son of Ahmad.
5. Faqir Mohammad, *alias* Faqira, son of Mir Alam.
6. Sanobar, son of Pir Mohammad.
7. Mohammad Yaqub, *alias* Kaloo, son of Mahmud Khan.
8. Ahmad, son of Sultan-ud-Din.
9. Yaqub, *alias* Khandu, son of Maula Baksh.
10. Islam, son of Ahmad Ali.

11. Mohammad Shefi, son of Mohammad Ayub.
12. Abdul Ghani, *alias* Chitar, son of Abdulla.
13. Karim-ul-Zaman, *alias* Halwa, son of Karim Bakhsh.
14. Mohammad Ishaq, *alias* Fajoo, son of Mohammad Hussain.
15. Mohammad Ahmad, son of Mohammad Hidayat Ullah.
16. Abdul Rehman, son of Abdul Mabh.
17. Latif Ullah, son of Lafat Ullah.
18. Brij Mohan, *alias* Birju, *alias* Zehri, son of Kunj Bibari.
19. Azim Ullah, *alias* Sunehri, son of Samit Ullah.
20. Chewal, son of Bhurai Khan.
21. Imam Bakhsh, *alias* Shurwa, son of Khuda Bakhsh, *alias* Allah Bakhsh.
22. Ahmed, son of Bhura.
23. Babu, son of Imam Bukhsh, *alias* Shorba.
24. Shiv Charan, son of Sunder Lall.
25. Kalwa, son of Chotta.
26. Lachhman Dass, *alias* Lachman, son of Lekh Ram.
27. Mohammad Umar, son of Ikram-ud-Din.
28. Nehala, son of Nanhe.
29. Abaidur Rahman, *alias* Abdulla, son of Mahfuz Bakhsh.
30. Jamilur Rahman, son of Mahbob Bakhsh.
31. Abdul Salam, son of Mahboob Bakhsh.
32. Zikrur Rahman, son of Mahfooz Bakhsh.
33. Ataur Rahman, son of Mahfooz Bakhsh.
34. Rahmim Baksh, *alias* Marhatta, son of Mohammad Azim.
35. Abdul Sattar, *alias* Faqir Mohammad, son of Nazir Ahmad, *alias* Nathu Khan, *alias* Ghulam Ali.
36. Abdul Ghafoor, *alias* Wazir Mohammad, son of Nadir Ahmad Khan, *alias* Ghulam Ali.
37. Hazari Lall, *alias* Hazari, son of Chuni Lal.
38. Babu Lall, *alias* Babu, son of Chuni Lall.
39. Sham Singh, son of Gangá Singh.

MESSAGE FROM THE COUNCIL OF STATE.

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

"I am directed to inform you that the Council of State at its meeting held on the 5th April, 1940, agreed without any amendment to the Bill to make certain provisions relating to service by European British subjects in the armed forces of, or in a civil capacity under, the Crown, which was passed by the Legislative Assembly at its meeting held on the 1st April, 1940."

THE PETROLEUM (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Petroleum (Amendment) Bill. The question is:

"That the Bill further to amend the Petroleum Act, 1934, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill. "

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE MOTOR VEHICLES (AMENDMENT) BILL.

The Honourable Sir Andrew Clow (Member for Railways and Communications): Sir, I move:

"That the Bill further to amend the Motor Vehicles Act, 1939, be taken into consideration."

The amendments embodied in this Bill are in essence drafting amendments. If Honourable Members will compare the provisions of the Bill with that of the section which, anticipating the request by Mr. Aney, I have appended to the Statement of Objects and Reasons, they will see that it imports no new ideas. It may well be asked why, if only drafting amendments are required, we have taken the trouble to bring this Bill before the House at all. If section 48 had stood alone, I do not think this Bill would have been required. But, unfortunately, in another section of the Motor Vehicles Act, we have expressed the same ideas in different words. There was, I am quite sure, no difference in the intention, but the Courts in interpreting the Acts are bound to assume that when the Legislature says two different things, it also means two different things and must, therefore, look for some difference in intention and scope.

Now, the essential difference in the present respect is that the clause which Honourable Members will find at the end of section 2 of this Bill is substantially included in section 56 but is not included in section 48 as it now stands. That gives rise to a doubt as to the method in which the limitations now included in clauses (a) and (b) of section 48 are to be enforced. The obvious way of enforcing them and, indeed, the only really practical way of enforcing them is to put the limitations on the permits as they are issued. That is the method we contemplated and that is the method actually embodied in section 56. But the absence of the necessary clause here might lead the Courts to the view that the method was not open to the Regional Transport Authority. And if it is not open, it is not easy to see what other method that is at all practical they can follow. Only two methods have occurred to me. One is the method by which they could limit the total number of permits in the whole region to the number which they regarded as desirable on a particular route. That would obviously involve a very serious restriction on motor traffic and

[Sir Andrew Clow.]

would be inconvenient to the public and unfair to the motor bus owners. The other method would be to put a series of Inspectors on to see that after a certain number of vehicles had passed along the road, no more were allowed. That would be both impractical and unreasonable.

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

"That the Bill further to amend the Motor Vehicles Act, 1939, be taken into consideration."

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, this Bill is intended to improve the existing law and I think it will do away with lot of difficulties which have been experienced. I do not want to make any speech on this motion which I am sure will be welcomed from all sides. But I want to draw the attention of the Government to another point with regard to the Motor Vehicles Act. When the Motor Vehicles Bill was under discussion before this House, I had drawn the attention of the Government to a point to which they did not attach much importance at that time. I hope the Government will take a serious view of it now that an accident in which a Member of the Viceroy's Executive Council was involved has happened. Last time I laid great emphasis on the fact that the motor speed should be limited in many places but the Government did not think that it was possible and did not attach much value to it. But after the serious accidents which are happening in Delhi and in other places, I hope the Government will take stock of things and take necessary steps to avoid these accidents. It was very fortunate that the Honourable Member, Sir Ramaswami Mudaliar, escaped from much more serious consequences and I hope this accident will open the eyes of the Government. With these few words, I support the motion.

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

"That the Bill further to amend the Motor Vehicles Act, 1939, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Andrew Clow: Sir, I move:

"That the Bill be passed."

As regards the remarks which fell from Sir Muhammad Yamin Khan, I doubt if they are very relevant to the Bill. I would only say that I have the impression that where the accident occurred, of which I was an eyewitness, there is a speed limit in force.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, we are not here to oppose this Bill in any way, but the point which I would like to be cleared is this. This Bill wants to limit also perhaps the permits that would be issued by the Authority. It will be a sort of a suppression of the trade and the suppression of the issue

of licences too. That means that we would come back to the original idea that the Railway Department would like to discourage the motor vehicles. Our fear is that it will impede to a great extent and it would be in the hands of Government to stop even to run the motors on the roads where it may be necessary and the Government will have the whole thing in their own hands. If that is not the intention of moving this Bill, we have no objection. But in our view, it will limit to a great extent trade and business in running motor vehicles. Thus, I think the Government ought to clear this point to a certain extent and assure us that there will be no stoppage of these things and that no hindrances will be placed in the running of motors.

The Honourable Sir Andrew Olow: If I followed my Honourable friend, Mr. Muhammad Azhar Ali, correctly, he seemed to be taking us back to a very controversial argument which arose on the main Act. I submit it hardly arises out of this Bill and I would point out that the power to limit these permits does not rest with the Government of India but rests with the Transport Authorities appointed by the Provincial Governments.

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

“That the Bill be passed.”

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): Sir, I do not propose to move the Resolution*, that stands in my name, in this Session.

Mr. President (The Honourable Sir Abdur Rahim): The Assembly will now adjourn *sine die*.

The Assembly then adjourned *sine die*.

*“That this Assembly recommends to the Governor General in Council to give effect to the recommendations contained in the report of the Committee appointed in pursuance of the Resolution adopted by the Assembly on the 12th February, 1940, to consider the conveyance allowances of Members of the Indian Legislature.”