

27th February 1942

THE

LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume I, 1942

(11th February to 10th March, 1942)

FIFTEENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
1942



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CORRIGENDA

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

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

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

LEGISLATIVE ASSEMBLY.

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

Deputy President:

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

Panel of Chairmen:

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

Sir HENRY RICHARDSON, M.L.A.

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

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Mian MUHAMMAD RAFI, Barrister-at-Law.

Assistants of the Secretary:

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Khan Bahadur S. G. HASNAIN.

Marshal:

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

Committee on Petitions:

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

Sir ABDUL HALIM GHUREKAVI M.L.A.

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

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LEGISLATIVE ASSEMBLY

Friday, 27th February, 1949.

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.

MEMBER SWORN.

Mr. Noel Victor Housman Symons, C.I.E., M.C., M.L.A. (Government of India: Nominated Official).

STARRED QUESTION AND ANSWER.

(a) ORAL ANSWER

APPLICATION OF REVISED STATE RAILWAY LEAVE RULES ON NORTH WESTERN RAILWAY.

106. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the Railway Board issued orders to the Agents of State-managed Railways in April 1928, that since the Revised Leave Rules were under contemplation, employees appointed on or after 1st September, 1928 should be asked to sign a declaration that they agree to be governed by the Revised State Railway Leave Rules? If so, will the Honourable Member please lay a copy of this order on the table of the House?

(b) Is it a fact that the North Western Railway administration started taking declarations from its staff on 22nd August, 1927, and after? If so, why? Will the Honourable Member please lay on the table of the House a copy of the Railway Board's orders approving of this deviation from the general orders referred to in part (a) above?

(c) Do Government propose to observe uniformity of application of rules on the Indian State-managed Railways and apply the Revised State Railway Leave Rules on the North Western Railway with effect from 1st September, 1928? If not, why not?

The Honourable Sir Andrew Clow: (a) Yes, but in September, 1928, and not in April. These orders were addressed to the East Indian Railway, a copy being endorsed to the other State-managed railways. In the endorsement to the North Western Railway, it was stated that it was understood that the practice was already being followed by that administration. I do not propose to lay the orders on the table.

(b) The answer to the first part of the question is in the affirmative. On the North Western Railway, orders on the subject had been issued in July, 1927, after an informal discussion with the Railway Board. These orders did not involve any deviation from the intentions or the express orders of the Board.

(e) I would refer the Honourable Member to the answer given by Honourable Sir Muhammad Zafrulla Khan to part (f) of the Honourable Member's own question in the House No. 1045 asked on 9th March, 1936.

Mr. Lalchand Navalrai: May I know from the Honourable Member that the original intention was that these leave rules will apply from September, 1928, and not from August, 1927, and is it a fact that these orders of the Railway Board were cancelled or that instructions were given to the General Manager to change them?

The Honourable Sir Andrew Olow: The Honourable Member seems to be virtually repeating the question that he put. In the original intention, I do not think any date was fixed. The system was introduced on the North Western Railway and it was extended to other Railways with effect from a certain date but that affords no ground whatever for altering the date on which the practice was introduced on the North Western Railway.

Mr. Lalchand Navalrai: If the intention was that these rules will apply from September, 1928, then may I know from the Honourable Member why he is not placing the orders on the table?

The Honourable Sir Andrew Olow: Because the Honourable Member has given the substance of the orders quite clearly in his own question. There is nothing substantial in the order that he has not given.

Mr. Lalchand Navalrai: As the order is being interpreted in a different manner at least by me, I am asking that the order itself should be placed on the table.

The Honourable Sir Andrew Olow: No, Sir. I have explained that the order was addressed to the East Indian Railway, and a copy of that was endorsed to the other State-managed Railways. In the endorsement to the North Western Railway, it was stated that it was understood that the practice was already being followed by that administration. If the Honourable Member or any other Member wishes to see the order, it can be inspected in the Railway Board's Office.

UNSTARRED QUESTION AND ANSWER.

EMERGENCY RECRUITMENT TO COSSIPORE AND ISHAPUR FACTORIES.

26. Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Supply Member please state whether it is not a fact that the Cossipore Gun Factory and Ishapur Rifle and Metal Factory are situated in Bengal?

(b) Is it not a fact that during the emergency of the present war, many persons are being appointed there? If so, on what basis were those recruitments made?

(c) Is it not a fact that many non-Matriculates were taken in preference to Matriculate candidates?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state the reason therefor?

(e) If the reply to part (c) be in the negative, will Government be pleased to state the following:

- (i) the number of vacancies advertised in the years 1939-40-41 in each Factory;
- (ii) the number of candidates who applied;
- (iii) the names and qualifications of the candidates who applied;
- (iv) whether any police enquiry was made about the candidates; and
- (v) the number of candidates taken and their names and qualifications?

The Honourable Sir Homi Modi: (a) The Gun and Shell Factory, Cossipore, the Rifle Factory, Ishapur, and the Metal and Steel Factory, Ishapur, are situated in Bengal.

(b) Yes. Appointments are made with due regard to the suitability of the candidates for the various types of posts to be filled.

(c) In filling posts for which matriculation is regarded as a necessary qualification preference is given to matriculates.

(d) Does not arise.

(e) (i), (ii) and (iii). The Honourable Member may not be aware of the system of recruitment to the establishment of Ordnance Factories. On the assumption that the question refers to definite posts requiring specific qualifications and not to unskilled labour, vacancies for both technical and non-technical personnel are filled in the first place from waiting lists of applicants and, failing this, by advertisement in the case of non-technical personnel and the use of the National Service (European) British Subjects Act, 1940, and the National Service (Technical Personnel) Ordinance, 1940, in the case of technical personnel. There is no distinction in this respect between gazetted and non-gazetted posts.

Information is not available about the number of vacancies advertised during 1939-40-41, the number of applicants, or their names and qualifications.

(iv) Police enquiries were made, as is done in respect of all persons appointed to temporary posts in Ordnance Factories.

(v) The preparation of a list of names and qualifications of applicants employed would occupy time and labour out of all proportion to the value of the information.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to part (b) of starred question No. 391 asked by Bhai Parma Nand on the 17th March, 1941.

UNEQUAL DISTRIBUTION OF WORK AMONG THE PIECE-WORKERS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

Statement showing names and earnings of Machinemen and Inkers of the Government of India Press, New Delhi, from January 1939 to December 1939.

Name.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
1. Atbar	76 9 0	68 15 0	79 13 0	66 2 0	65 12 0	59 1 0	61 1 0	69 8 0	33 11 0	...	...	9 1 0 70 0 0
2. Abdul Hamid	72 7 0	80 5 0	71 6 0	32 3 0	...	...	...	...	...	...	...	...
3. Din Mohd.	58 8 0	62 1 0	60 0 0	59 10 0	39 0 0	39 7 0	49 7 0	60 13 0	57 14 0	55 9 0	57 6 0	60 12 0
4. Nawab Khan	56 11 0	64 7 0	85 0 0	61 2 0	26 1 0	46 11 0	46 14 0	50 0 0	50 10 0	50 5 0	54 12 0	61 1 0
5. Fasal Mohd. Khan	63 10 0	55 8 0	69 15 0	49 8 0	38 3 0	37 9 0	48 11 0	53 5 0	36 9 0	54 5 0	37 0 0	58 10 0
6. Shulam Hussain	54 7 0	47 6 0	49 8 0	37 10 0	47 6 0	42 2 0	43 7 0	49 1 0	44 13 0	15 7 0	20 11 0	41 6 0
7. Ahmed Hussain	49 15 0	70 9 0	62 2 0	58 13 0	45 14 0	38 15 0	44 3 0	56 13 0	52 6 0	52 15 0	45 14 0	53 13 0
8. Abdul Majid	55 5 0	68 13 0	60 6 0	54 14 0	9 9 0	13 3 0	36 4 0	47 13 0	51 7 0	45 11 0	45 3 0	43 14 0
9. Dharwan Singh	62 15 0	68 14 0	88 8 0	57 5 0	57 15 0	44 12 0	54 7 0	60 2 0	62 11 0	58 5 0	34 15 0	45 8 0
10. Mata Faruq	54 0 0	60 4 0	62 2 0	65 13 0	46 1 0	42 11 0	...	...	...	36 0 0	50 15 0	51 1 0 42 9 0
11. Achha Khan	63 10 0	65 1 0	43 12 0	...	68 9 0	56 0 0	57 6 0	59 6 0	60 1 0	57 1 0	56 10 0	55 5 0
12. Amjad Ali	68 15 0	54 4 0	71 10 0	61 2 0	50 6 0	52 0 0	51 7 0	63 10 0	50 8 0	46 0 0	50 14 0	53 8 0

MACHINEMEN.

Statement showing Names and earnings of Machinemem and Inkets of the Government of India Press, New Delhi, from January 1940 to December 1940.

Name.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
MACHINEMEM.												
1. Akbar	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
2. Din Mohd.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
3. Nawab Khan	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
4. Faisal Md. Khan	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
5. Ghulam Hussain	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
6. Ahmed Hussain	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
7. Abdul Masjid II.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
8. Dharam Singh	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
9. Mata Parbad	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
10. Amjed Ali	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
11. Achha Khan	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
12. Anagar AH	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
13. Wasitan Singh	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								
14. Abdul Sattar	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.								

7. Abdul Masjid II. Transferred to Private Secretary to His Excellency the Viceroy's Press from 26th January 1940.

Information promised in reply to parts (a) and (b) of unstarred question No. 4 asked by Maulvi Syed Murtuza Sahib Bahadur on the 11th February, 1942.

SUBJECTING CERTAIN EXEMPTED STAFF TO FURTHER EXAMINATION ON EAST INDIAN RAILWAY.

In the reply to question No. 22, quoted in part (i) of the question, I regret that there was an error. Those who had passed the goods examination of the old Oudh and Rohilkund Railway Training School at Chandausi were exempted only from passing the Goods Accounts Examination (lower).

(a) It is a fact that staff although exempted from passing the Goods Accounts Examination (lower) under paragraph 715 of the East Indian Railway Gazette No. 23, dated the 5th June, (not July) 1929, are required, subject to certain conditions, to pass a further examination viz., Goods Accounts Examination (higher) to qualify for promotion to senior subordinate commercial posts.

(b) Certain staff are required, before promotion to upper subordinate posts, to pass the Goods Accounts Examination (higher) in accordance with the orders published in 1938, and republished in 1941, because the standard of this examination is totally different from that of the more elementary one which they passed at the time of their appointment.

THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I present the Report of the Select Committee on the Bill to amend the Muslim Personal Law (Shariat) Application Act, 1937.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(Amendment of section 4.)

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I present the Report of the Select Committee on the Bill further to amend the Code of Criminal Procedure, 1898.

NOTIFICATION RE COORG MOTOR VEHICLES RULES.

The Honourable Sir Andrew Olw (Member for Railways and Communications): Sir, I lay on the table a copy of the Notification issued by the Chief Commissioner of Coorg, dated 4th February, 1942, relating to Coorg Motor Vehicles Rules, 1940.

THE CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

No. A.-3-1451/41, dated Mercara, the 4th February, 1942.

In exercise of the powers conferred by section 70 of the Motor Vehicles Act, 1939 (Act IV. of 1939), and the notification of the Government of India, Department of Communications No. K-60, dated the 28th June, 1939, the Chief Commissioner is

pleased to make the following amendment to the Coorg Motor Vehicles Rules, 1940, issued with his notification No. R. F. 43/121-39, dated the 26th March, 1940.

Amendment.

In sub-rule (1) of rule 145 for the figures and words "225 pounds in weight unladen", substitute the figures and words "1,100 pounds in weight laden".

J. W. PRITCHARD,
Chief Commissioner.

THE PROTECTIVE DUTIES CONTINUATION BILL.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Commerce Member): Sir, I beg to move for leave to introduce a Bill to extend the date up to which certain duties characterized as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect.

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

"That leave be granted to introduce a Bill to extend the date up to which certain duties characterized as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect."

The motion was adopted.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I introduce the Bill.

THE INDUSTRIAL STATISTICS BILL.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Commerce Member): Sir, I beg to move for leave to introduce a Bill to facilitate the collection of statistics of certain kinds relating to industries.

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

"That leave be granted to introduce a Bill to facilitate the collection of statistics of certain kinds relating to industries."

The motion was adopted.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I introduce the Bill.

SECRET SESSION.

Mr. President (The Honourable Sir Abdur Rahim): Before I call upon Mr. Aney to move the motion which stands in his name, I ought to make it quite clear that the further proceedings of the House will be held in Secret Session. Therefore, all the galleries excepting those occupied by the Members of the Council of State will be cleared.

I understand that the Honourable Members have agreed that there should be a time-limit for speeches to be delivered on the motion which is to be moved by Mr. Aney. Each speaker will have twenty minutes

[Mr. President.]

with the exception, of course, of the Commander-in-Chief, because, I understand, the Honourable Members would like to hear the Commander-in-Chief make as full a statement as he can on the present war situation.

If the Chair considers necessary in the case of any speaker to extend the time-limit, the Chair will have discretion to do so in that particular case.

[Accordingly all the Galleries, excepting the Gallery occupied by the Members of the Council of State, were cleared.

The remainder of the sitting was in Secret Session and the Assembly discussed the following motion moved by the Honourable Mr. M. S. Aney:

"That the war situation be taken into consideration."]

The Assembly then adjourned till Five of the Clock on Saturday Evening, the 28th February, 1942.