

11th February 1942

THE

LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume I, 1942

(11th February to 10th March, 1942)

FIFTEENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,  
1942



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CORRIGENDA

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

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

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

# LEGISLATIVE ASSEMBLY.

*President:*

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

*Deputy President:*

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

*Panel of Chairmen:*

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Sir HENRY RICHARDSON, M.L.A.

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*Assistants of the Secretary:*

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

Khan Bahadur S. G. HASNAIN.

*Marshal:*

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

SYED GHULAM BHIK NAIRANG, M.L.A.

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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THE

# LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE FIFTEENTH SESSION OF THE  
FIFTH LEGISLATIVE ASSEMBLY)

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VOLUME I—1942

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## LEGISLATIVE ASSEMBLY

*Wednesday, 11th February, 1942.*

The Assembly met in the Assembly Chamber of the Council House in New Delhi, at Half Past Two of the Clock, being the First Day of the Fifteenth Session of the Fifth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935. Mr. President (The Honourable Sir Abdur Rahim, K.C.S.I.) was in the Chair.

### MEMBERS SWORN :

- Mr. Kshitish Chandra Neogy, M.L.A. (Dacca Division : Non-Muhammadan Rural);
- Sir John Henry Swain Richardson, M.L.A. (Nominated Non-Official);
- Mr. Kashinath Yeshwant Bhandarkar, M.L.A., (Government of India : Nominated Official); and
- Mr. Muhammad Khurshid, M.L.A. (Government of India : Nominated Official).

### STARRED QUESTIONS AND ANSWERS.

#### (a) ORAL ANSWERS.

#### INDIANS AND SINDHIS IN THE FAR EASTERN WAR ZONE.

1. \*Mr. Lalchand Navalrai: (a) Will the Secretary for External Affairs be pleased to lay on the table of the House a full statement showing the arrangements which have been made in all parts of the Far Eastern war zone for the protection and evacuation of Indians and how far the arrangements have been carried out?

(b) What is the condition of Sindhis, merchants and others, in the Far East since the beginning of the war? Are they free, or detained in

concentration camps? If detained in detention camps, what has been, and can possibly be, done for them?

(c) Have Sindhis in Manila gone out of the war zone? If so, will he please state their whereabouts?

(d) Will the Foreign Secretary please state the names of those Sindhis who have died and who are surviving, particularly of K. K. Ramchandani, Pribhdas and Company, Hira Dhalamal and their families?

(e) What help do the British Government propose to give the Indians for their repatriation to India?

(f) Are the properties of Sindhis living in the Far Eastern war zone in the hands of the survivors, or have they been destroyed or confiscated by the enemy?

**Mr. O. K. Caroe:** This question should have been addressed to the Honourable Member for Indians Overseas.

**Mr. Lalchand Navalrai:** In view of the great importance of this matter, any of the Honourable Members may answer it . . . .

**The Honourable Mr. M. S. Aney:** I will answer that question on the 17th. I have taken it over to me.

#### INDIA'S REPRESENTATIVE'S SIGNATURE TO THE NEW ANTI-AXIS DECLARATION.

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

- (a) if Sir Girja Shankar Bajpai, Agent-General for India in the United States of America, signed the new anti-Axis declaration and if this was at the bidding of the Government of India;
- (b) whether the terms of the anti-Axis declaration were communicated to the Government of India for approval before signature by Sir Girja Shankar Bajpai, the Agent-General in the United States of America, and whether Government had approved of them; and
- (c) whether the signature of India's representative to this declaration, along with the representatives of independent States, signifies that she has attained a political status equal to those States; if not, what its significance is?

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

(b) the terms of the declaration were communicated to the Government of India through His Majesty's Government and had their general approval;

(c) the declaration embodies pledges for the employment of the full resources of all signatories and for such matters as making no separate peace, with general reference to the principles of the Atlantic Charter, but has no bearing on questions affecting the internal constitutional structure of any of the countries which signed it.

**Mr. Govind V. Deshmukh:** What are the definite obligations that India has undertaken under the joint declaration?

**Mr. O. K. Caroe:** I have a copy of the declaration here. All the signatories declare that they pledge themselves to employ their full resources, military or economic, against those members of the tripartite pact and its adherents with which such Government or any signatory Government is at war. Each Government pledges itself to co-operate with the other Governments signatory hereto and to continue the war against and not to make a separate armistice or peace with the common enemies or any one of them.

**Mr. Govind V. Deshmukh:** May I know if China is one of the signatories?

**Mr. O. K. Caroe:** I cannot give the Honourable Member a list of the signatories at this moment. I suggest he should put down a separate question.

**Mr. Govind V. Deshmukh:** May I know what are the measures that will be taken to fulfil these obligations?

**Mr. O. K. Caroe:** All possible measures that can be taken by a Government at war and associated with a number of other Governments.

**Mr. N. M. Joshi:** May I ask whether India can sign a peace treaty or truce separate from Great Britain, and if India cannot do it, what is the significance of the signature of Sir Girja Shankar Bajpai?

**Mr. O. K. Caroe:** I think that the Honourable Member is taking time by the forelock.

**Mr. N. M. Joshi:** I think it is better always; but may I ask what was in the mind of the Government of India when they signed this declaration that they will not make a separate treaty? Can they make a separate treaty from Great Britain? That is my question and I would like an answer to it.

**Mr. O. K. Caroe:** I cannot give an answer to that question.

**Mr. N. M. Joshi:** It is a clear question.

**Mr. O. K. Caroe:** It may be clear, but it does not directly arise out of this particular question, and it also raises many questions of the very highest policy which will have to be considered in due course.

**Mr. N. M. Joshi:** It is not irrelevant to the original question. The original question is whether the signature of India's representative to this declaration along with the representatives of other states signified that she has attained a political status equal to those states.

**Mr. President (The Honourable Sir Abdur Rahim):** That is a matter of opinion. I think the Honourable Member can draw his own inference.

**Mr. N. M. Joshi:** I have drawn my own conclusions.

**Sardar Sant Singh:** May I know if in granting this power to the representative of India in the United States of America, the Legislature has got any place or say in the matter?

**Mr. O. K. Caroe:** The Legislature seems to be having a say in the matter at this moment.

**Mr. Lalchand Navalrai:** May I know if any of the representatives in this House or outside were consulted before instructions were given for signing this declaration?

**Mr. O. K. Caroe:** The Government of India was consulted.

**Mr. Lalchand Navalrai:** I know, but I want to know whether any representatives of this House or any representatives outside of any party were consulted before authority was given to this declaration?

**Mr. O. K. Caroe:** The executive Government of India was consulted in the matter.

**Mr. Lalchand Navalrai:** I want an answer to my question.

**Mr. President** (The Honourable Sir Abdur Rahim): I think the Honourable Member can well draw that inference, that except the executive Government, nobody else was consulted.

**Mr. Lalchand Navalrai:** I want the Honourable Member to say that.

**Mr. President** (The Honourable Sir Abdur Rahim): I think he has said that.

**Mr. Lalchand Navalrai:** May I know whether that declaration will bind the whole of India or only the Government representatives on those benches?

(No answer was given.)

**Maulana Zafar Ali Khan:** May I know if the signature to that declaration was made by the Indian representative as the representative of a free country or as a dependency of England?

(No answer was given.)

**Sardar Sant Singh:** May I know in plain language whether any leader of any of the Parties in this House or in the Council of State was consulted?

**Mr. President** (The Honourable Sir Abdur Rahim): One question has been put.

(After a pause.)

Presumably the representative on behalf of the Government is not in a position to answer.

**Mr. Muhammad Ashar Ali:** What was in the mind of the Government of India, what status did the Government of India give to India when they asked their representative to sign?

**Mr. O. K. Caroe:** They wished to associate India with the most historic declaration, which relates to manifold matters in issue in the present war.

**Sardar Sant Singh:** May I know if it was merely intended to increase the number of signatories to that declaration without any regard for the feelings of India?

**Mr. President** (The Honourable Sir Abdur Rahim): It is a sarcastic question. Next question.

#### INSTALLATION OF MOTOR PLANT BY AMERICANS IN BRITISH INDIA.

**3. \*Mr. Govind V. Deshmukh:** Will the Honourable Member for Supply please state:

- (a) if any American or Americans have started installing any kind of motor plant in British India; and
- (b) if Government took any objection to the installation of such a plant; if so, what the objections were and how were they met?

**The Honourable Sir H. P. Mody:** (a) The United States Administration proposes to establish and operate a plant in India on the Lease and Lend basis. The purpose of this is solely to enable supplies from America to Russia to be effectively used and the manufacture of trucks, as distinct from their assembly and repair is not in view. No commercial plant of any kind is being established.

(b) No objection can be taken by Government to a proposal which is in furtherance of the general war effort.

**Mr. Govind V. Deshmukh:** May I ask how these questions which were raised were dealt with,—for instance, the diversion of technical labour, priority certificates and other objections which were raised in the case of an Indian concern, how were they got over?

**The Honourable Sir H. P. Mody:** We have nothing to do with those questions. The trucks are supplied by the United States and we are merely doing the assembling of them. The scheme is not yet complete and I cannot say at this stage what shape it will finally take.

**Babu Baijnath Bajoria:** The vehicles assembled in this plant—will they be assembled and given to Russia only and not to the Government of India for use in India?

**The Honourable Sir H. P. Mody:** They were not intended for use by anybody except Russia, and this was regarded as the most speedy way of helping Russia.

**Babu Baijnath Bajoria:** Are the Government aware that there is a considerable quantity of unassembled motor trucks in India and the capacity of the assembling plants here cannot cope with the assembling of these trucks?

**The Honourable Sir H. P. Mody:** I do not see how that question arises at all. We have been asked to do a specific job of work and we are trying to do it.

**Babu Baijnath Bajoria:** It arises in this way. If the opinion of the Government is that the assembling capacity of motor trucks in India should be increased, then the Government should have taken steps that the trucks assembled should have been used in India. That is my point.

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

**LEASE OF SITE BY KARACHI PORT TRUST FOR PURPOSES OF SHIP-BUILDING AND REPAIRS.**

**4. \*Mr. Govind V. Deshmukh:** Will the Honourable Member for Communications please state:

(a) if a site on water's edge somewhere in Karachi has been leased by the Karachi Port Trust to any firm of engineers for the purpose of ship-building and repairs; and

(b) what the name of this firm is, and who its partners are and what the terms of the lease are?

**The Honourable Sir Andrew Olow:** (a) Yes.

(b) Messrs. B. R. Herman and Mohatta, Limited. This is a registered company of which the Directors, according to Thacker's Directory, are Rao Bahadur Seth Shivratn G. Mohatta, Mr. B. Z. Herman, Seth Chandratn G. Moondra and Seth Girdhari Lal M. Mohatta. The terms of the lease provide for a rent of Rs. 0-4-0 per square yard per annum plus Municipal tax for the duration of the war and three months thereafter. This rent covers the free use of the foreshore.

**Mr. Lalchand Navalrai:** May I know if these contractors have begun any work or done anything in respect of this lease that has been given to them?

**The Honourable Sir Andrew Olow:** I have no information on that point.

**Mr. Govind V. Deshmukh:** Are the directors the only shareholders?

**The Honourable Sir Andrew Olow:** I have not the list of shareholders.

**Mr. Muhammad Azhar Ali:** May I know if it was advertised?

**The Honourable Sir Andrew Olow:** This is not a contract given by Government but by the Port Trust.

**SUPPLY OF WAGONS FOR TRANSPORT OF CENTRAL PROVINCES AND BERAR COTTON.**

**5. \*Mr. Govind V. Deshmukh:** (a) Will the Honourable Member for Railways and Communications please state if any officer representing the Government of the Central Provinces and Berar had negotiations with officers representing the Great Indian Peninsula Railway in the month of December 1941 or the first week of January 1942, about the supply of wagons for transporting cotton to Bombay?

(b) Were any conditions proposed by the Great Indian Peninsula Railway for supplying wagons? If so, what were the conditions?

(c) Were any terms suggested by the representative of the Central Provinces and Berar Government?

(d) What are the terms on which the supply of wagons has been allowed?

**The Honourable Sir Andrew Olow:** (a) The question of transport of cotton to Bombay was discussed at a meeting with the Board of Transport, Bombay, which was attended by Representatives of the Central Provinces and Berar Government and Officers of the Great Indian Peninsula Railway.

(b) and (c). No.

(d) I understand that preferential supply of wagons is being given to staple variety of cotton.

**Mr. Govind V. Deshmukh:** May I know whether the arrangement about the preferential treatment in the case of long staple cotton was at the suggestion of the representative of the C. P. Government, or whether it was a suggestion which initiated with the railway authorities and was accepted by the C. P. Government representative?

**The Honourable Sir Andrew Olow:** I am not in a position to disclose what happened in the Board of Transport, Bombay.

**Mr. Govind V. Deshmukh:** I have put this question in the interests of the public. Do the Government consider that this matter cannot be disclosed in public interest?

**The Honourable Sir Andrew Olow:** I consider that the proceedings of all these Boards of Transport should not be disclosed.

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

#### CERTAIN INFORMATION CONCERNING TICKETLESS TRAVELLING.

6. **\*Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Railway Member be pleased to state if he has received any complaint against ticket checkers and collectors working in trains and at stations on State Railways since the Ticketless Travellers Act has been in operation? If so, how many such complaints have been substantiated and what steps have been taken against them?

(b) Will the Honourable Member be pleased to state the income which accrued out of prosecution of ticketless travellers on (i) the East Indian Railway, and (ii) the Eastern Bengal Railway up to December 1941?

(c) How many travellers were found to have travelled beyond stations for which they had tickets and how many had travelled without a certificate from authorities and what was the amount of penalty realised from such travellers?

(d) Will the Honourable Member be pleased to state if there has been any case during 1941 in which ladies had to be forced out of trains on account of absence of ticket or for being over-carried for which they did not pay?

(e) Will the Honourable Member be pleased to state on which of the State Railways ticketless travellers were the largest in number and on which the lowest?

(f) Will the Honourable Member be pleased to state if any ticket checker or collector has been found to have allowed his personal friend or relative to travel without ticket, or, has any ticket collector been found to have taken illegal gratification from any ticketless traveller?

**The Honourable Sir Andrew Olow:** (a) One such complaint was received by telegram, but the sender who was apparently travelling without a ticket gave no address, and no action was taken.

(b) and (c). I regret the information is not yet available.

(d) and (f). No such cases have been brought to the notice of Government.

(e) It is not possible to say how many ticketless passengers travelled on any railway, but during the year ending 31st March, 1941, of the Class I railways in British India the Bombay, Baroda and Central India Railway had the largest number detected and the Rohilkund and Kumaon Railway the smallest.

**Pandit Lakshmi Kanta Maitra:** In view of the fact that the ticketless travel Bill was recently passed, do Government propose to compile statistics to show the effect of this legislation having been brought into operation?

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

**Pandit Lakshmi Kanta Maitra:** In view of the Bill passed into law last year—I mean the Ticketless Travellers Bill—will Government consider the desirability of compiling statistics to show the effect of that legislation?

**The Honourable Sir Andrew Olow:** We do collect statistics to show the detection of ticketless travel and the results of prosecutions instituted. But it is not possible to separate with any degree of precision the effect of particular changes in the legislation.

**Pandit Lakshmi Kanta Maitra:** What I want to suggest to the Government of India is this. In that legislation we proposed certain concessions, such as, the granting of certificates to passengers travelling without tickets, and may I ask Government whether they propose to compile statistics, as far as possible, accurately, to show the effect of that measure?

**The Honourable Sir Andrew Olow:** I have explained that statistics are compiled and will continue to be compiled, but the question of how far any difference shown between statistics of one year and the statistics of preceding year is on account of particular changes in the law is obviously one of judgment rather than of measurement.

**RUSH OF TRAVELLERS FROM CALCUTTA DUE TO PANIC AND KUMBHA MELA AND CONSEQUENT RAILWAY EARNINGS.**

7. **Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Railway Member be pleased to state what were the daily earnings on the East Indian Railway and the Eastern Bengal Railway at their starting stations, respectively, during the period of rush from Calcutta on account of panic during the period from the 20th to the 31st December, 1941?

(b) What were the earnings of the East Indian Railway at the Howrah Station on account of the Kumbha Mela rush?

(c) What was the total number of tickets issued during the period from the 20th to the 31st December, 1941 on account of rush of passengers due to panic and Kumbha Mela, and the total number of passengers in the first class, second class, intermediate class and third class, respectively?

(d) Will the Honourable Member be pleased to state if he had any information about corrupt practices of the ticket checkers at Howrah and Sealdah during the aforesaid rush period and if berths could be reserved only on extra payment, not required by law, to persons arranging berths?

(e) Will the Honourable Member be pleased to lay on the table a comparative statement showing the allotment of trains to meet the requirements of passengers for the Kumbha Mela this year and the previous occasion at Hardwar?

(f) Will the Honourable Member be pleased to state if he had any information about the extraordinary charges made by porters (coolies) during the aforesaid rush period at Howrah Station and whether passengers were allowed to board trains from sidings before the trains were brought to the station platforms?

**The Honourable Sir Andrew Olow:** (a), (b) and (c). I am afraid I can only give the Honourable Member figures of the increases in the total number of passengers of all classes leaving Calcutta during the period mentioned, if he desires them. I have no information of the earnings resultant therefrom, nor can I differentiate between those who left Calcutta on account of panic, those who had desired to attend the Kumbha Mela and those who left for other reasons.

(d) Certain allegations have been made and I understand they are under investigation.

(e) No inward specials were run this year, but between the 16th and the 21st January, 29 specials were run to assist in the exodus. For the last Kumbha Mela at Hardwar in 1938, 400 inward and 407 outward specials were run.

(f) Yes, as regards the second portion of the question, I understand the situation at Howrah was so tense that neither the Police nor the Watch and Ward Staff were able to prevent a certain number of passengers from entraining in the yards.

**Mr. Lalchand Navalrai:** May I know if on these occasions the State Railway was able to cope with the passengers going out?

**The Honourable Sir Andrew Olow:** They did their best. •

**Pandit Lakshmi Kanta Maitra:** May I know if the Government of India propose to delegate a portion of their powers to the Provincial Governments concerned to enable them to use them in this emergency for evacuation purposes, and not have these evacuations controlled by the Railway Board from Delhi or Simla?

**The Honourable Sir Andrew Olow:** No.

**Pandit Lakshmi Kanta Maitra:** In view of the fact that the railways are controlled by the Railway Board, do Government of India propose to delegate their powers to the Provincial Governments so that in certain emergency areas the latter may requisition railways for evacuation purposes?

**The Honourable Sir Andrew Olow:** No.

**Pandit Lakshmi Kanta Maitra:** May I know the reason why?

**The Honourable Sir Andrew Olow:** Because it is not possible to have effective control of a transport system like the railways placed in the hands of different authorities.

**Pandit Lakshmi Kanta Maitra:** I want to know from the Honourable Member now that an emergency has arisen in Calcutta . . . . .

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

**Pandit Lakshmi Kanta Maitra:** I am putting a question. I want to know whether the Government of India propose to empower the Provincial Government, the Government of Bengal for instance, to run special trains on the Eastern Bengal Railway, the Assam Bengal Railway, the East Indian Railway and the Bengal Nagpur Railway for evacuation purposes rather than have the running of such railway trains controlled from Delhi.

**The Honourable Sir Andrew Olow:** I have already answered that question in the negative.

#### EAST INDIAN RAILWAY APPRENTICE MECHANICS AT JAMALPUR.

8. \***Qazi Muhammad Ahmad Kasmi:** (a) Will the Honourable the Railway Member be pleased to state the number of apprentice mechanics on the East Indian Railway who are being trained at Jamalpur? How many of them are Indians and how many Anglo-Indians?

(b) Is it or is it not a fact that the admission to the apprentice mechanic class is by competition?

(c) Is it or is it not a fact that candidates obtaining the highest marks in the examination are not taken according to their position, but a certain number of posts are filled up by taking Anglo-Indian candidates who might have obtained lower marks?

(d) If the answer to part (c) be in the affirmative, what is the reason for this preference?

(e) What is the reason for the abnormally high percentage of Anglo-Indians in this class?

**The Honourable Sir Andrew Olow:** (a) 98; 45 are Indians and 53 are Anglo-Indians.

(b) Yes.

(c) Yes, if the requisite number of Anglo-Indians do not get in on merit.

(d) The procedure has been laid down for ensuring the recruitment of members of minority communities to the prescribed percentage.

(e) I would refer the Honourable Member to para. 9(1) (a) of Home Department's Resolution No. F. 14/17-B./33, dated 4th July, 1934.

**Qazi Muhammad Ahmad Kazmi:** Did I hear the Honourable Member say that the number of Indians is 45 and Anglo-Indians 53?

**The Honourable Sir Andrew Olow:** The figure is correct.

**Qazi Muhammad Ahmad Kazmi:** Has the Honourable Member considered that the minority community of Anglo-Indians cannot have such a preponderant majority as 53 per cent.? Has the Honourable Member considered that point in coming to a decision regarding this matter?

**The Honourable Sir Andrew Olow:** I have not got here the exact percentage of recruitment but that was fixed with reference to the numbers previously prevailing in that particular branch of railway work.

**Qazi Muhammad Ahmad Kazmi:** In view of the fact that the candidates are not taken according to merit and they are taken according to community, will the Government consider that some proportion is to be fixed and that is not to be exceeded unless the minority gets in by competition?

**The Honourable Sir Andrew Olow:** The proportion has been fixed. It is not exceeded unless of course more get in on merits.

**Lieut.-Colonel Sir Henry Gidney:** Is it or is it not a fact that the principle followed in the selection of candidates for appointment as apprentices is the same as that followed in other services where reservations are made for minority communities?

**The Honourable Sir Andrew Olow:** The principle is the same, although the percentages are not necessarily identical.

**Dr. Sir Ziauddin Ahmad:** May I just draw the attention of the Honourable Member that in the Resolution of 1934 the Muslims are recognised as the most important minority and here I find that the Anglo-Indians are considered to be the most important minority.

(No answer.)

#### ALLOWANCES TO EAST INDIAN RAILWAY APPRENTICE MECHANICS.

9. \***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Railway Member please state whether it is or it is not a fact that the

course of study for apprentice mechanics on the East Indian Railway used to be five years and now it has been reduced to four years?

(b) Is it or is it not a fact that, during the course of apprenticeship, Indian candidates get Rs. 10 to Rs. 30 increasing with the year of study, while the Anglo-Indian students get a higher allowance from the very beginning to make up their minimum of Rs. 55? If so, what is the amount?

(c) Does the rule of minimum pay of Rs. 55 apply even to students studying in this class? If so, under what provisions?

**The Honourable Sir Andrew Olow:** (a) No, it is not a fact; but the East Indian Railway has been authorised because of the particular requirements of the present situation to appoint apprentices to working posts after four years' training if they had the need to do so and the apprentices on examination are found fit for the posts.

(b) The reply to the first part is in the affirmative; as regards the second part the amount varies with the locality and length of service of the Anglo-Indian apprentice, but I understand it does not exceed Rs. 15 in any case.

(c) Yes, under the orders of the Government of India contained in the Home Department's Resolution No. Ests. (Special), No. 14/5/38, dated 1st May, 1939.

**Qazi Muhammad Ahmad Kazmi:** May I know whether the apprentices who are receiving training are to be considered as on actual service?

**The Honourable Sir Andrew Olow:** For the purpose of communal recruitment they are so considered.

**Qazi Muhammad Ahmad Kazmi:** Will the period of training be included in their service?

**The Honourable Sir Andrew Olow:** It does not necessarily follow.

**Qazi Muhammad Ahmad Kazmi:** How can the pay be regulated, if that is not service.

**The Honourable Sir Andrew Olow:** A special pay is fixed for certain appointments as apprentices. Whether it is service or not, I am not sure at the moment.

**Mr. N. M. Joshi:** May I know whether this principle of minimum wage will be applied to other communities in India?

(No reply.)

#### EXAMINATION AND INTERVIEW OF SPECIAL CLASS APPRENTICES AT JAMALPUR.

10. **Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable Member for Railways please state whether it is or it is not a fact that the students getting training as special class apprentices at Jamalpur have an examination in writing as well as an interview every year and their final position is determined by the total number of marks obtained throughout the whole period?

(b) Is it or is it not a fact that the students are informed of the number of marks they obtain in the written examination but are not given any information regarding the marks they obtain in the interview? If so, what is the reason for this?

(c) How are the marks in different subjects distributed between the examinations in writing and interviews?

**The Honourable Sir Andrew Clow:** I have called for information and a reply will be laid on the table of the House in due course.

#### APPROVED CONTRACTORS OF THE SUPPLY DEPARTMENT.

11. **\*Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable Member for Supply please lay on the table a list of the approved contractors? What is the percentage of the Muslims?

(b) Will the Honourable Member please state the quantum of contract given to the approved contractors, and the percentage of the amount given to (i) Europeans, (ii) Parsees, (iii) Muslims and (iv) other classes?

**The Honourable Sir H. P. Mody:** (a) Over 6,000 contractors have been registered by the Purchase Branch of the Department of Supply. The amount of time and labour involved in preparing a complete list of all these contractors or of estimating the percentage of Muslims amongst them would be wholly disproportionate to the value of the information. Government regret, therefore, that they cannot comply with the Honourable Member's request.

(b) Presumably, the Honourable Member is referring to the contracts given out since the beginning of the war. The number is so large that the time and labour necessary for collecting the information required by the Honourable Member would be out of all proportion to its usefulness. Government, therefore, regret that the Honourable Member's request cannot be complied with in this case also.

**Dr. Sir Ziauddin Ahmad:** It is the opinion of the Honourable Member that the labour involved in the collection of the information would be out of all proportion to its utility but from our point of view it is very important to have the information as to what the percentage of Muslims is. Our information is there is hardly any.

**The Honourable Sir H. P. Mody:** It is my opinion that counts, doesn't it? I am asked to collect the information and my view is that the information would take so long to compile that the time taken over it would be disproportionate to the value of this information.

**Dr. Sir Ziauddin Ahmad:** I can compile it myself in two hours if the Honourable gentleman is willing to show the registers to me.

**The Honourable Sir H. P. Mody:** If my friend will come along, he can look at the register!

**Mr. Lalchand Navalrai:** May I know if in the approval of the contractors it is the policy of the Government to give it on communal ratios? Does this principle apply to the contractors also?

**The Honourable Sir H. P. Mody:** I hope not.

**Dr. Sir Ziauddin Ahmad:** Will Mr. Navalrai object if all these contracts are given to Europeans?

**RAILWAY EMPLOYEE'S RIGHT IN AN ENQUIRY AGAINST HIM OF CROSS-EXAMINING A WITNESS.**

**12. \*Mr. Lalchand Navalrai:** Will the Honourable Member for Railways be pleased to state whether a provision has been inserted in the rules regulating discipline and rights of appeal of non-gazetted Railway servants providing, under Railway Board's letter No. E-34/RG-6, dated the 22nd June, 1935, that an employee whose conduct is undergoing an investigation should be allowed the right of cross-examining a witness? If so, does this right of cross-examination also apply to cases under Rule 9 of the above rules, when an officer has dispensed with a departmental enquiry and makes an enquiry in some other manner? If not, why not?

**The Honourable Sir Andrew Clow:** The answer to the first part is in the affirmative and to the second part in the negative. It is not regarded as desirable to extend the provision to cases where a departmental enquiry has been dispensed with.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member if the inquiry is made in a manner different from the departmental inquiry? Is the person examined or evidence taken for the purpose of finding out the guilt or otherwise of the man?

**The Honourable Sir Andrew Clow:** There are not always witnesses.

**Mr. Lalchand Navalrai:** But whenever there are, will the Government allow cross-examination to be done by the same man when the witnesses are being examined and if not, why not?

**The Honourable Sir Andrew Clow:** I am not sure what the Honourable Member means by 'the same man'.

**Mr. Lalchand Navalrai:** I mean the officer because inquiries will be made either departmentally or by the same officer who will have to examine witnesses at any rate at some time. Therefore, I am asking what difference it would be and why not that concession should be given so that he may put his case properly.

**The Honourable Sir Andrew Clow:** The procedure in the two cases is different and it is not intended to extend the provision of cross-examination to cases where a departmental inquiry is dispensed with.

**Mr. Lalchand Navalrai:** May I know what is the difference between the two, because . . . . .

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

**Lieut.-Colonel Sir Henry Gidney:** Will the Honourable Member state whether occasions do not arise—I won't say frequently—when a subordinate is tried and judged by the same officer? If the answer is in the affirmative, will the Honourable Member please give his consideration to some modification of these rules so that, in any enquiry, the subordinate, i.e., the employee will be assured of some justice?

**The Honourable Sir Andrew Clow:** I cannot see that there is anything wrong in a subordinate being tried and judged by the same officer. An accused in a court is tried and judged by the same presiding officer.

**Lieut.-Colonel Sir Henry Gidney:** I am afraid I have not explained myself sufficiently on this most important matter or the Honourable Member has not seen my point. I mean an instance when a subordinate has been found guilty by an officer and punished and when he appeals the appeal is decided by that very officer who originally punished him and who would hardly reverse his own original judgment.

**The Honourable Sir Andrew Clow:** The appeal ought to lie to a different authority, I quite agree.

**Lieut.-Colonel Sir Henry Gidney:** In this agreement does the Honourable Member feel satisfied that these inquiries are properly and equitably conducted or does he consider that the rules require some drastic modification?

**The Honourable Sir Andrew Clow:** We never reach perfection.

**Lieut.-Colonel Sir Henry Gidney:** I agree, but is there no chance of approaching that end?

**Mr. President** (The Honourable Sir Abdur Rahim): I think the Honourable Member is now arguing.

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#### UNSTARRED QUESTIONS AND ANSWERS.

##### REFUND OF CERTAIN EXCESS RECOVERIES OF MEDICAL FEES FROM EMPLOYEES ON NORTH WESTERN RAILWAY.

**1. Mr. Lalchand Navalrai:** (a) With reference to the Honourable the Railway Member's reply to part (c) of my unstarred question No. 2, asked on 5th November, 1940, regarding refund of excess recoveries made from employees' wages on the North Western Railway in regard to medical fees payable to Sub-Assistant Surgeons, will he please state when the necessary refunds will be arranged?

(b) Is it a fact that the North Western Railway Administration have to recover from such persons the excess payments made to the Sub-Assistant Surgeons, and refund the said amount to employees concerned? If so, what is the cause of the delay?

**The Honourable Sir Andrew Clow:** (a) Government do not contemplate directing any refunds to be made because the amounts were drawn in good faith with either the express or implied agreement of the employee.

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

## STUDY LEAVE TO SUBORDINATE SERVICE EMPLOYEES ON NORTH WESTERN RAILWAY.

2. **Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state the number of employees in subordinate service on the North Western Railway who have been given study leave during the period from 1st April, 1939 to 31st August, 1941? If there are no such instances, is it because there are no applications, or because the leave has been refused for some reasons? If so, will the Honourable Member please state the reasons for such refusal?

(b) Is it a fact that several medical employees have been refused study leave even at their own expense? If so, why?

(c) What are the general rules for grant of study leave, whether at railway or employees' own expense, for higher education for a diploma, degree or any other branch of knowledge, which might help the employee in displaying a better standard of efficiency in service?

**The Honourable Sir Andrew Clow:** (a) No subordinate on the North Western Railway was given study leave between 1st April 1939 and 31st August 1941. As far as can be ascertained, one application for such leave was received, but it was refused, because such leave is not ordinarily admissible for subordinates, and the course of study which the employee proposed to pursue was not being held during the war.

(b) If the Honourable Member has in mind the case of medical subordinates undertaking courses of study during periods of ordinary leave earned by them, as far as can be ascertained, four applications for such leave were sanctioned while two were refused in the exigencies of the service.

(c) The rules are contained in Appendix XXXIII to the State Railway Establishment Code, Vol. II, a copy of which is in the Library of the House.

## IGNORING OF CLAIMS OF CERTAIN PERSONS FOR APPOINTMENT TO HIGHER GRADES ON EAST INDIAN RAILWAY.

3. **Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please state if it is a fact that in making appointments in the higher grades and to posts in the non-Gazetted services, the East Indian Railway authorities have ignored the claims of persons, who were senior and eligible for promotion and possessed the requisite qualifications and experience, and selected persons for those grades and posts from outside the recognised avenue of normal advancement?

**The Honourable Sir Andrew Clow:** Government have no reason to believe that the facts are as stated in the first part of the question. As regards the second part, while Government have no particulars of such appointments being made, they are permissible when the interests of the public service are served thereby.

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

**4. Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please refer to:

- (i) the information given on the 11th February, 1941, in reply to unstarred question No. 22 asked on the 5th November, 1940, viz., "who had passed the goods examination at the old Oudh and Rohilkhund Railway Training School at Chandausi were not required to pass any further examination on that subject";
- (ii) the reply given to unstarred question No. 1 asked on the 31st August, 1938, viz., "Goods Audit Examination is no longer compulsory for the Inspectors on the commercial side";
- (iii) the results of the Goods Examination and the Coaching Examination held at Chandausi Training School published on pages 35 and 37 under Notification No. 38 of Part III of the Oudh and Rohilkhund Railway Weekly Gazette No. 10 of 1921, dated the 7th May, 1921; and
- (iv) paragraph 654 of the East Indian Railway Gazette No. 21, dated the 23rd May, 1928, as reproduced in paragraph 53 of the East Indian Railway Gazette No. 2 of the 15th January, 1941, regarding passing further examination on those subjects by persons who aspire for senior subordinate commercial posts; and state:
  - (a) if it is a fact that the staff, who were exempted by paragraph 715 of the East Indian Railway Gazette No. 23 of 1929, dated the 5th July, 1929, are required to pass further examinations in those subjects;
  - (b) if it is a fact that the staff who passed the Coaching and Goods Examinations as per results published in the Oudh and Rohilkhund Railway Weekly Gazette No. 10 of 1921, are forced to pass further examinations in those subjects by the decision of the Chief Commercial Manager, as communicated in letter No. OPE456 (Higher), dated the 9th July, 1941, from the Deputy General Manager (P), East Indian Railway, Calcutta; and
  - (c) the action taken by Government to protect the staff from victimization; if no action has been taken, the reasons therefor?

**The Honourable Sir Andrew Clow:** (a) and (b). I have no information on these points but am making an enquiry and a reply will be laid on the table of the House in due course.

(c) No action has been taken as no occasion for this arose.

**HARDWAR RAILWAY TICKET FRAUD CASE.**

**5. Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please state:

- (a) the total expenditure on the Hardwar Ticket Fraud Case incurred by the Moradabad Division, East Indian Railway;

- (b) the names of the counsels and the amounts paid to each of them by the Railway;
- (c) the amount paid for the residences of the counsels by the Railway at Saharanpur, and Dehra Dun;
- (d) the sums paid to counsels by the Railway for journeys by rail and by road, respectively;
- (e) the amount paid to counsels by the Railway for:
  - (i) clerical labour;
  - (ii) copying charges; and
  - (iii) obtaining copies of the judicial record;
- (f) a description of the residences provided for the counsels by the Railway;
- (g) the terms of the agreements made between the counsels and the Railway engaging their services for that case;
- (h) whether the counsels were engaged by the Railway on the suggestion or recommendation of:
  - (i) the District Magistrate;
  - (ii) the Government Pleader; or
  - (iii) the Local Government of the United Provinces;
- (i) the total expenditure incurred by the Provincial Government;
- (j) the reasons for the difference in expenditure incurred by the Railway and the Provincial Government;
- (k) the justification for the expenditure on the counsels by the Railway; and
- (l) whether the local civil authority (District Magistrate) was consulted regarding the payments made to the counsels by the Railway; if not, why not?

**The Honourable Sir Andrew Clow:** (a) to (g). I regret that I cannot undertake to collect all the information desired, but I have asked for the aggregate of the expenditure incurred by the railway administration and for the amounts paid to counsel and any amount spent in providing residences for them. These particulars will be laid on the table of the House in due course.

(h) and (l). An inquiry is being made and information will be laid on the table of the House in due course.

(i) and (j). I have no particulars of provincial expenditure; but as this is not incurred on the same items as the expenditure by the railway administration, there is no reason why the two aggregates should correspond.

(k) Expenditure on counsel was necessary to ensure the proper presentation of the case before the various Courts.

**APPLICABILITY OF CERTAIN HOME DEPARTMENT LETTER OF 1883 TO  
NON-GAZETTED RAILWAY SERVANTS.**

**6. Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please state whether Home Department letter No. 50-1682, dated the 18th November, 1883, regarding dismissals of subordinates for misconduct, is applicable to non-gazetted Railway servants under the Government of India?

**The Honourable Sir Andrew Clow:** The answer is in the negative.

**REMOVALS FROM SERVICE OF EAST INDIAN RAILWAY EMPLOYEES IN  
FURTHERANCE OF WAR EFFORTS.**

**7. Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please state:

- (a) if it is a fact that the General Manager, East Indian Railway, has laid down a policy or principle in furtherance of war efforts to the effect that the agreement of the staff be terminated by giving them one month's pay in lieu of notice and that they may be induced to join the Railway units for service under the Defence Department;
- (b) if it is a fact that in furtherance of the said policy a large number of staff have been removed from service since September 1939; and
- (c) whether he will lay on the table of the House a list of the staff in each Division, who were removed from service as per terms of their agreement without assigning the reasons for their removal since the 1st September, 1939?

**The Honourable Sir Andrew Clow:** (a) and (b). Information has been called for and a reply will be laid on the table of the House in due course.

(c) I do not propose to lay lists on the table or to set out the reasons in each case, but an endeavour will be made to furnish the number involved.

**CERTAIN APPOINTMENTS AND PROMOTIONS MADE BY THE TRAFFIC MANAGER  
OF THE OUDH AND ROHILKHUND RAILWAY.**

**8. Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please refer to Notification No. 25 of Part I of the Oudh and Rohilkhund Railway Weekly Gazette No. 5 of 1921 (pages 47—49), dated the 29th January, 1921, regarding the scales of pay for Traffic Department Subordinates with effect from the 1st June, 1920, and state whether the appointments and promotions to the classes of Assistant

Station Masters (100—290), of Controllers (150—340), of Yard Masters (150—290) and of Guards (100—180), are being made by the Traffic Manager of that Railway?

**The Honourable Sir Andrew Clow:** Government have not seen the notifications referred to, but the promotions referred cannot now be made by the Traffic Manager of that Railway as no such appointment now exists.

#### CERTAIN PAPERS CONCERNING ORGANIZATION OF THE OUDH AND ROHILKHUND RAILWAY ON DIVISIONAL BASIS.

**9. Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please lay on the table of this House:

- (a) Letter No. 1805-E./A., dated the 4th April, 1925, from the Agent, Oudh and Rohilkhund Railway, regarding the organization of the Oudh and Rohilkhund Railway on the Divisional basis;
- (b) Circular No. 2 of 1925, dated the 22nd April, 1925, by the Agent, Oudh and Rohilkhund Railway, regarding the organization of the Oudh and Rohilkhund Railway on the Divisional basis; and
- (c) the Supplement to the Oudh and Rohilkhund Railway Weekly Gazette No. 2 of 1925, dated the 30th January, 1925, regarding the formation of a new department called "The Operating Department"?

**The Honourable Sir Andrew Clow:** No copies of the communications referred to are available with the Railway Board; and as they apparently relate to the internal organization of a railway which no longer survives as a separate entity, I regret that I cannot undertake an endeavour to trace them.

#### STANDING ORDER CONCERNING REFRESHER COURSES ON OUDH AND ROHILKHUND RAILWAY.

**10. Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please lay on the table of the House standing order No. 2 published in the Supplement to the Oudh and Rohilkhund Railway Weekly Gazette No. 19 of 1921, dated the 9th July, 1921, regarding the Refresher Courses, and state the date and nature of modifications made to that standing order subsequently?

**The Honourable Sir Andrew Clow:** This document is not now available with the Railway Board, and the railway issuing it no longer exists as a separate entity. I regret that I cannot undertake to secure it or to trace modifications in the 20 years which have elapsed since it was issued.

## STATEMENTS LAID ON THE TABLE.

*Information promised in reply to starred question No. 122 asked by Sardar Sant Singh on the 11th November, 1941.*

### INSANITARY CONDITION OF KAROL BAGH, DELHI.

[NOTE:—This question was withdrawn by the questioner with the permission of the Honourable the President, and consequently the information promised was not laid on the table.—*Ed. of D.*]

*Information promised in reply to unstarred question No. 68 asked by Maulvi Muhammad Abdul Ghani on the 28th February, 1941.*

### MUTUAL GUARANTEE FUND OF THE OLD EAST INDIAN RAILWAY COMPANY.

(a) Since the reply to part (g) of Mr. Md. Azhar Ali's question No. 41 was given on 5th November, 1940, the question has been re-examined, and it has been decided that persons who were in the service of the East Indian Railway Company on 31st December, 1924 and were then contributors to the East Indian Railway Mutual Guarantee Fund may claim to share in the Fund even if they had left the railway service before the dividends were declared in 1926. The General Manager, East Indian Railway, has been instructed to deal with outstanding claims accordingly.

(b) As complete records are not now available it is not possible to give the exact amount of interest that accrued from 1st January, 1925 to the date of closing of the fund. In the balance sheet and profit and loss account on 31st July, 1926, on the basis of which the final dividend was declared, a sum of Rs. 3,644 was shown as received on account of interest.

(c) Rs. 35,594, less Rs. 95 on account of income-tax, renewal fee and commission; the securities were sold between January and July, 1926 but the exact date is not known.

(d) and (e). The alleged statement was reported to the General Manager in the year 1938, i.e., after a lapse of 12 years, but the letter referred to is not traceable.

*Information promised in reply to starred question No. 492 asked by Maulana Zafar Ali Khan on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha on the 25th March, 1941.*

### COMPLAINTS CONCERNING ARRANGEMENTS ON BOARD THE MOGUL LINE PILGRIM SHIPS.

*Substance of complaints of importance regarding arrangements on board pilgrim ships during the 1940-41 pilgrim season.*

The complaints were :

1. that refrigerated meat supplied on s.s. "Islami" did not suit most pilgrims, who preferred fresh meat; that the meat was bad and the vegetables supplied instead were insufficient;

2. that the ghee used on s.s. "Rahmani", "Islami" and "Akbar" was bad :
3. that the best parts of the slaughtered animals were kept for sale in the canteen and only the bones and the remainder were supplied to pilgrims and these were also badly cooked :
4. that bread, biscuits and tea were not supplied regularly on the s.s. "Akbar" :
5. that the food on the s.s. "Akbar" was not properly cooked :
6. that the catering staff on s.s. "Islami" and "Akbar" were incivil to pilgrims, and that the catering manager on the s.s. "Akbar" was a young man of undesirable character and the cooks employed were dirty :
7. that the supply of fresh water on the s.s. "Akbar" was inadequate :
8. that recreation on the upper deck of the s.s. "Akbar" was rendered impossible by the presence of livestock, kitchens and allotment of space there to pilgrims :
9. that the awning provided on the upper deck of the s.s. "Akbar" did not keep off rain :
10. that the Amir-ul-Haj on the s.s. "Islami" complained that accommodation was insufficient :
11. that according to the inspection sub-committee of the Bombay Port Haj Committee which inspected s.s. "Islami", the area of some of the blocks was below the required measurement; space unfit for use was included in the blocks; the figures were written only in English and not in both English and Urdu as required by the rules; and no space was set apart for prayers :
12. that no separate accommodation was set apart for women on the s.s. "Akbar" :
13. that the number of electric fans in the decks of the s.s. "Rahmani" was insufficient :
14. that (as noted by the complaints sub-committee of the Bombay Port Haj Committee) on at least one occasion ship's personnel were permitted to use four washing places intended for pilgrims in contravention of Rule 120 of the Pilgrim Ships Rules :
15. that no Muslims were employed among the deck crew of the "Islami" :
16. that on the return voyage of the s.s. "Akbar" four dead bodies were thrown into the sea from a height while the ship was running; that respect to the dead was not shown; and that the bodies were kept in a passage exposed to view :
17. that preferential treatment was given to the Amir-ul-Haj on the s.s. "Akbar".

*Information promised in reply to parts (a), (b) and (c) of starred question No. 1 asked by Sir Abdul Halim Ghuznavi on behalf of Dr. Sir Ziauddin Ahmad on the 27th October, 1941.*

**PURCHASES OF CLOTH BY THE SUPPLY DEPARTMENT FOR THE PURPOSES OF THE DEFENCE DEPARTMENT.**

*Statement of prices paid by the Supply Department for various qualities of cloth purchased for the Defence Services.*

[Reference part (a) of the question.]

Name of article.	Unit.	Prices.			Remarks.
		September, 1939	September, 1940.	September, 1941.	
		Rs. as. ps.	Rs. as. ps.	Rs. as. ps.	
1. Drill Khaki Mineral Dyed 28".	Yard.	0 6 3	0 8 6	0 10 0	
2. Drill V. G. Khaki 28"	"	Not purchased	Not purchased	0 8 10	
3. Cellular Shirting 32/33".	"	0 7 6 (Oct., 1939)	0 8 4½	0 7 9	
4. Puggree Cloth Mineral Khaki.	"	0 4 5	0 4 5 (November, 1940).	Not purchased.	

STATEMENTS LAID ON THE TABLE

Name of article.	Unit.	Prices.			Remarks.
		September, 1939.	September, 1940.	September, 1941.	
		Rs. as. ps.	Rs. as. ps.	Rs. as. ps.	
5. Pongee Cloth V. G. Khaki	Yard	Not purchased	Not purchased	0 4 10 (May, 1941)	
6. Drill Bleached 28"	"	0 5 8	0 5 0 (October, 1940)	0 8 3	
7. Double Blue 36"	"	0 6 0	0 6 4½	0 7 0 (July, 1941)	
8. Mosquito Netting 49" Square Mesh.	"	Not purchased	0 4 8 (November, 1940)	0 4 2 (July, 1941)	
9. Light Masri Cloth 28"	"	0 4 2	0 3 11 (October, 1940)	0 4 9	
10. Cambrio for Antigas Fabric 86½"	"	Not purchased	Not purchased	0 11 0	
11. Cloth Drab Mixture WP. 56"	"	4 11 8-3	7 1 4-2	6 6 5-3	Average.
12. Serge Service Dress	"	3 14 11-6	5 0 3-7	4 15 11-02	Average
13. Shirting Angola Drab	"	1 5 7-2	1 13 9-9	1 13 9-9	Average.
14. Flannel Silver Grey 54"	"	2 15 4-69	3 6 6	3 6 6-3	Average.
15. Jute 'E' Cloth 28" wide.	100 yards.	12 8 0 Free delivery at Ordnance Inspection Depot, Hastings, Calcutta.	9 12 0 F. O. R. Mill siding.	No purchase was arranged in September, 1941. Last purchase arranged in June, 1941 @ 12-1-0 F. O. R. Mill siding.	
16. Heavy 'C' Cloth	"	15 8 0 Free delivery at Ordnance Inspection Depot, Hastings, Calcutta.	13 8 0 F. O. R. Mill siding.	No purchase was arranged in September, 1941. Last purchase was arranged in May, 1941 @ 14-8-0 F. O. R. Mill siding.	
17. 'A' Twill Cloth (Plain)	"	18 8 0 F. O. R. Mill siding.	15 0 0 F. O. R. Mill siding.	No purchase was arranged in September, 1941. Last purchase was arranged in May, 1941 @ 15-12-0 F. O. R. Mill siding.	
18. Canvas Jute Ordinary 37"	"		42 0 0 F. O. R. Mill siding.	56 0 0 F. O. R. Mill siding.	
19. Canvas Jute special Tossa 37"	"		55 8 0 F. O. R. Calcutta.	75 0 0 F. O. R. Mill siding.	
20. Hessian Cloth 54" w. 1. p. 40" x 10½" os.	"		No purchase was arranged in September, 1940 but purchase was arranged in January, 1941 @ 22-0-0 F. O. R. Mill siding.	34 0 0 F. O. R. Mill siding.	
21. Hessian Cloth 72" w. 1. p. 40" x 10½" os.	"		No purchase was arranged in September, 1940 but purchase was arranged in August, 1940 @ 31-8-0 F. O. R. Mill siding.	32 6 6 F. O. R. Mill siding.	
22. Hessian Cloth 40" x 7½" os.	"		11 5 0 F. O. R. Mill siding or F. A. S.	16 12 0 F. O. R. Mill siding or F. A. S.	
23. First Field Dressings.	Per 16,000	Not purchased	7,315 0 0	7,315 0 0	

Statement showing quantities of cloth purchased by the Supply Department for Defence Services in 1939-40, 1940-41 and the first six months of 1941-42.

[Reference part (b) of the question.]

Name of article.	Quantity purchased in 1939-40.	Quantity purchased in 1940-41.	Quantity purchased in first six months of 1941-42 (i.e., April, 1941 to September, 1941).
(1)	(2)	(3)	(4)
	Yds.	Yds.	Yds.
Khaki Drill Mineral dyed	1,13,60,000	5,36,23,000	4,64,75,000
Khaki Drill V. G. dyed	..	3,05,000	1,76,63,000
Cellular Shirting Khaki	38,66,235	1,85,54,000	2,93,80,000
Pugri cloth mineral Khaki	14,99,551	1,06,13,896	..
Pugri cloth V. G. Khaki	..	..	3,28,00,000
Bleached drill	95,834	7,27,000	12,11,375
Netting Mosquito	9,99,000	98,32,109	3,48,13,000
	(round hole).		(square mesh).
Mazri light	..	37,50,400	2,27,69,000
Cambric for antigas	..	..	31,48,000
Dasootie	3,48,000	31,03,668	74,24,660
Dasootie for tentage only	..	6,00,00,000	1,00,00,000
Cloth Drab Mixture W. P. 56"	5,22,467	7,54,500	11,26,500
Serge Service Dress 56"	4,57,347	12,41,800	19,66,010
Shirting Angola Drab	6,14,697	18,11,500	31,94,257
Flannel Silver Grey 54"	8,38,904	4,50,553	15,32,074
Jute 'E' Cloth	14,67,000	2,52,87,230	22,23,000
Heavy 'C' Cloth	6,85,800	83,87,170	8,77,800
'A' Twill Cloth	1,01,172	1,46,300	100
Canvas Jute Ordinary	32,209	4,64,702	1,25,840
Canvas Jute Special Tossa	55,255	32,32,162	1,99,699
Hessian Cloth 54"—w.i.p. 40" x 10½ oz.	30,000	8,23,760	3,39,040
Hessian Cloth 72"—w.i.p. 40" x 10½ oz.	1,00,000	17,44,230	1,12,670
Hessian Cloth 40" x 7½ oz.	..	1,55,20,000	2,01,33,000
First Field Dressings	Not purchased	Nos. 3,00,000	Nos. 15, 90,000

Quantities expected to be purchased during the second half of 1941-42 and during 1942-43.

[Reference part (c) of the question.]

Purchases during the second half of 1941-42 are expected to be slightly larger than those during the first half. Purchases during 1942-43 will depend on demands from various sources in regard to which complete information has not yet been received.

Information promised in reply to unstarred questions Nos. 11 and 14 asked by Pandit Lakshmi Kanta Maitra on the 27th October, 1941.

MONTHLY AMOUNTS PAID TO THE CATERING CONTRACTORS, MESSRS. HAZIR AND COMPANY, BY THE EAST INDIAN RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI.

No. 11.—The appended statement gives the average amounts paid by the Railway per month in each of the three years; the average amount paid monthly by the students is also given.

Statement showing the average monthly amounts paid by the East Indian Railway and the Students of the Railway School of Transportation, Chandausi, during the years 1938, 1939, 1940 and up to September, 1941.

	Average monthly amount paid by the Railway.			Average monthly amounts paid by students, e.g., Guards, Apprentices, Probationary Assistant Station Masters and Probationary Commercial Clerks.
	@ Rs. 3 per student per day.	@ Rs. 1-12-0 per student per day.	@ Rs. 15 per student per day.	
	Rs. as. ps.	Rs. as. ps.	Rs. as. ps.	Rs. as. ps.
1938 .	69 2 0	147 2 0	647 1 0	623 0 0
1939 . .	188 14 0	113 10 0	651 15 0	709 1 0
1940 . . .	126 0 0	89 13 0	713 3 0	983 8 0
Up to Sept., 1941	274 5 0	118 0 0	628 0 0	1,786 12 0

MONTHLY AMOUNTS PAID TO THE CATERING CONTRACTORS, MESSRS. HAZIR AND COMPANY, CATERING CONTRACTORS, EAST INDIAN RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI.

No. 14.—(a) During the period specified in the question four reports, three relating to unsatisfactory milk and one to unsatisfactory ghee, were made.

(b) The contractor was severely warned and the stock of ghee reported upon was removed. The latter part of the question does not arise.

(c) Does not arise.

(d) No complaints of repeated bad service or repeated supply of unfit articles of food have been received and the four reports during the past 4 years were not regarded as affording justification for the termination of the contract.

Information promised in reply to parts (c) and (d) of starred question No. 31 asked by Mr. Akhil Chandra Datta on the 28th October, 1941.

PROVISION OF SCHOLARSHIPS FOR TRAINING INDIAN STUDENTS AS NAVAL ARCHITECTS.

(c) There are two qualified Indian Assistants in the employ of Messrs. Garden Reach Workshops Ltd., Calcutta, and one in the employ of the Hooghly Docking and Engineering Co., Ltd., Calcutta. There was also, in April 1940, a qualified Indian Naval Architect employed with Messrs. G. G. Dandekar Machine Works Ltd., Bhinwandi, whose services Messrs. Alcock, Ashdown and Company, Bombay, tried without success to secure. Apart from these, so far as Government are aware, there are no qualified Indian Naval Architects either employed or available for employment in India.

(d) The reply to the first portion is that no qualified Indian Naval Architect has applied to any Port Trust in India for employment. The remaining portions do not arise.

Information promised in reply to parts (b) to (c) of unstarred question No. 18 asked by Khan Bahadur Shaikh Fazl-i-Haq Piracha on the 28th October, 1941.

APPLICATIONS FOR EXPLOSIVES LICENCES FROM CERTAIN TOWNS.

BOMBAY.

Licence Form K.

Month.	No. of applications received.	No. of applications for which fees were paid.	No. of applications finally disposed of.	Remarks.
January . .	11	8	..	274 licences were granted, 27 applications were rejected and 6 applicants did not turn up to point out the storage place.
February . .	111	21	..	
March . .	46	24	..	
April . .	8	38	..	
May . .	..	15	8	
June . .	1	7	1	
July . .	8	10	4	
August . .	25	21	125	
September . .	54	78	81	
October . .	43	54	56	
Total	307	276	275	

Licence Form J.

February . .	3	1	..	No application was rejected.
March . .	..	1	..	
April . .	..	1	1	
May . .	..	..	..	
June . .	..	..	..	
July . .	..	..	..	
August . .	1	1	..	
September . .	..	1	1	
October . .	1	1	3	
Total	5	5	5	

**BOMBAY—Contd.**

*Licence Form G.*

Month.	No. of applications received.	No. of licences for which fees were paid.	No. of applications finally disposed of.	Remarks.
January	..	..	..	No application was rejected.
February	..	..	..	
March	1	1	1	
April	52	52	52	
May	30	30	30	
June	27	27	27	
July	17	17	17	
August	4	4	4	
September	2	2	2	
October	4	4	4	
<b>Total</b>	<b>137</b>	<b>137</b>	<b>137</b>	

**MADRAS.**

*Licence Form K.*

January	..	..	..	112 licences were granted, 3 licences were sanctioned pending receipt of fees, enquiries are being made in 8 cases, 5 cases were referred to the Inspector of Explosives, 2 cases were refused until the applicants acquire storage accommodation and 1 applicant left the station
February	4	3	..	
March	3	3	..	
April	2	2	..	
May	4	..	..	
June	3	7	6	
July	1	2	10	
August	20	3	1	
September	55	43	38	
October	39	51	67	
<b>Total</b>	<b>131</b>	<b>114</b>	<b>122</b>	

*Licence Form J.*

July	1	1	1	No application was rejected.
August	1	1	1	
<b>Total</b>	<b>2</b>	<b>2</b>	<b>2</b>	

## MADRAS—contd.

## Licence Form G.

Month.	No. of appli- cations received.	No. of licences for which fees were paid.	No. of appli- cations finally disposed of.	Remarks.
January . . . . .	..	..	..	No application was rejected.
February . . . . .	3	3	3	
March . . . . .	..	..	..	
April . . . . .	1	1	1	
May . . . . .	..	..	..	
June . . . . .	1	1	1	
July . . . . .	4	4	4	
August . . . . .	4	4	4	
September . . . . .	21	20	20	
October . . . . .	1	2	2	
Total . . . . .	35	35	35	

## CALCUTTA.

## Licence Form K.

December, 1940 . . . . .	12	..	..	183 licences were granted, 3 licences are under issue, 17 applications are under consideration and 2 applications rejected.
January, 1941 . . . . .	3	..	..	
February, 1941 . . . . .	48	47	..	
March, 1941 . . . . .	33	27	..	
April, 1941 . . . . .	7	6	2	
May, 1941 . . . . .	1	12	..	
June, 1941 . . . . .	1	2	39	
July, 1941 . . . . .	6	7	46	
August, 1941 . . . . .	26	17	14	
September, 1941 . . . . .	37	37	48	
October, 1941 . . . . .	31	35	36	
Total . . . . .	205	190	185	

## Licence Form J.

May . . . . .	1	1	1	The licence was granted.
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## Licence Form G.

April . . . . .	7	7	7	All the licences were granted.	
May . . . . .	12	12	12		
June . . . . .	6	6	6		
July . . . . .	6	6	6		
August . . . . .	11	11	11		
September . . . . .	18	18	18		
October . . . . .	12	12	12		
Total . . . . .	72	72	72		

## KARACHI.

*Licence Form K.*

Month.	No. of applications received.	No. of licences for which fees were paid.	No. of applications finally disposed of.	Remarks.
July . . . . .	3	2	..	51 licences were granted and 6 applications are under consideration.
August . . . . .	37	37	20	
September . . . . .	16	16	31	
October . . . . .	1	..	..	
<b>Total</b> . . . . .	<b>57</b>	<b>55</b>	<b>51</b>	

*Licence Form J.*

September . . . . .	6	6	6	Licences were granted
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*Licence Form G.*

September . . . . .	1	1	1	Licence was granted.
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## DELHI.

*Licence Form K.*

December 1940 . . . . .	1	1	..	11 licences were granted and 3 applications are under consideration.
January 1941 . . . . .	..	2	..	
February 1941 . . . . .	..	..	..	
March 1941 . . . . .	2	2	..	
April 1941 . . . . .	..	..	..	
May 1941 . . . . .	..	..	..	
June 1941 . . . . .	1	1	1	
July . . . . .	5	1	3	
August . . . . .	3	3	6	
September . . . . .	1	1	..	
October . . . . .	1	..	1	
<b>Total</b> . . . . .	<b>14</b>	<b>11</b>	<b>11</b>	

*Licence Form J.*

March . . . . .	1	1	..	Reply from the firm is awaited.
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*Licence Form G.*

May . . . . .	1	1	..	Licence was granted.
June . . . . .	..	..	..	
July . . . . .	..	..	1	
<b>Total</b> . . . . .	<b>1</b>	<b>1</b>	<b>1</b>	

## LAHORE.

*Licence Form K.*

November 1940 . . . . .	1	..	..	16 licences were granted and 2 applications rejected.
December 1940 . . . . .	2	2	..	
January 1941 . . . . .	8	8	1	
February 1941 . . . . .	..	..	..	
March 1941 . . . . .	..	1	..	
April 1941 . . . . .	1	..	..	
May 1941 . . . . .	1	..	11	
June 1941 . . . . .	2	1	..	
July 1941 . . . . .	..	..	..	
August 1941 . . . . .	2	3	4	
September 1941 . . . . .	1	1	2	
<b>Total</b> . . . . .	<b>18</b>	<b>16</b>	<b>18</b>	

*Licence Form J.*

Nil.

## LAHORE—contd

## Licence Form G.

Month.	No. of applications received.	No. of licences for which fees were paid.	No. of applications finally disposed of.	Remarks.
September	2	2	2	Licences were granted.

## LUCKNOW.

## Licence Form K.

Month.	No. of applications received.	No. of licences for which fees were paid.	No. of applications finally disposed of.	Remarks.
July	10	10	6	11 licences were granted, 4 applicants were permitted to carry on business pending completion of their applications and 2 licences will be issued on payment of fees.
August	5	3	4	
September	2	2	3	
Total	17	15	13	

## Licence Forms J and G.

Nil.

No licence in Forms J and G has been applied for.

Information promised in reply to unstarred question No. 20B asked by Pandit Lakshmi Kanta Maitra on the 28th October, 1941.

ACTS AND OMISSIONS SPECIFIED BY THE STATE RAILWAY ADMINISTRATIONS UNDER SECTION 8 (2) OF THE PAYMENT OF WAGES ACT.

There have been no additions or alterations to the list of 'acts and omissions' contained in Appendix II of the Annual Report on the working of the Payment of Wages Act on railways for the year 1938-39.

Information promised in reply to unstarred question No. 24 asked by Mr. N. M. Joshi on the 29th October, 1941.

APPLICATIONS FOR FAMILY OR PERSONAL ALLOWANCES FROM PERSONS DETAINED, INTERNED OR EXTERNEED UNDER THE DEFENCE OF INDIA RULES.

Statement showing the number of persons detained or restricted by Provincial Governments under the Defence of India Rules who applied for personal or family allowances and details of the allowances granted.

No. of applications	628	
No. of cases in which allowance were granted	78	
Number of cases in which the allowance granted was	less than Rs. 10	9
	Rs. 10 or more but less than Rs. 20	47
	Rs. 20 or more but less than Rs. 50.	20
	Rs. 50 or more	2

*Information promised in reply to parts (c), (d) and (e) of starred question No. 78 asked by Mr. Lalchand Navairai on the 5th November, 1941.*

**NON-OBSERVANCE OF THE RULE AND INSTRUCTIONS re FORWARDING OF APPEALS IN SIND AND BALUCHISTAN POSTAL CIRCLE.**

(c) The number of appeals received by the Director of Posts and Telegraphs, Sind and Baluchistan Circle, during the two years prior to November 1941 was thirtyseven of which eleven were rejected.

(d) After the issue of the Director-General's circular letter in September 1940, the instructions contained therein in regard to making a recommendation or expressing an opinion, were not observed in four cases.

(e) A recommendation for rejection of the appeal was made by the punishing authority in one only of the cases mentioned in (d) above and this appeal was rejected by the Director of Posts and Telegraphs, Sind and Baluchistan Circle.

*Information promised in reply to starred questions Nos. 88 and 89 asked by Qazi Muhammad Ahmad Kazmi on the 7th November, 1941.*

**MUSLIM EMPLOYEES' ALLEGATIONS OF HARASSMENT, MALTREATMENT, ETC., AGAINST THE EXECUTIVE OFFICERS OF THE AGRA CANTONMENT BOARD.**

No. 88.—(a), (c) and (d). No.

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

**MUSLIMS EMPLOYEES' ALLEGATIONS OF HARASSMENT, MALTREATMENT, ETC., AGAINST THE EXECUTIVE OFFICERS OF THE AGRA CANTONMENT BOARD.**

No. 89.—(a) It is a fact that Captain Rachpal Singh was succeeded by a Sikh Executive Officer who, however, is not a junior officer, having had 11 years service.

(b), (d) and (e). No.

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

*Information promised in reply to parts (b) and (c) of starred question No. 105 asked by Lieut.-Colonel Sir Henry Gidney on the 10th November, 1941.*

**DEPLETION IN THE STRENGTH OF THE TRAFFIC SECTION OF THE POSTS AND TELEGRAPHS DEPARTMENT.**

(b) Since September, 1939, 118 Telegraphists, 5 Telegraph Masters and 2 Deputy Superintendents have been employed as non-departmental telegraphists intermittently, while 28 Telegraphists, 1 Telegraph Master and 2 Deputy Superintendents have been so employed continuously. Non-departmental telegraphists are paid the following rates of daily pay for every day they are present at the office or are travelling on duty:

For Men—Rs. 2 a day.

For Women—Rs. 1-8-0 a day, raised to Rs. 2 since 26th April, 1940.

In addition to the officers mentioned above 2 Chief Superintendents (Class I) were re-employed as Instructors and 6 Superintendents (Class II), 5 Telegraph Masters and 2 Telegraphists were re-employed as Assistant Instructors in the Military Training Classes at Poona and Rawalpindi. The designations of these Instructors and Assistant Instructors have recently been changed to Chief Instructors and Instructors. Their rates of pay have also been enhanced from Rs. 200 and Rs. 100 to Rs. 250 and Rs. 150 respectively.

(c) Thirteen Telegraphists, one Telegraph Master and one Chief Superintendent (Class I) have been granted extensions of service during the period from September 1939 to date.

Information promised in reply to starred questions Nos. 118, 123, 124 and 125 asked by Sardar Sant Singh on the 11th November, 1941.

**FILTERED WATER RATES CHARGED BY THE DELHI AND NEW DELHI MUNICIPAL COMMITTEES.**

No. 118.—(a) The water rate has not been charged but the minimum charges have been revised in order to make the minimum charge uniform for all consumers.

(b) A notice was sent to all consumers. No notice is required by the rules.

(c) Yes.

(d) No.

(e) The rate for domestic supply approved by the local administration for Delhi City is eight annas per thousand gallons, which is the same as the rate imposed in New Delhi. The second and third parts of the question do not arise.

**DAIRY FARM FOR KAROL BAGH, DELHI.**

No. 123.—The answer is in the negative. It would not be possible to allot land for any kind of farm in Karol Bagh, which is being developed as a built-up area.

**DILATORINESS OF THE MUNICIPAL OFFICE, DELHI, IN RECEIVING PAYMENTS OF AND PASSING RECEIPTS FOR MUNICIPAL DUES.**

No. 124.—(a) Yes.

(b) It is understood that delay occurs in the Delhi Municipal Office in receiving payment of house tax owing to the fact that the tax is payable in a single instalment on the 1st July and the staff is unable to deal with all the work promptly.

(c) Government understand that proposals for revision of the present system are under consideration.

**COMPROMISES OF SUITS SUGGESTED BY THE DELHI CIVIL COURTS.**

No. 125.—(a) Government are not aware of any such complaints.

(b) A statement is attached. There was no case in which the compromise was effected at the instance of the Court.

(c) No. Government have no status to give instructions to the Courts as to the discharge of their judicial functions.

(d) The Honourable Member is referred to the instructions in paragraph 1 and 2 of Chapter I-A of the Rules and Orders of the Lahore High Court, Vol. I (copy enclosed).

Statement showing the number of suits (regular and small cause) filed in the court of the Additional Judge of the Court of Small Causes, Delhi, and the number of compromises, for the quarter April to June 1941.

	Suits instituted.		Compromised.	
	Regular.	Small Cause.	Regular.	Small Cause.
April	Nil.	62	1	1
May	7	130	1	5
June	14	115	Nil.	15
Total	21	307	2	21

*Paragraphs 1 and 2 of Chapter I-A of the Rules and Orders of the High Court at Lahore (Volume I).*

"1. All courts, civil and criminal, in the one station should sit at the same hour. The ordinary court hours are 10 A.M. to 4-30 P.M. with an interval for lunch from 1-30 P.M. to 2 P.M., but these may be varied in summer (May to September), with the lunch interval from 10 A.M. to 10-30 A.M., with the previous sanction of the High Court if it would be for the convenience of the courts and the litigating public generally to do so.

Ordinarily, when change of hours is desired, the Deputy Commissioner should apply through the District and Sessions Judge; but if the Deputy Commissioner does not move in the matter and the District and Sessions Judge desires the change, he should apply after consulting the Deputy Commissioner. The date from which it is proposed that any change should take effect should be fixed sufficiently ahead in order to allow not only for time for the obtaining of the sanction of the High Court, but also for proper notice to the public in general and to the parties to civil suits in particular. It is not necessary to obtain the sanction of the High Court before the normal court hours are reverted to at the close of the summer."

"2. The Presiding Officers of Courts should observe strict punctuality in attendance; serious notice will be taken of habitual unpunctuality. Attendance registers have now been abolished, but in order to maintain a check on the punctual attendance of officers every District and Sessions Judge shall make surprise visits from time to time to the Court of each Subordinate Judge at headquarters at 10 A.M. (or, in the case of summer hours, at whatever time Courts open) and shortly before the time fixed for the final rising of the Court. These visits should be made not less often than once a month unless the District and Sessions Judge is unavoidably absent from headquarters, e.g. for recess, and the result should be reported to the High Court each month without fail in the form of a consolidated statement, which should be received not later than the tenth of the month following that to which the visits relate."

*Information promised in reply to starred questions Nos. 152 and 154 asked by Sardar Sant Singh on the 12th November, 1941.*

**SCALES OF PAY IN THE GOVERNMENT OF INDIA DEPARTMENTS AND THEIR ATTACHED AND SUBORDINATE OFFICES SET UP SINCE 1ST APRIL, 1939.**

*No. 152.*—Names of the Government of India Departments and their Attached and Subordinate Offices which have been set up since April 1939, and the Scales of Pay sanctioned for the Ministerial Staff of those Offices.

(a) The names of the Departments and offices in question are as follows :—

**Departments.**

**Attached and Subordinate Offices.**

1. Civil Defence Department.

2. Department of Information and Broadcasting.

1. Office of the Chief Press Adviser.

2. Counter Propaganda Directorate.

3. Film Advisory Board.

Department of Indians Overseas.

## Departments.

## Attached and Subordinate Offices.

## 4. Department of Supply.

1. Office of the Director General, Munitions Production.
2. Office of the Director General, Supply.
3. Office of the Electrical Commissioner with the Government of India.
4. Offices of the Controllers of Supplies at Calcutta, Bombay, Madras, Cawnpore, Karachi and Lahore.
5. Office of the Chief Accounts Officer (American Purchase).

The following new offices have also been set up under the existing Departments :—

## Departments.

## Attached and Subordinate Offices.

## 5. Department of Commerce.

1. Office of the Chief Controller of Imports, New Delhi.
2. Office of the Controller of Enemy Firms and Custodian of Enemy Property, Bombay.
3. Office of the Foreign Trade Controller, Calcutta.
4. Office of the Foreign Trade Controller, Bombay.
5. Office of the Tea Controller, Calcutta.

## 6. External Affairs Department.

Foreign Publicity Office, Delhi.

(b) and (c).—The orders in regard to scales of pay sanctioned for the ministerial staff in the Departments and Offices mentioned above are similar in all cases. The posts in these new offices have been created on the usual revised rates of pay but persons already drawing old rates of pay, on appointment to these posts, have been allowed to retain those rates, so long as their transfer does not involve promotion. In the case of the Supply Department the old entrants have been allowed to draw pay in the relevant old scales even on promotion to higher divisions. This was done in the public interests in the circumstances prevailing at the time the Department was created.

In the case of Subordinate offices located at places other than Simla and Delhi, rates of pay are generally based on those allowed to the corresponding staff in other Central Government offices located at those places, or, in the case of technical staff, in the light of the rates applicable to such posts in the local offices or in private employ.

(d) The attention of the Honourable Member is invited to the Pay and Cadre Schedules, the Revised Rates of Pay Rules and the Pay Schedules of Central Subordinate services, copies of which are available in the Library of the House, in which the relevant scales of pay are shown. In view of the position as explained above, it does not seem necessary to furnish copies of the orders regarding the scales of pay.

#### SCRUTINY AT RENEWALS OF ARMS LICENCES BY THE DELHI ADMINISTRATION.

No. 154.—The Honourable Member seems to be under the misapprehension that there are regular posts of special police officers. This is not so. Special police officers have been appointed under section 17 of the Police Act, 1861, for special occasions and as soon as the necessity is over, they cease to be such officers. If any of them hold licences for private arms these are granted in their personal capacity and the renewals are governed by the ordinary rules. I would further add that since the formation of the Civic Guard it has not been necessary to appoint any person as a special police officer.

*Information promised in reply to unstarred question No. 57, asked by Maulvi Abdur Rasheed Chaudhury, on the 12th November, 1941.*

CASES OF REMOVAL OF THE EFFICIENCY BAR OF INCOME-TAX OFFICERS IN THE CENTRAL PROVINCES AND THE UNITED PROVINCES.

(a) In one case and after the lapse of a little over a year.

(b) The answer to the first part of the question is in the affirmative. As regards the second part, there is no question of discriminatory action. Obviously each case has to be decided on its merits and a decision on one case does not necessarily apply to another.

*Information promised in reply to starred question No. 195 asked by Mr. Ananga Mohan Dam on the 18th November, 1941.*

GAZETTED AND MINISTERIAL OFFICERS IN THE SUPPLY DEPARTMENT.

(a) The total numbers of gazetted and ministerial officers employed in the Department of Supply from different Provinces are :—

Gazetted officers . . . . .	257
Ministerial officers . . . . .	3,591
	3,848
Total . . . . .	3,848

(b) 2,583 Hindus—

(1) Gazetted officers . . . . .	174
(2) Ministerial officers . . . . .	2,409

and 912 Muslims—

(1) Gazetted officers . . . . .	56
(2) Ministerial officers . . . . .	856

(c) Two—

- One gazetted officer.
- One ministerial officer.

*Information promised in reply to starred question No. 206 asked by Qazi Muhammad Ahmad Kasmi, on the 18th November, 1941*

STAFF ON TEMPORARY PANEL FOR KUMBH MELA ON MORADABAD DIVISION 1988 ABSORBED IN PERMANENT POSTS.

(a) The answer to the first part is in affirmative, as regards the second part the East Indian Railway is unable to trace the letter quoted, but if such a letter had actually issued it has been carelessly worded.

(b) What was stated in the House was correct, viz., that no one had been appointed permanently from the Kumbh Mela panel in question. When the Kumbh Mela panel was abolished the names of some men on the panel were transferred to certain other panels or waiting lists which are maintained in certain categories and that five such men are understood to have secured permanent appointments therefrom.

## DEATHS OF MR. L. C. BUSS AND SIR AKBAR HYDARI.

**The Honourable Mr. M. S. Aney** (Leader of the House): Sir, with your permission I very much regret that I have to refer to the death of two friends, one of whom was a Member of this House and the other a Member of the other House and also a Member of the Viceroyn's Executive Council and a great national leader. Mr. L. C. Buss, who was a Member of this House and the Leader of the European Group, has been sitting in this House since 1934. He represented in this House the Associated Chambers of Commerce and he died, as the Members of the House know, on the 19th November last. The news of his death certainly came as a shock to us all. Only on the last day on which this House met in the last Session he made a speech on the Resolution of Mr. Joshi and all of a sudden we heard the next morning that Mr. Buss was no more. He has been sitting in this House, as I have already said, as a representative of the Associated Chambers of Commerce since 1934, and, since the retirement of Sir Alec Aikman, he was elected the Leader of the European Group. He discharged the duties of the Leadership with a dignity and sincerity that won for him the respect of all sections of the House. He did not use to intervene in the debate very often, but whenever he did it was always found that he had made a well-reasoned and dignified statement of the position of his Group and indeed a valuable contribution to the debate on the subject. What struck me most in him was his attitude towards Indians in general. He once expressed to me, and his whole conduct so far as I could see it bore it out, that he did not like that some of his countrymen always carried with them in their behaviour a false sense of superiority over other people in the country on the ground that they belonged to a ruling class or a conquering race. I am definitely of opinion that men of the type of late Mr. Buss only will be able to do real service to their country and my country at the present juncture. It is, therefore, all the more that we deeply mourn his death and the loss caused by the same.

So far as Sir Akbar Hydari is concerned, I need not make a long speech at all. It is with a heavy heart that I rise to refer to his death. Not being a Member of this House, most of us had not the occasion of seeing him working as a Councillor here, but his record of public life is so long, dignified and comprehensive that it is not necessary for us to know him as a Councillor here to understand what a great man he was. Sir, I came in personal contact with him only after the assumption of his office as a Member of the Expanded Council. But in these two months and a half I found that in him we had an extraordinary personality. He was undoubtedly the oldest of all the Members of the Council but without meaning any disrespect to any one of my colleagues he was also the wisest of them all. His long and varied experience as an administrator was of immense value to the Council in deciding on important questions of policies and principles. He was a man, I discovered, who always rose superior to petty considerations and took a broad and long view of the problems presented to him. His was essentially a mind of a devout but non-communal follower of Islam. His views on questions of religious faith seemed to breathe a spirit of catholicity that reminded me of the teachings of the great Rishis of the Upanishads and the Prophet of Islam also. His punctuality in observing his daily prayers was another thing that struck me as the most remarkable feature of his daily life.

His love of art, his love of literature and his love of learning all played an active and constructive part in the building up of modern India and I must say that it was not an insignificant one. The preservation of the Archaeological monuments in the Ajanta and Ellora caves and the establishment of a great University at Hyderabad will always bear eloquent testimony to the constructive part played by him in helping the cultural advance of India.

Cultured in his manners and catholic in his sympathies he was naturally loved and respected by all those who came in contact with him. But during the last few months of his life when I had the pleasure to know him, I found this old and veteran statesman working, with the enthusiasm of a young man, to avert the danger that threatens the cause of civilisation, fight the war to victory and restore to this ancient land of ours, the one indivisible motherland of Hindus, Muhammadans, Parsis, Buddhists, and others, her old glory and grandeur and a status of perfect equality with other nations in the post-war reconstruction of the world. He was, in fact, the embodiment of the Indian unity and the aspirations of united India.

Sir, I request with your permission to move that this House places on record its great and profound sorrow at the death of these two friends and further authorises you to convey to the surviving members of their families that the Members of this House do sympathise in their great bereavement.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I associate myself and the Muslim League Party with what has just been said by the Leader of the House with regard to this motion of condolence. In Mr. Buss the European Group has lost a very popular Leader, the House lost in him a very able Member and I, individually, lost in him a sincere and cordial friend. He was unassuming but very accurate in his work. He has always been sympathetic with the aspirations and views not only of his Party but also with the aspirations of other Parties.

As regards Sir Akbar Hydari, I happened to know him when I was in the First Year class and he was the Superintendent of Hostel in his capacity as Assistant Accountant General in Allahabad. Since then I had been associated with him on account of his being a member of the Governing Body of the M. A. O. College and of the Aligarh University. He was a great educationist, and as a Member of the Central Advisory Board of Education we have all seen that he had complete grasp over facts and he could handle difficult problems in a very simple and admirable manner. We lost in him a great statesman. The loss of both of these Members is irreparable and we sympathise with their families and pray that God Almighty may bless their souls.

**Sardar Sant Singh** (West Punjab: Sikh): Sir, on behalf of the Congress Nationalist Party and on my behalf, I associate myself with all that has fallen from the Leader of the House as regards the qualities of head and heart of Mr. L. C. Buss. I had the privilege of working with him in this House for the last eight years. I found in him a gentleman of rare ability, his observations on various questions that were debated in this House were listened to with great respect and were given full consideration. One merit that we found in him was that he had great sympathy

[Sardar Sant Singh.]

with the aspirations of Indians in their struggle for freedom. The news of his sudden death at the end of the last Session, was heard with very great shock. We are sad because he is not now with us and that we were not destined to see him again in the opening of this Session. My Party fully associates with the expression of the great loss that the country has suffered by his death.

My Party also feels very greatly in the death of another great man of India, Sir Akbar Hydari. The Honourable the Leader of the House has described the great qualities of that great statesman. Although we had not the privilege of personal contact with him, yet the little that we knew of him during the last Session that he has been a Member of the Upper House was sufficient to convince us that a great constructive statesman has left us. When such great problems are coming before the country which require a calm and long range policy, it is a pity that we have not a leader of the eminence of Sir Akbar Hydari with us and our Party fully associate with all that has fallen from the Leader of the House in the great loss that the country has suffered.

\* **Lient.-Col. Sir Henry Gidney** (Nominated Non-Official): On behalf of my Party I desire to associate myself with all that has been said regarding the death of two distinguished Members of the Legislature. So far as my dear and personal friend, Mr. Buss, is concerned, I have known him during all the time that he served in this Legislature. I have known him not only as an adviser in matters that have troubled me, but as a friend. I have been in his Party and under his leadership for nearly seven or eight years and I never failed to find in him what you would call a thorough English gentleman, a wise councillor and a very true and sincere friend. I quite agree with the Leader of the House when he said that his outstanding quality was his sympathy with and his desire to help India at the present juncture. His sincerity for India's aspirations was often expressed on the floor of the House and when he and his Party gave their support to many matters of a controversial nature, and, in particular, do I remember one instance when he boldly stood out and supported us against his Party. It wanted a man of outstanding courage to do that. Mr. Buss had that quality in a very large measure. The House mourns with his bereaved family the loss of such a sincere friend and such an able statesman. My Party with whom I whole-heartedly associate myself mourn the loss of a very true and very dear friend not only to the House but to India.

With the words that fell from the Leader of the House regarding that very distinguished statesman, the late Sir Akbar Hydari, I associate myself and my Party whole-heartedly. I had the honour of knowing Sir Akbar through all the Round Table Conferences and, particularly, at the Joint Parliamentary Committee a singular experience, shared only by one or two of us in this House, to judge his many qualities of head and heart. He was the brainpiece of Princely India when Indian States were being considered at these Conferences. As a representative of the greatest ruling Chief in India, he showed that wonderful judgment and foresight which characterised his sterling worth to India. I can say quite frankly that he was looked upon by the leading statesmen in England as one of the leading statesmen of India and I feel the country can ill-afford, at the present moment, to lose such an able man as Sir Akbar Hydari. Sir, my

Party desires to associate itself with all that the Leader of the House said and would ask you, Mr. President, to convey our deepest sympathy and condolence to the bereaved members of his family.

**Sir Henry Richardson** (Nominated Non-Official): Sir, I have listened to the speeches made by the Honourable the Leader of the House and the Honourable Leaders of Parties with much thankfulness and sincere appreciation of the warm tributes which have been paid to our late Leader, Mr. L. C. Buss. To us in this Group, his death has necessarily been a severe personal loss—a loss which I think all Members of the House obviously share. His high sense of public duty and long service in the Group earned for him not only admiration but profound respect. Although I am new to this House, I had the privilege whilst in another place to serve under Mr. Buss in the European Group and like all who knew him I learned to value very highly his unassuming character, his modesty and his sound judgment. We, in this Group, wish to be closely associated with the message of condolence which is being sent to the bereaved family.

As regards Sir Akbar Hydari, it was with profound regret that we heard of his death a few weeks ago. Sir Akbar had for many years been one of India's leading public figures and it is given to few men to serve their country as ably and in as many different capacities as he did. He will for many years to come be remembered not only as an able administrator but also as one who firmly believed in the great future of this country, a future not only in world politics but also in the world of art and culture. On the personal side, his memory will long be held dear by the very large circle of those who were privileged to know him. Sir, in this Group, we associate ourselves fully with all that has been said about Sir Akbar by other Party Leaders and we would request you to convey the sentiments of this House to Sir Akbar's family.

**Mr. President** (The Honourable Sir Abdur Rahim): I associate myself with the tributes that have been paid to the memory of Mr. L. C. Buss and Sir Akbar Hydari. Mr. Buss's sudden death came as an absolute shock to all of us who happened to be in Delhi at the time. As Leader of the European Group, he always stood for and supported the case of his Party without flinching and without any fear of criticism, but the way he pleaded for the policy of his Party was such that nobody could possibly take offence at anything he said. He was universally respected by every section of this House and I have not the least doubt that his so sudden and premature death is a great loss to the Party whom he led for two or three years and to the Assembly.

Sir Akbar Hydari was not a Member of this House but as a Member of the Executive Council of the Government of India, he had the right of audience in the Assembly and for that reason I have permitted the Leader of the House to refer to his death as being within the spirit of the convention that was arrived at in this Assembly.

I had the privilege of knowing Sir Akbar Hydari for many years and I have always known him as a very devout Muslim and a most broad-minded Indian patriot and statesman. The great services which he rendered to Hyderabad, the premier State of India, have been fully appreciated by His Exalted Highness the Nizam, and I believe there can be no two opinions as to the great value of the work that he did there. Though his active services were confined to Hyderabad he was well known throughout the country for

[Mr. President.]

the breadth of his views and his sound statesmanship; and his great contributions in shaping the constitution of this country both at the Round Table Conference and before the Joint Parliamentary Committee were fully appreciated by all who had the privilege of working with him in the Conference and the Committee. I shall, as requested by the Honourable the Leader of the House and the other Honourable Leaders of Parties, convey the sentiments of this House regarding Mr. Buss and Sir Akbar Hydari to their bereaved families.

#### MOTIONS FOR ADJOURNMENT.

**The Honourable Mr. M. S. Aney** (Leader of the House): Sir, as regards the adjournment motions I would request you not to take them up today but to postpone them till tomorrow. Adjournment motions if admitted by this House are to be sanctioned by His Excellency the Viceroy and it is too late now to get his sanction. So they may be taken up tomorrow.

**Mr. President** (The Honourable Sir Abdur Rahim): If that meets with the convenience of the House generally, the Chair shall be prepared to waive the question of urgency so far as this particular day is concerned.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, tomorrow being a non-official day, will these motions be taken up on an official day later?

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair cannot go into that. Is it the desire of the House that they should be postponed till tomorrow?

(Voices of "Yes".)

The adjournment motions will be taken up tomorrow.

#### H. E. THE GOVERNOR GENERAL'S ASSENT TO BILLS.

**Secretary of the Assembly:** Sir, information has been received that the following Bills, which were passed by both Chambers of the Indian Legislature during the Autumn Session, 1941, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act, as continued by section 317 of the Government of India Act, 1935:—

1. The Code of Criminal Procedure (Amendment) Act, 1941.
2. The Code of Criminal Procedure (Second Amendment) Act, 1941.
3. The Factories (Amendment) Act, 1941.
4. The Aligarh Muslim University (Amendment) Act, 1941.
5. The Madras Port Trust (Amendment) Act, 1941.
6. The Mines Maternity Benefit Act, 1941.
7. The Professions Tax Limitation Act, 1941.
8. The Federal Court Act, 1941.
9. The Indian Merchant Shipping (Amendment) Act, 1941.
10. The Indian Income-tax (Amendment) Act, 1941.

11. The Excess Profits Tax (Second Amendment) Act, 1941.
12. The Railways (Local Authorities' Taxation) Act, 1941.
13. The Indian Companies (Amendment) Act, 1941.
14. The Trade Marks (Amendment) Act, 1941.

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**BILL PASSED BY THE COUNCIL OF STATE.**

**Secretary of the Assembly;** Sir, in accordance with the provisions of Rule 25 of the Indian Legislative Rules, I lay on the table a Bill further to amend the Indian Limitation Act, 1908, which was passed by the Council of State on the 20th November, 1941.

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**HOME DEPARTMENT NOTIFICATIONS ISSUED UNDER THE  
REGISTRATION OF FOREIGNERS ACT, 1939.**

**The Honourable Sir Reginald Maxwell** (Home Member): Sir, I lay on the table a copy each of—

- (i) the Home Department Declaration of Exemption, No. 1/20/41-Political (E), dated the 11th November, 1941;
- (ii) the Home Department Notification, No. 1/3/41-Political (E), dated the 27th October, 1941;
- (iii) the Home Department Declaration of Exemption, No. 1/26/41-Political (E), dated the 6th December, 1941;
- (iv) the Home Department Order of Exemption, No. 1/19/41-Political (E), dated the 3rd January, 1942;
- (v) the Home Department Declaration of Exemption, No. 1/20/41-Political (E), dated the 15th January, 1942; and,
- (vi) the Home Department Order of Exemption, No. 1/4/42-Political (E), dated the 29th January, 1942;

issued under the Registration of Foreigners Act, 1939.

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No. 1/20/41-Political (E).

**HOME DEPARTMENT.**

*New Delhi, the 11th November 1941.*

**DECLARATION OF EXEMPTION.**

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Miss Mildred Monroe, and official attached to the Consulate for the United States of America at Bombay and Mr. Chief Yeoman William Francis Hauck, an official attached to the United States Naval Observer at Bombay, so long as they hold a post in the Consulate and in the office of the United States Naval Observer at Bombay respectively.

V SHANKAR,

*Deputy Secy. to the Govt of India.*

## HOME DEPARTMENT.

## NOTIFICATION.

POLITICAL (E).

*New Delhi, the 27th October 1941.*

No. 1/3/41.—In exercise of the power conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Declarations published with the Notification of the Government of India in the Home Department, No. 21/32/39-Political, dated the 21st June 1939, namely:—

In clause (e) of Declaration 3 of the said Declarations after the word "State" the words "except China" shall be inserted.

H. J. FRAMPTON,

*Deputy Secy. to the Govt. of India.*

No. 1/26/41-Political (E).

## HOME DEPARTMENT.

*New Delhi, the 6th December 1941.*

## DECLARATION OF EXEMPTION.

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Mr Emanuel MAZAC, an official attached to the Czechoslovak Consulate in Bombay so long as he holds a post in that Consulate.

H. J. FRAMPTON,

*Deputy Secy. to the Govt. of India.*

No. 1/19/41-Political (E).

## HOME DEPARTMENT.

*New Delhi, the 3rd January 1942.*

## ORDER.

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of sub-rule (3) of rule 7 and of sub-rule (1) of rule 15 of the Registration of Foreigners Rules, 1939, shall not apply to, or in relation to, Mr. J. L. McCormack, a special representative of the United States Maritime Commission, on any occasion on which he departs from British India by sea with the object of proceeding to ports outside India in the course of his duties.

H. J. FRAMPTON,

*Deputy Secy. to the Govt. of India*

No. 1/20/41-Political (E).

HOME DEPARTMENT.

*New Delhi, the 15th January 1942.*

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Lt. Phillips Talbot, United States Naval Observer at Bombay, so long as he continues in that post.

V. SHANKAR,

*Deputy Secy. to the Govt. of India*

No. 1/4/42-Political (E).

HOME DEPARTMENT.

*New Delhi, the 29th January 1942.*

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except Rule 8, shall not apply to, or in relation to, Mr W. D. Pawley, President of the Intercontinent Corporation.

V. SHANKAR,

*Deputy Secy. to the Govt. of India*

#### AMENDMENTS TO CERTAIN MOTOR VEHICLES RULES.

**The Honourable Sir Andrew Olow** (Member for Railways and Communications): Sir, I lay on the table a copy each of—

- (i) Notification No. 1763/W.F. 111/40 (2), dated the 6th October, 1941, issued by the Chief Commissioner, Ajmer-Merwara, amending the Ajmer-Merwara Motor Vehicles Rules, 1940;
- (ii) Notification No. A-3-2338/41, dated the 6th December, 1941, issued by the Chief Commissioner of Coorg, amending the Coorg Motor Vehicles Rules, 1940; and
- (iii) Notification No. F. 12 (45)/41-General, dated the 16th December, 1941, issued by the Chief Commissioner, Delhi, amending the Delhi Motor Vehicles Rules, 1940.

I also beg to lay on the table a copy of Notification No. F. 12 (3)-III/41-General, dated the 12th January, 1942, issued by the Chief Commissioner, Delhi, relating to Rules framed under the Motor Vehicles Act, 1939.

#### THE CHIEF COMMISSIONER, AJMER-MERWARA. NOTIFICATION.

*Abu, the 6th October 1941.*

No. 1763/W. F. 111/40 (2).—The Chief Commissioner is pleased to make the following amendments in the Ajmer-Merwara Motor Vehicles Rules, 1940, published

with his Notification No. 1141/34-W./38-III, dated the 12th June 1940, the amendments having been previously published in this Administration's Notification No. 2216/111-W./40, dated the 13th December 1940:

(i) At the end of Chapter II—Licensing of Drivers of motor vehicles—add the following rules—

"2-20. *Refund of license fees.*—Any person serving with His Majesty's forces outside India, who, at the time he left this country, held a current license granted under the provisions of the Indian Motor Vehicles Act of 1914, and who, owing to his absence from India, failed to apply for a new license within twelve months from the commencement of the Act, shall be given a refund of Rs. 2 from the full fees leviable under subsection (B) of section 7 of the Motor Vehicles Act, 1939, provided he applies for the license within a reasonable time after his return to India.

2-21. *Refund of fees for renewal of license.*—For the purpose of section 11(3) of the Motor Vehicles Act, 1939, absence from India on service with His Majesty's forces shall be deemed to be "good cause" of delay in applying for renewal of a license provided that application is made within a reasonable period after return to India. In such cases as in rule 2-20 the additional fee of Rs. 2 shall be refunded."

(ii) For the last sentence of rule 2-4 (C) of Chapter II "It shall not be refunded in any circumstances." substitute the sentence "It shall not be refunded save to a person who held a current license granted under the provisions of the Indian Motor Vehicles Act, 1914, and was prevented from renewing the license within the time prescribed under section 6(b) of the Motor Vehicles Act, 1939, by reason of his having served in the Army, Navy or Air Force outside India."

By order.

M. WORTH,

Secretary.

#### THE CHIEF COMMISSIONER OF COORG.

#### NOTIFICATION.

No. A-32338/41, dated Mercara, the 6th December 1941.

In exercise of the powers conferred by sections 21, 41, 65, 68, 70, 71(2), 73, 74, 75, 77, 80, 86(2), 88, 90 and 91 of the Motor Vehicles Act, 1939 (Act IV of 1939), and the notification of the Government of India, Department of Communications, No. R. 60, dated the 28th June 1939, the Chief Commissioner is pleased to make the following amendments to the Coorg Motor Vehicles Rules, 1940, issued with his notification No. R.F. 43/121-39, dated the 26th March 1940:—

#### Amendments.

In the said rules—

#### CHAPTER II.

1. In rules 3 and 6 (a) for the words "District Superintendent of Police" substitute the words "Secretary, Provincial Transport Authority, Coorg" and "Licensing Authority" respectively.

2. In rules 4 (a) and (b) for the words "Provincial Transport Authority" substitute the words "Licensing Authority".

3. In rules 4 (c), (e) and (f) for the word "appropriate" substitute the word "Licensing".

4. In rule 4 (d), after the words "may appoint" add the following:—

"and may in the case of the holder of a licence issued outside the Province require the applicant to pass the test as set forth in the third schedule to the Act notwithstanding that the applicant shall previously have passed the test".

5. In rule 5, delete the words "or the Provincial Transport Authority as the case may be".

6. To rule 6 (c), add the following proviso:—

"Provided that no fee shall be charged for the test if the applicant previously held a licence under the Indian Motor Vehicles Act, 1914, to drive a vehicle of the class to which the application refers and was prevented by reason of absence out

of India on service connected with the present war from obtaining a licence in accordance with the provisions of section 7 (6) (b) of the Act or if the applicant held a licence under the Act to drive a vehicle of the class to which the application refers and was prevented for the same reason from obtaining a renewal of the licence".

7. In rule 7 for the words "Chief Commissioner" substitute the words "Provincial Transport Authority".

8. In rule 7 (c) for the words "appropriate" and "Chief Commissioner" substitute the words "Licensing" and "Provincial Transport Authority" respectively.

9. To rule 18, add the following proviso :—

"Provided that no fee shall be charged for the test if the applicant previously held a licence under the Indian Motor Vehicles Act, 1914, to drive a vehicle of the class to which the application refers and was prevented by reason of absence out of India on service connected with the present war from obtaining a licence in accordance with the provisions of section 7 (6) (b) of the Act or if the applicant held a licence under the Act to drive a vehicle of the class to which the application refers and was prevented for the same reason from obtaining a renewal of the licence".

### CHAPTER III.

10. In rule 23, for the words "District Superintendent of Police" substitute the words "Secretary, Provincial Transport Authority".

11. In rule 24 (b), for the words "Chief Commissioner" and "one month" substitute the words "Secretary, Provincial Transport Authority" and "seven days" respectively.

12. In rule 25 (c), delete the words "or the Inspector of Motor Vehicles as the case may be".

13. In rule 29 (a), substitute the following for clause (iv) :—

"in the case of Passenger Transport Vehicles, the number of passengers (excluding driver and conductor), specified in the permit of the vehicle denoted by Pass.....".

14. In rule 30 (b), delete the words "Registering Authority".

15. To rule 30 (c), add the following proviso :—

"Provided that the vehicle need not be so produced if the owner proposes not to renew the certificate or if the vehicle is transferred to and kept in the area of another Registering Authority or Inspector of Motor Vehicles. In either of these cases the owner shall before the date fixed for inspection inform the authority who made the endorsement in writing that he does not propose to produce the vehicle giving the reason".

16. Substitute the following for rule 30 (g) :—

"(g) The fee for the issue and renewal of certificate of fitness shall be ten rupees in the case of a motor cab and twenty rupees in the case of a transport vehicle other than a motor cab : Provided that a concessional fee of Rs. 15 will be levied on buses and lorries which already hold a current fitness certificate either from Madras or Mysore. The certificate shall be valid for six months".

17. In rule 33 (a) (v), after the words "certificate of registration" add "or trade certificate".

18. After rule 33 (a) (v), add the following :—

(vi) In respect of a trailer.....rupees five.

19. After rule 33 (c), add the following :—

"(d) *Registration fee—exemption.*—The Provincial Government may by notification in the official gazette make an exemption in regard to the registration fees payable in respect of any motor vehicle or class of motor vehicles".

### CHAPTER IV.

20. In rule 43 (f), after the words "Provincial Transport Authority", add the following :—

"For persistent failure to attend meetings of the Provincial Transport Authority or for any other reason which they deem adequate".

21. After clause (i) of rule 44, insert the following :—

"(j) *Correspondence to be addressed to Provincial Transport Authority.*—All correspondence intended for the consideration of the Provincial Transport Authority shall be addressed to the Secretary of the Provincial Transport Authority. No action shall be taken on any correspondence which is not so addressed".

"(h) *Executive officer to give effect to decisions.*—All decision of the Provincial Transport Authority shall be carried into effect by the Secretary".

"(l) *Appointment of persons to authenticate documents.*—The Secretary member may with the approval of the Provincial Transport Authority appoint persons to authenticate documents and perform other duties on his behalf".

22. In rule 49 (a), after the words "shall be" add "in duplicate".

23. After sub-rule (b) of rule 49, add the following as sub-rule (c) :—

"(c) *Refusal to accept applications for permits—Power of Provincial Transport Authority.*—When the Provincial Transport Authority has in exercise of its powers under the Act imposed a limit upon the number of permits of any class which may be granted for a specified route or a specified area and has already granted such number of permits of that class, the authority may decline to receive further applications for such permits in respect of any such route or area".

24. After sub-rule (b) of rule 58, add the following as sub-rule (c) :—

"(c) *Permit to be deemed to be renewed if orders are not passed on application.*—If an application for the renewal of a permit has been made in accordance with these rules and the prescribed fee paid by the prescribed date, the permit shall continue to be effective until orders are passed on the application and if orders on the application are not passed within three months from the date of receipt of the application the permit shall be deemed to have been renewed for the period mentioned in the application or for one year whichever is less".

24. (a) In rule 62 for the letter "f" after the words "sub-section" substitute a figure "(1)".

25. In rule 63 (d), after the words "Transport Authority" in the second line add "or any Police officer of or above the rank of Sub-Inspector of Police".

26. After sub-rule (c) of rule 64, add the following as sub-rule (d) :—

"(d) *Variation of permit by inclusion of additional vehicle—Fee.*—The following fee shall be paid for the variation of a permit by the inclusion of an additional vehicle or vehicles :—

	Rs.
(1) If the unexpired period of the permit exceeds 9 months	16
(2) If the unexpired period exceeds 6 months . . . . .	12
(3) If the unexpired period exceeds 3 months . . . . .	8
(4) If the unexpired period is less than 3 months	4

for each additional vehicle".

27. In rule 65 (b), after the words "any Police officer in uniform" add the words "Magistrate or Inspector of Motor Vehicles".

28. (i) Renumber rule "73" as rule "73 (a)".

(ii) In clause (viii) of rule 73 (a) as so renumbered for the words "Certificate of registration of the vehicle and any additional number permitted under the terms of the permit to be carried standing in the vehicle;", substitute the following :—

"permit of the vehicle".

29. After clause (xiv) of rule 73 (a), insert the following clause :—

"(xv) shall not, while on duty, be under the influence of drink or drug to an extent, rendering him incapable of discharging his duties properly".

30. After rule 73 (a), insert the following :—

"(b) *Responsibility of driver of vehicle on which there is no conductor.*—The driver of a public service vehicle on which there is no conductor shall be responsible for the observance of the provisions of clauses (i) to (xvi) of rule 73 (a)".

"(c) *Stage carriage to carry conductor.*—No stage carriage shall be used in a public place unless it carries, in addition to the driver, a conductor".

"(d) *Issue of tickets—Production of Counterfoils.*—The conductor shall—

(i) issue to every passenger travelling or intending to travel in a stage carriage including every child over three years of age, and to every consignor of goods other than personal luggage, a printed ticket of the requisite denomination on receipt of the fare charged for carrying in the vehicle the passenger and his personal luggage, or the goods other than personal luggage consigned, as the case may be;

(ii) carry at all times when the stage carriage is in use the counterfoils of the tickets so issued; and

(iii) produce the counterfoils on demand by any Police officer not below the rank of Sub-Inspector or by any authority empowered to inspect the vehicle :

Provided that notwithstanding the provisions of clauses (i), (ii) and (iii), the transport authority may in its discretion, and subject to such conditions as it may deem fit, authorise the issue of tickets by a person who is not the conductor and who is not travelling in the vehicle".

"(e) *Refusal to issue tickets.*—No conductor or other person authorised to accept fares, not being a person who travels in the vehicle, when a stage carriage is waiting or plying for hire shall—

(i) without reasonable excuse, refuse to accept a fare from any person tendering it, provided that the conductor or such other person shall stop the issue of tickets when the maximum number of passengers or the maximum load of luggage or goods, as the case may be, which the vehicle is permitted to carry has been reached; or

(ii) demand more than the proper fare".

31. After clause (xi) of rule 75, add the following as clause (xii) and renumber the existing clause (xii) as clause (xiii) :—

"(xii) Distributes printed or similar matter of any description or distributes any article for the purpose of advertising, or".

32. Renumber rule "77 (a)" as "77 (a) (i)".

33. After rule 77 (a) (i), insert the following :—

"(i) *Public service vehicle—Touts—Prohibited.*—No tout shall be employed or be permitted by the owner, driver or conductor of a public service vehicle to canvass passengers and no person shall act as a tout to canvass passengers for any public service-vehicle".

34. Add the following as a sub-paragraph of clause (i) of rule 77 :—

"The fee for a duplicate licence shall be one rupee".

34-A. Substitute the following for clause (l) of rule 77 :—

"(l) (i) *Endorsement by Court.*—Any Court by which a conductor is convicted of any offence in connection with his duties as a conductor shall cause particulars of the offence to be endorsed in the licence.

(ii) *Cancellation and Suspension by Court.* Any Court by which a conductor is convicted of any offence in connection with his duties as a conductor may cancel or suspend the conductor's licence, and shall cause particulars of any such order of cancellation or suspension to be endorsed in the licence. The Court shall communicate in Form CCE particulars of any endorsement made under this rule or the preceding rule to the authority by which the licence was last renewed or to the authority, which granted the licence".

35. After clause (o) of rule 77, add the following :—

"(p) *Appeal against orders regarding conductor's certificate.*—The provisions of the rules in Chapter II relating to appeals against orders in respect of driving licences shall apply to appeals against orders in respect of conductor's licences".

36. In rule 78 (a), after the words "the driver of a public service vehicle shall", insert the following words :—"while on duty" and after the words "inscribed with the name of the", add the words "District of the".

37. In rule 79 (a), after the words "the conductor of a stage carriage shall", add the following :—"while on duty" and after the words "inscribed with the name of the", add the words "District of the".

38. After rule 82 (e), add the following :—

"(f) *Passenger not to sit on right of driver.*—No person may sit nor may any goods be placed on the right of the driver of a transport vehicle".

39. In rule 83 (a) and (b), delete the words "District Superintendent of Police".

40. After rule 83 (c), insert the following :—

"(d) *Schedule of timings.*—The Provincial Transport Authority may from time to time—

(i) by a general order prescribe a schedule of timings for each stage carriages running on specified routes; or

(ii) by a special order prescribe a schedule of timings for each stage carriage'.

"(e) *Vehicles to run in accordance with schedule.*—When a schedule of timings has been prescribed under rule 83 (d), every stage carriage on such route shall run in accordance with it, except—

(i) when prevented by accident or other unavoidable cause; or

(ii) when otherwise authorised in writing by the authority granting the permit'.

"(f) *Responsibility of permit-holder.*—The holder of the permit shall be responsible and punishable for a breach of rule 83 (e) in addition to any other person who may be responsible and punishable for such breach'.

41. Substitute the following for rule 84 :—

RECORDS TO BE MAINTAINED.

"84. (a) (i) *Trip Sheet.*—The driver or conductor of every public service vehicle shall maintain trip sheets serially numbered in a bound book in Form TSS or TSC in English or in Kannada.

(ii) *Custody of Trip Sheet.*—Trip sheets shall—

(a) be carried by the conductor or, in case there is no conductor, by the driver whenever the vehicle is in use;

(b) be duly filled up from time to time as occasion arises by the conductor or, in case there is no conductor by the driver; and

(c) be opened to inspection by any Police officer not below the rank of Sub-Inspector or by any Magistrate or by an Inspector of Motor Vehicles.

(iii) *Trip Register.*—Every holder of a permit shall in respect of every public service vehicle specified in the permit maintain in English or in Kannada a trip register in Form TR in a bound book of which the pages are serially numbered. The trip register shall be posted daily from the trip sheets maintained under rule 84 (a) (i), and be at all times open to inspection by any Police officer or by any Magistrate or by an Inspector of Motor Vehicles'.

"(b) *Goods vehicle record—maintenance of.*—(i) Every driver of a goods vehicle shall keep, and every holder of a goods vehicle permit shall cause to be kept in English or in Kannada a record in Form GVR which shall give, in respect of each day on which the driver was employed in driving, the information prescribed in the form.

(ii) Each item of information required by Form GVR shall be entered in the record as soon as the particular to be recorded is ascertained.

(iii) The record in Form GVR shall be carried by the driver until he has completed his work for the period to which the record relates, and shall while in his custody be open to inspection, by any person authorised to inspect a goods vehicle. The driver shall deliver the record to the holder of the permit within seven days of the expiry of the period to which the record relates.

(iv) The permit-holder shall preserve the record in Form GVR for six months after the expiry of the period to which it relates and shall produce it for inspection at any time within that period on demand by the Provincial Transport Authority or by a Police officer not below the rank of Sub-Inspector'.

"(c) *Check in stations on route—register.*—The Transport Authority may by general order direct that every stage carriage shall stop at such stations on its route as the Transport Authority may prescribe, and thereupon the conductor of every stage carriage shall correctly enter in the register in Form TGR kept at each such station the particulars specified therein'.

"(d) *Destination board.*—The destination to which the stage carriage is proceeding or is about to proceed shall be clearly stated in English and in Kannada on boards conspicuously placed on the front and rear of the vehicle'.

"(e) *Painting and illumination of destination board.*—The board shall be painted in white letters not less than two inches high on a black ground. It shall be clearly visible and unobstructed by car equipment or otherwise and illuminated by a white light from half an hour after sunset to half an hour before sunrise'.

"(f) *Conductor's responsibility.*—The conductor shall be responsible for exhibiting the proper boards and for their illumination'.

42. After rule 87 (b), insert the following :—

"(c) *Withdrawal of bus from the service.*—If the holder of a stage carriage permit proposes to withdraw the service which the vehicle covered by the permit is providing before the expiry of the permit, he shall, unless prevented by unavoidable circumstances, give at least one month's notice of his intention to the transport authority

which issued the permit, and shall surrender the permit on the date from which the service is withdrawn. Upon receipt of the notice, the Transport Authority shall post a copy of the notice on a suitable notice board situated on the premises of the authority".

43. In rule 89 (d) for the words "public service", substitute the word "Transport".

44. After rule 89 (d), add the following rules :—

"(c) *Inspection by members of Provincial Transport Authority.*—Any member of Provincial Transport Authority may exercise the powers conferred in rule 89 (c) on a Police officer in uniform; and the powers conferred in rule 89 (a), on a Police officer in uniform not below the rank of Sub-Inspector."

"(f) *Conviction of permit-holders—intimation by Courts.*—A Court convicting the holder of a permit, of an offence punishable under the Act or these rules shall communicate particulars of such conviction in Form PI to the authority which granted or, as the case may be, last renewed the permit and to the authority, if any, which has endorsed or extended the validity of the permit."

"(g) *Use of stage carriage on more than one route.*—If a person holds stage carriage permits for two or more routes the Provincial Transport Authority may in its discretion and subject to such conditions as it thinks fit permit him to use a vehicle in respect of which he holds a valid stage carriage permit on any of such routes, provided that the vehicle shall be used only for the provision of such transport facilities as the owner is authorised to provide in accordance with the terms of the permit which he holds."

## CHAPTER V.

### CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES.

45. After rule 102 (c), add the following rules :—

"(d) *Tyres of heavy transport vehicles, tractors and locomotives.*—If the tyres of the wheels of a tractor, locomotive or heavy transport vehicle, are neither pneumatic nor made of a soft or elastic material, they shall satisfy the following conditions :—

The tyres of each wheel shall be smooth and shall, where the tyres touch the surface of the road or other base whereon the vehicle moves or rests, be flat :

Provided that the edges of the tyres may be bevelled or rounded to the extent of not more than half an inch in the case of each edge;

Provided also that if the tyres are constructed of separate plates, the plates may be separated by parallel spaces which shall be disposed throughout the outer surface of the tyres so that nowhere shall the aggregate extent of the space or spaces in the course of a straight line drawn horizontally across the circumference of the wheel exceed one-eighth part of the width of the tyre;

Provided further that the driving wheels shall be cylindrical and smoothsoled or shod with diagonal cross-bars of not less than three inches in width nor more than three quarters of an inch in thickness extending over the full breadth of the tyre and the space intervening between the cross-bars shall not exceed three inches."

"(e) *Diameter of wheel.*—If any wheel of a tractor, locomotive or heavy transport vehicle is fitted with a tyre which is neither pneumatic nor made of a soft or elastic material, the diameter of the wheel shall be not less than two feet.

*Explanation.*—For the purpose of these rules "diameter" in relation to a wheel, means, the diameter measured between the two opposite points in the outer surface of the tyre which are farthest apart, "width" in relation to the tyre of a wheel, means, the distance measured horizontally and in a straight line across the circumference of the wheel and between the two points in the outer surface of the tyre which are farthest apart."

46. After rule 108 (c), add the following :—

"(d) *Vehicle with trailer.*—If a trailer is or trailers are attached to a motor vehicle the total length of the train, including such motor vehicle shall not exceed forty feet."

47. After rule 112 (k), add the following :—

"(l) *Direction indicators—necessary in certain cases.*—If in any motor vehicle the seat for the driver is so situated that the driver cannot effectively give the manual signals prescribed in the eleventh schedule to the Act, the vehicle shall be fitted with a mechanical or electrical direction indicator in the manner specified in these rules."

48. After rule 113 (b), add the following proviso :—

"Provided that this rule shall not apply to any motor chassis upon which a body is not yet built."

49. For rule 119 (a) (iii), substitute the following :—

“(iii) When the seats are placed across the vehicle and are facing each other there shall be a clear space excluding padding and upholstery between the surface of any portion of the seat against which the back of the passenger is to rest and the surface of the corresponding portion of the seat facing it of a minimum width of 3 feet 11 inches and a clear space excluding padding and upholstery between the fronts of facing seats of a minimum width of one foot seven inches.”

“(iv) Where the seats are placed lengthwise and facing each other, the surface of any portion of the seat against which the back of the passenger is to rest shall be at least fifty-four inches from the surface of the corresponding portion of the seat facing it.”

“(v) Except where the seats in a public service vehicle are enclosed by the body of the vehicle, no seats shall be so constructed so as to project beyond the floor space of the vehicle.”

50. GANGWAYS.—In rule 120 (a) (ii) for the words “twelve inches” substitute the words “fourteen inches.”

51. After rule 124, add the following proviso :—

“Provided that this provision shall not apply to vehicles of the open type in which the seats are not enclosed by the body of the vehicle.”

52. After rule 128 (b), add the following :—

“(c) OVERALL LENGTH.—The overall length of a public service vehicle shall not exceed twenty-six feet.”

53. After rule 129 (c), add the following :—

“(d) PROTECTION OF LUGGAGE ON STAGE CARRIAGES.—The luggage carried on the outside of a stage carriage shall be protected in wet weather by a suitable waterproof covering. The covering shall be securely fastened so as to prevent flapping.”

54. In rule 131, delete the word “Registering”.

55. For rule 133 (b), substitute the following :—

“(b) Fuel tank.—The fuel tank of every public service vehicle shall be so placed that no overflow therefrom shall fall upon any woodwork or accumulate on any part of the vehicle.”

56. After rule 148 (j), insert the following :—

“(k) Provision of chain in steam-driven vehicles.—Every steam-driven motor vehicle with rubber tyres shall have attached to its frame a chain hanging loose or other contrivance whereby electric contact is made between the body of the vehicle and the earth.”

“(l) Exemption by Provincial Government.—The Government may by notification in the *Coorg Gazette* exempt to such extent as may be specified in the notification any motor vehicle or class of motor vehicles from all or any of the provisions of the rules framed under Chapter V of the Act.”

## CHAPTER VI.

### CONTROL OF TRAFFIC.

57. After rule 151 (j), insert the following rules :—

“(k) Weighing of Vehicles.—Police officers not below the rank of Sub-Inspectors and Inspector of Motor Vehicles are authorised to require the weighing of goods vehicles and trailers.”

“(l) Powers of Provincial Transport Authority to restrict speeds, weights, etc.—The Provincial Transport Authority shall have power subject to the control of the Provincial Government—

(i) to impose speed limits;

(ii) to impose limits on the laden weight or axle weight or dimensions of motor vehicles, and to prohibit or restrict the use of motor vehicles generally or of a particular class or of trailers in a specified area or in respect of any road, provided that no such limits or restrictions shall be imposed; and

(iii) to designate any road as a main road.”

“(m) Authorities empowered to erect traffic signs.—Subject to the provisions of rule 151 (n) the Provincial Transport Authority shall be the authority authorised to cause or permit traffic signs to be placed or erected in any public place for the purpose of regulating motor vehicle traffic.”

"(n) *Authorities empowered to erect traffic signs.*—The Divisional Officer, Coorg, Public Works Department, who is also a member of Provincial Transport Authority and who is empowered to specify the maximum safe load for a bridge or culvert or to close a public road or street may for the purpose of exercising the said power erect the appropriate traffic signs."

"(o) *Weighing of vehicles believed to be used in contravention of restrictions.*—Any officer referred to in rule 151 (k), may if he has reason to believe that a goods vehicle is being used in contravention of any laden weight restriction imposed by competent authority require the driver to convey the vehicle to a weighing device, if any, for weighing; and if on weighing, the vehicle is found to contravene such restriction, he may by order in writing, direct the driver to convey the vehicle to a suitable place to be specified in the notice, where facilities exist for the storage of goods and not to remove the vehicle from the place until the laden weight or axle weight has been reduced so that it complies with such restriction."

"(p) *Officers empowered to demand production of registration certificate.*—Magistrates, Inspector of Motor Vehicles and Police officers not below the rank of head constable are authorised to demand the production of the certificate of registration of any vehicle, and where the vehicle is a transport vehicle, the certificate of fitness."

"(g) *Officers empowered to demand information.*—Police officers not below the rank of Sub-Inspector are authorised to demand from the owner of a motor vehicle the driver of which is accused of any offence under the Act, all information regarding the name and address of and the licence held by the driver which is in his possession or could by reasonable diligence be ascertained by him."

"(r) *Officers empowered to inspect vehicles involved in accident.*—Magistrates, Inspector of Motor Vehicles and Police officers not below the rank of Sub-Inspector are authorised to inspect any motor vehicle involved in an accident and for that purpose to enter at any reasonable time any premises where the vehicle may be and to remove the vehicle for examination."

58. In the 3rd line of rule 152 for the word "six" insert "ninth".

59. In rule 163 (a), substitute a comma for fullstop and add the following:—

"nor shall the driver or person in charge of such vehicle permit any person to do so."

60. In rule 157 (b), delete the alternative authority, "an Inspector of Motor Vehicles", and insert as follows after the words "Sub-Inspector", "or Inspector of Motor Vehicle."

61. After rule 163 (b), insert the following rule:—

"(c) *Driving mirror obscuring of.*—No person driving or in charge of a motor vehicle shall—

(i) permit any person to stand or sit or,

(ii) place or permit anything to be placed in such a manner or position as to obscure the driver's vision either directly or rearward by the mirror referred to in rule 96."

"Provided that clause (ii) shall not apply to a vehicle fitted with a blind on the rear window when this blind is used during night time."

62. After rule 164 (b), insert the following:—

"(c) *Traffic signs to be observed.*—Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by traffic sign, the erection of which is permitted under sub-section (1) of section 75 of the Act."

63. After rule 169, add the following rules:—

"170. *Exemption by Provincial Government.*—The Government may by notification in the official Gazette exempt to such extent as may be specified in the notification any motor vehicle or class of motor vehicles from all or any of the provisions of the rules framed under Chapter VI of the Act."

## CHAPTER VII.

### MISCELLANEOUS.

"171. *REFUND OF FEES.*—Subject to the provisions of rules 172 and 173, the Secretary, Provincial Transport Authority, may on application sanction the refund of—

(i) the full fee paid, where the certificate, licence, permit or badge applied for is refused or the application for the certificate, licence, permit or badge is cancelled or withdrawn by the applicant before the certificate, licence, permit or badge, as the case may be, is actually issued and the transaction completed;

- (ii) the excess, where the amount paid is in excess of the proper fee; and  
 (iii) two rupees out of the licence fee of rupees five if the applicant held a licence under the Indian Motor Vehicle Act, 1914, and was prevented by reason of absence out of India on service connected with the present war from obtaining a licence in accordance with the provisions of section 7 (6) (b) or if the applicant held a licence under the Act and was prevented for the same reason from obtaining a renewal of the licence."

"172. NO REFUND AFTER INSPECTION.—No refund of fee for a certificate of fitness shall be made when the inspection of the vehicle, in respect of which the certificate was applied for has been carried out."

"173. TIME FOR APPLICATION FOR REFUND.—No refund of fee shall be made if the application for such refund is not made within one year from the date of the credit of fee to the Government."

#### FORMS.

64. In Form L.P.S.A. for the word "Transport" substitute the word "Licensing."  
 65. In Form L.P.S. for the word "Transport" substitute the word "Licensing" wherever they occur.  
 66. In Form C.F.A. delete the words "Registering Authority".  
 67. In Form C.F.R.A. delete the words "Registering Authority".  
 68. For Form TC substitute the following:—

#### FORM TC.

#### *Form of trade certificate.*

[Rule 41 (e) of the Coorg Motor Vehicles Rules, 1940.]

*Trade certificate.*

1.....  
 2.....  
 3.....  
 4.....  
 5.....  
 6.....

**SEAL.**

7.....  
*Registering Authority.*

To be filled in as follows:—

1. Trade registration mark as provided in rule 41 (e).
2. Name and address of holder of the certificate.
3. Date of expiry.
4. Date of issue.
5. Classes of motor vehicles in respect of which the certificate has to be issued.
6. Station.
7. Signature of authority.

**NOTE.**—The use of a separate letter in the trade registration mark in respect of each certificate appears to make it unnecessary to state the total number of certificates on the Form above.

69. In column 5 of the heading in Form TCB, add the following :—

“Licensing number and address, if not attached to the company.”

70. For item 7 of the Form P.St.S.A., substitute the following :—

“7. The type or types of vehicle to be used on the service and the approximate seating capacity are :—

Registration Mark.	Type.	Seating capacity.	Maximum laden weight.”
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71. In item 16 of Part A of Form P.St.P., delete the words “and the dates on which returns are to be made to the Transport Authority”.

In Part B of Form P.St.P., items 3 to 5 shall be renumbered as items 4 to 6 and after item 2, the following item shall be inserted as item 3 :—

“3. Capacity.....passengers.”

72. In Part A of Form P.St.S.—

(i) for items 5 and 10 substitute the following :—

“5. (a) Total number of vehicles to be used on the route.

(b) Particulars of the vehicles to be used including the maximum number of passengers to be carried.

1	2	3
Registration Mark.	Type.	Maximum number of passengers.

10. The maximum weight of luggage and goods to be carried in addition to passengers.”

(ii) Add the following as item 15 in the end :—

“15. Other conditions.”

In Part B of Form P.St.S.—

(i) Items 3 and 4 shall be renumbered as items 4 and 5 and after item 2, the following item shall be inserted as item 3 :—

“3. Vehicle Registration Mark.”

(ii) In item 5 as so renumbered, delete the words—

“In region of issuing authority.....In other region.....”

(iii) For letters “G.A.” in item 6 and in the footnote, the letters “L.G.W.” shall be substituted.

(iv) In the footnote on Form P.St.S. for the words “P.S.S.” substitute the words “P.St.S.” and delete “Part B : Entry 3”.

(v) The following shall be added as a footnote to Form P.St.S. :—

“L.G.W. stands for maximum weight of luggage and goods that may be carried in the vehicle.”

73. Delete item 11 in Part A of Form P.Co.P. and renumber item 12 as item 11.

74. After column 4 in the heading under item 5 of Part A of Form P.Pr.C., the following shall be inserted as column 4 (a) :—

“4. (a) Unladen weight.”

In item 8 of Part A of Form P.Pr.C., delete the words “and the date on which returns are to be made to the Transport Authority” and insert the following as item 10 :—

“10. Permit laden weight.”

75. In the heading under item 5 of Part A of Form P.Pu.C., the following shall be inserted as column 2 (a) :—

“2. (a) Unladen weight.”

In item 7 of Part A of Form P.Pu.C., the following words shall be deleted :—

“and the dates on which returns have to be made to the Transport Authority.”

In Part A of Form P.Pu.C., the following shall be inserted as items 10 and 11 :—

“10. Permit laden weight.

11. Nature of goods to be carried.”

In Part B of Form P.Pu.C., the following shall be added as item 7 :—

“7. Nature of goods.”

76. Insert the following as item 8 in Form P. Tem. and renumber item 8 as item 9 :—

“8. Route(s)/Area :—”.

77. In Form L. Con.—

(i) Insert the following below (permanent address) :—

“Age

Caste

Descriptive marks.”

(ii) Add in the end :—

“Pages 2 and 3—

*Renewals.*

Number.	Date of issue.	Date of expiry.	Signature of licensing authority.
of 19 . . .			
of 19 . . .			
of 19 . . .			

Pages 4 to 9.

(Space for convictions and endorsements’).

78. In Form L. Con. A.—

(i) items 5 to 7 shall be renumbered as items 8 to 10 respectively and after item 4, the following items shall be inserted, namely :—

“5. Age.

6. Caste

7. Descriptive marks.”

(ii) in item 10 as so renumbered the words and figures “that I am not less than 18 years of age and” shall be omitted.

79. In the end add the following forms :—

**FORM CCE.**

*Form of intimation by Court of conviction of conductor.*

[Rule 77 (1) (ii) of the Coorg Motor Vehicles Rules, 1940.]

Court of the..... Magistrate.....

To

Name.....

Holder of conductor's licence No..... has been convicted by me of an offence punishable under rule.....Coorg Motor Vehicles Rules, 1940, section....., Motor Vehicles Act, 1939, and sentenced to.....in C.C. No..... date.....

I have cancelled/suspended the conductor's licence from..... to.....

FORM TSS.

[Rule 84 (a) (f) of the Coorg Motor Vehicles Rules, 1940.]

ORIGINAL.

*Trip sheet for stage carriages.*

Stage carriage No.

Licensed to carry \_\_\_\_\_ passengers for 19 . .

*Up*

From \_\_\_\_\_ To \_\_\_\_\_

Hours of duty.	Name of conductor.	Conductor's certificate number.	Conductor's badge number.	Name of driver.	Driver's licence number.	Driver's badge number.

*Down*

From \_\_\_\_\_ To \_\_\_\_\_

Hours of duty.	Name of conductor.	Conductor's certificate number.	Conductor's badge number.	Name of driver.	Driver's licence number.	Driver's badge number.

Serial number of trip.	Up or down.	Starting time.	Time of arrival.	Number of passengers carried.	Remarks.

(Signature of conductors.) { 1.  
2.  
3.  
4.

## FORM TSS.

[Rule 84 (a) (1) of the Coorg Motor Vehicles Rules, 1940.]

## COUNTERFOIL.

(To be preserved for one year.)

Trip sheet for stage carriages.

Stage carriage No.

Licensed to carry passengers for 19 .

Up

From

To

Hours of duty.	Name of conductor.	Conductor's certificate number.	Conductor's badge number.	Name of driver.	Driver's licence number.	Driver's badge number.

Down

From

To

Hours of duty.	Name of conductor.	Conductor's certificate number.	Conductor's badge number.	Name of driver.	Driver's licence number.	Driver's badge number.

Serial number of trip.	Up or down.	Starting time.	Time of arrival.	Number of passengers carried.	Remarks.

(Signature of  
conductors.)

1.  
2.  
3.  
4.

FORM TSC.

[Rule 84 (a) (1) of the Coorg Motor Vehicles Rules, 1940.]

ORIGINAL.

*Trip sheet for contract carriages.*

Motor Vehicle No.	Licensed to carry	passengers		Name of driver.	Licence number.	Badge number.	Hours of duty.	Date and serial number of trip or engagement.	Starting place and time.	Destination and time of arrival.	Mileage done during trip.	Duration of halt, if any.	Remarks.
		load of	ewt.										
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)				

Signature of drivers. { 1.  
2.  
3.  
4.

FORM TSC.

[Rule 84 (a) (1) of the Coorg Motor Vehicles Rules, 1940.]

COUNTERFOIL.

[To be preserved for one year.]

*Trip sheet for contract carriages.*

Motor Vehicle No.	Licensed to carry	passengers		Name of driver.	Licence number.	Badge number.	Hours of duty.	Date and serial number of trip or engagement.	Starting place and time.	Destination and time of arrival.	Mileage done during trip.	Duration of halt, if any.	Remarks.
		load of	ewt.										
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)				

Signature of drivers. { 1.  
2.  
3.  
4.





## FORM PI.

[Rule 89 (f) of the Coorg Motor Vehicles Rules, 1940.]

*Form of intimation by Court of conviction of permit holder.*

Court of the.....

Magistrate.....

To

Name.....

Holder of.....permit No.....has been convicted by  
me of an offence punishable under rule.....Coorg Motor Vehicles  
Rules, 1940, section.....Motor Vehicles Act, 1939.....and sentenced  
to.....in C. C. No.....date.....

J. W. PRITCHARD,  
Chief Commissioner.

OFFICE OF THE CHIEF COMMISSIONER, DELHI.

NOTIFICATION.

*Dated the 16th December 1941.*

*No. F. 12 (45)/41-General.*—In exercise of the powers conferred by clause (za) in sub-section (2) of section 68 read with clause (f) in sub-section (3) of section 42 of the Motor Vehicles Act, 1939, the Chief Commissioner is pleased to make the following rule, the same having been previously published with his Notification No. F. 12 (45)/41-General, dated the 28th October 1941 :

*Rule.*

Subject to the conditions set forth below, transport vehicles hired by the Indian Posts and Telegraphs Department for use as postal vans shall be included among those vehicles to which sub-section (1) of section 42 of the Motor Vehicles Act, 1939, shall not apply.

The exemption ordered by this rule shall not be effective in respect of any transport vehicle unless—

- (a) it is hired by the Indian Posts and Telegraphs Department on a contract for a period of not less than one year;
- (b) it is used exclusively for the carriage of mails and Post Office personnel;
- (c) it is painted in such a way, and bears such departmental markings, as would render it unsuitable for use except as a postal van; and

- (d) the Department has furnished the particulars of the vehicle to the Delhi Provincial Transport Authority.

A. V. ASKWITH,  
Chief Commissioner, Delhi.

OFFICE OF THE CHIEF COMMISSIONER, DELHI.

NOTIFICATION.

Delhi, the 12th January 1942.

No. F. 12 (3)/III/41-General.—In exercise of the powers conferred by sections 21 and 41 of the Motor Vehicles Act, 1939, read with the notification of the Government of India in the Department of Communications, No. R-60, dated the 23rd June 1939, the Chief Commissioner is pleased to make the following rules, the same having been previously published with his Notification No. F. 12 (13)/III/41-General, dated the 22nd November 1941:

Rules.

1. Notwithstanding anything contained in the Delhi Motor Vehicles Rules, 1940, no fee shall be charged for the issue or alteration of certificates of registration relating to motor vehicles which are the property of the Commissioner for the United States of America or his Secretaries or for the examination or inspection of such motor vehicles.

2. If the Commissioner for the United States of America or his Secretaries shall have paid or shall hereafter pay a fee for the issue or renewal of a licence to drive a motor vehicle or for undergoing a test of competency to drive the fee shall on application be refunded to them.

A. V. ASKWITH,  
Chief Commissioner, Delhi.

AMENDMENT TO THE INSURANCE RULES.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Commerce Member): Sir, I lay on the table a copy of an amendment to rule 24 of the Insurance Rules, 1939, published with the Department of Commerce Notification No. 597-I (3)/41, dated the 29th November, 1941.

DEPARTMENT OF COMMERCE.

NOTIFICATION.

INSURANCE.

New Delhi, the 29th November, 1941.

No. 597-I. (3)/41.—In exercise of the powers conferred by sub-sections (1) and (2) of section 114 of the Insurance Act, 1938 (IV of 1938), the Central Government is pleased to direct that the following further amendments shall be made in the Insurance Rules, 1939, the same having been previously published as required by sub-section (1) of the said section, namely:—

In sub-rule (2) of Rule 24 of the said Rules:—

- (a) in clause (i), the words "annual gross" shall be omitted;  
(b) to the said sub-rule, the following proviso shall be added, namely:

"Provided further that in relation to insurers who are required to furnish returns in accordance with sub-section (2) of section 16 of the Act, the reference to the calendar year in this sub-rule shall be construed as a reference to either the period covered by the revenue account furnished under clause (b) of the said sub-section or the calendar year."

N. R. PILLAI,  
Addl. Secy. to the Govt. of India.

## ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE DEFENCE CONSULTATIVE COMMITTEE.

**Sir Gurnath Bewoor** (Government of India: Nominated Official): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, two non-official members to serve on the Defence Consultative Committee, *vice* Mr. L. C. Buss, deceased, and Lieut.-Colonel M. A. Rahman, resigned."

**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, two non-official members to serve on the Defence Consultative Committee, *vice* Mr. L. C. Buss, deceased, and Lieut.-Colonel M. A. Rahman, resigned."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of two members to the Defence Consultative Committee the Notice Office will be open to receive nominations up to 12 noon on Saturday, the 14th February, 1942, and that the election, if necessary, will, as usual, take place on Tuesday, the 17th February, 1942, in the Assistant Secretary's room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

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## THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member): Sir, I beg to move for leave to introduce a Bill further to amend the Workmen's Compensation Act, 1923.

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

"That leave be granted to introduce a Bill further to amend the Workmen's Compensation Act, 1923."

The motion was adopted.

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

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## THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Merchant Shipping Act, 1923.

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

"That leave be granted to introduce a Bill further to amend the Indian Merchant Shipping Act, 1923."

The motion was adopted.

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

## THE COFFEE MARKET EXPANSION BILL.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member): Sir, I beg to move for leave to introduce a Bill to continue the provision made under Ordinance No. XIII of 1940 for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means.

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

"That leave be granted to introduce a Bill to continue the provision made under Ordinance No. XIII of 1940, for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means."

The motion was adopted.

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

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## THE INDIAN PENAL CODE (AMENDMENT) BILL.

**The Honourable Sir Sultan Ahmed** (Law Member): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code.

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

"That leave be granted to introduce a Bill further to amend the Indian Penal Code."

The motion was adopted.

**The Honourable Sir Sultan Ahmed**: Sir, I introduce the Bill.

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## THE INDIAN MEDICAL COUNCIL (AMENDMENT) BILL.

**Mr. J. D. Tyson** (Secretary, Department of Education, Health and Lands): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Medical Council Act, 1933.

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

"That leave be granted to introduce a Bill further to amend the Indian Medical Council Act, 1933."

The motion was adopted.

**Mr. J. D. Tyson**: Sir, I introduce the Bill.

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## THE MULTI-UNIT CO-OPERATIVE SOCIETIES BILL.

**Mr. J. D. Tyson** (Secretary, Department of Education, Health and Lands): Sir, I beg to move for leave to introduce a Bill to provide for the incorporation, regulation and winding up of co-operative societies with objects not confined to one province.

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

"That leave be granted to introduce a Bill to provide for the incorporation, regulation and winding up of co-operative societies with objects not confined to one province."

The motion was adopted.

**Mr. J. D. Tyson**: Sir, I introduce the Bill.

## THE INDUS VESSELS (AMENDMENT) BILL.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Commerce Member): Sir, I beg to move for leave to introduce a Bill further to amend the Indus Vessels Act, 1863.

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

"That leave be granted to introduce a Bill further to amend the Indus Vessels Act, 1863."

The motion was adopted.

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

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## THE INDIAN BOILERS (AMENDMENT) BILL.

**Mr. H. C. Prior** (Labour Secretary): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Boilers Act, 1923.

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

"That leave be granted to introduce a Bill further to amend the Indian Boilers Act, 1923."

The motion was adopted.

**Mr. H. C. Prior**: Sir, I introduce the Bill.

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## THE WEEKLY HOLIDAYS BILL.

**Mr. H. C. Prior** (Labour Secretary): Sir, I move:

"That the Bill to provide for the grant of weekly holidays to persons employed in shops, commercial establishments, restaurants and theatres be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Mr. C. C. Miller, Sir F. E. James, Mr. Jajnnadas M. Mehta, Sardar Sant Singh, Sir Muhammad Yamin Khan, Maulvi Muhammad Abdul Ghani, Raja T. Manavedan, Rao Sahib N. Sivaraj, Mr. N. M. Joshi and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, I do not think it is necessary for me to make a long speech regarding this Bill, because it has been considered in various manners for a considerable time. The Labour Ministers Conference has considered it twice. We published the Bill in the Gazette some long time ago and we have received a certain number of opinions on the Bill. It covers the same subject as has already been covered in certain provinces by provincial legislation. There are more or less similar Bills but going somewhat further in the Provinces of Bombay, Punjab, Bengal and Sind, and we have thought it advisable to bring forward this Bill to provide power to the remaining Provinces to introduce by notification the provisions of the Bill to provide weekly holidays for restaurants, theatres and shops and also to give them permission by a separate notification to provide for a half holiday. The Bill, as we have framed it, provides also for power to Provincial Governments, if they introduce a Bill, to make it applicable to commercial establishments, but we have received certain opinions which indicate that if the Bill is now applied to commercial establishments there may be some interference with the war effort and, therefore, I propose,

if the House accept the motion to refer the matter to a Select Committee, to recommend to the Select Committee, that the inclusion in the Bill of commercial establishments should not be allowed and that commercial establishments should be taken out from the scope of the Bill. Sir, I move.

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

"That the Bill to provide for the grant of weekly holidays to persons employed in shops, commercial establishments, restaurants and theatres be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Mr. C. C. Miller, Sir F. E. James, Mr. Jannadas M. Mehta, Sardar Sant Singh, Sir Muhammad Yamin Khan, Maulvi Muhammad Abdul Ghani, Raja T. Manavedan, Rao Sahib N. Sivaraj, Mr. N. M. Joshi and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. N. M. Joshi** (Nominated Non-Official): Sir, in India we have some legislation for regulating the conditions of life and work of the employees in industries. I think this is the first time we are considering legislation regulating the conditions of life and work of employees in other occupations, including commercial establishments and places of amusement and restaurants. In the first place, I feel, Sir, that the Government of India, which has spent some considerable time in consulting the Provincial Governments regarding the provisions of this Bill, should not have been hesitant to apply the provisions of this Bill, to those provinces which need them straightaway without leaving it to the provinces to apply these regulations within their jurisdiction or not. I feel, Sir, that the Government of India had consulted other provinces and, therefore, they should have made the provisions of this Bill applicable without further time being spent by the provinces in making these regulations applicable to their area.

If the provisions of a Bill of this kind are to be made applicable after the Provincial Governments choose to do so, I do not know what is the object of allowing consultations with the Provincial Governments. If such legislation is to be left to the Provincial Governments to apply to their areas or not, the Government of India need not have spent much time in consultation. However, I shall not deal with this at greater length. The Government of India have chosen to do so and the Provincial Governments perhaps insisted upon this form of legislation and I should say nothing more about it; but I feel that the legislation which the Government of India is putting before this Legislature is not comprehensive enough.

There is not much to object to in the Bill. It may achieve something; but if you are legislating on an important subject of this kind, the legislation should be comprehensive. This Bill tries to regulate and provide holidays for the employees of commercial establishments, restaurants, cinemas and other places of amusement; but it is necessary—perhaps more necessary to regulate the hours of work of such employees, than merely providing a holiday for them. Then, some provision is necessary to regulate the employment of children—prohibiting the employment of very young children and restricting the employment of young persons. Then there must be some provision fixing the hours of opening of these places and their closing. There must be some provision for providing mid-day rest. This Bill does nothing of the kind; it restricts itself only to the weekly holidays. I hope that the Government of India will not rest content with the passing of this legislation and that they will undertake more comprehensive legislation very soon. If the Select Committee can extend the

[Mr. N. M. Joshi.]

scope of this legislation, I hope that the Government of India will not stand in their way.

Then there is one more point. The Government of India are dealing with commercial establishments, restaurants, cinemas and theatres; but there are other similar occupations to which the Bill should have been made applicable. In any case the Government of India, when they are passing this legislation, should have taken power or given power to Provincial Governments to extend the application of these provisions to similar occupations. Unfortunately, the Government of India have not done that. I hope that the Government of India will agree to do this in the Select Committee.

I have not much more to say, except that the points which I have placed before the House will be taken into consideration by the Select Committee and I hope that the Government of India will maintain a reasonable attitude in considering the suggestions I have made.

**Lieut.-Colonel Sir Henry Gidney** (Nominated: Non-Official): Sir, whilst I welcome this measure, a very long delayed measure, of relief to the workmen, I have certain doubts in my mind as to the kinds of establishments, commercial, etc., to which this Bill is to be applied. The Honourable the Mover in his statement here on this draft Bill has outlined the various establishments and concerns to which it is intended to be applied, and which will receive the consideration of the Select Committee. I have a few observations to make of which I trust the Honourable the Mover will take notice and consider at the Select Committee.

The first remark I desire to make is this: in commercial establishments the Honourable the Mover has incorporated certain classes of firms and he followed this up by saying that, owing to certain objections or criticisms, the Select Committee will be asked to consider the exclusion of the applicability of this Bill to certain commercial establishments, claiming as his *raison d'être* that it would affect war efforts. The Bill very rightly stresses the fact that, in regard to railway workshops, where munitions are made, these provisions will not be applied.

In my opinion if there is one class of servants in India who have well deserved a measure of some relief, it is those who are employed in Banks and I desire that Banks come under the provision of this Bill. Commercial establishments who extend their hours of labour do so mainly for their benefit and partly as a war effort, say fifty-fifty. But the Banks often use their servants almost like pack-mules. One sees these men slaving every night, Saturdays included, long after the hours when other employees including Members of this House have ceased to labour, and further these Bank employees go home with piles of work, so as to be able to please their employers next morning. I know this for a fact. I also know of many cases whose health have broken down owing to this terrible over-work and, today, it is the curse of Bank labour—indeed it is inhuman to call upon its servants to work nearly twelve hours and more a day. I know that the Finance Member will look askance at any reduction in this bank labour, because it would react on the revenues of the country and the working of the bank. But why take unfair advantage to the extent of the workers' health and from—may be—a reduced staff in your effort to economise and to get an ultra-maximum return from your smaller staff? My conviction is

—if any firm in India needs the application of this Act, it is these Banks. There is no other establishment in India which demands from its employees so much work as Banks, and I think Banks must come within the ambit of this Bill. Otherwise (a) increase the staff and so afford your employees adequate rest or (b) give them liberal overtime allowance as the Railways do today, but don't continue this sweat, toil, tears and blood labour and not allow this Bill to stop its continuance.

The next point is—I entirely agree with Mr. Joshi that the scope of this Bill is very limited. Why! it is more limited than some of the provincial Bills that have been passed many months ago. I think the Honourable Member who moved this Bill should give his closest attention to ensure that, not only should there be a weekly holiday and even also a half-day, but there should be certain restrictions imposed on the hours of daily labour. If commercial establishments and Banks demand from their staff with the main object of their own financial gain, work from morning to night—I am referring to the Banks particularly—and do not give them overtime, I shall press that the scope of application of this Bill should not be so limited but must afford adequate protection to such enslaved labour. I, therefore, desire to bring this matter to the serious notice of the Honourable Member who is piloting this very necessary measure of relief to the labourer.

**Babu Baijnath Bajoria** (Marwari Association: Indian Commerce): Sir, I quite agree that there should be a Bill like this which can cover the whole of this country. There have been provincial legislations in this matter and there has been opposition to those measures. I agree that there should be a holiday of one day per week. Sunday is not always the best day to have a holiday for a commercial or shop establishment, because on Sunday the mills and factories are closed and it is the most convenient day for the mill workers to make their purchases on Sunday. I hope the Select Committee will make a note of this.

Again, I strongly object to clause 5 of the Bill which gives power to the Provincial Governments enabling them to make a notification for giving an extra half day as holiday per week, making one and a half days holidays per week. At the present time in Bengal, assistants in shops and commercial establishments get one and a half days as holidays in a week. There was very bitter criticism against the extra half day when the Bill was being passed in the Bengal Legislature. It does not also have very salutary effect on employees themselves. Many of the employees' salaries were reduced as a result of these extra holidays. If a person does not work on, say, a Saturday afternoon, his earning capacity is less and he spends more on cinemas and theatres.

**The Honourable Mr. M. S. Aney** (Leader of the House): Now they are all closed in Calcutta I believe!

**Babu Baijnath Bajoria**: What I say is that people do not take it as a blessing because they cannot earn, and when they do not have anything else to do, they go and spend money. Where there is a system in offices like the mercantile offices, under which they close at 2 or 1 P.M., let that be continued. That is optional with the employers, but to make a countrywide legislation or give power to the Provincial Legislatures to make it compulsory for all shops and

[Babu Baijnath Bajoria.]

establishments to close for one and a half days in a week—I think that is not fair and the central legislation should be only for one day per week, and that day should be fixed according to the convenience of the shops and the establishments because they are the best judge on which day, if they close their shops, they will inconvenience their customers in the least degree. I hope that the Government and the Select Committee will take into consideration the remarks I have made.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : I have very few words to say on this Bill. It appears to me that it is a very salutary Bill and it should be enacted as early as possible. I see that this Bill extends to the whole of British India. As large delay has already happened in enacting a Bill of this nature, I would submit that the Bill should be so amended by the Select Committee, after considering the materials that have been collected, that they can come to a conclusion by which the holidays that may be provided will be uniform throughout the whole of India. Otherwise, the Provincial Governments may take a long time and in certain places they may not agree with others and there may be great delay. I submit that the work should not be done in an incomplete manner, it should be done wholly and completely. In the Statement of Objects and Reasons I find :

"The present Bill has been drafted after consultation with Provincial Governments and further discussion at the second Conference of Labour Ministers held in January, 1941."

Therefore, materials for finding out how much time should be provided for, or how it should be done, are already there. Therefore, no more delay should be made and I do agree with Mr. Joshi that as early as possible this enactment should be made, with definite provisions, not leaving it to the Provincial Governments to delay the matter, and it should apply to the whole of India and I support his suggestion.

**Mr. O. C. Miller** (Bengal : European) : I support the motion that the Bill be referred to a Select Committee, but I would emphasise the point that has already been mentioned by several previous speakers that the Bill is somewhat belated and that in the intervening period no less than four provincial Acts have been passed and are now working in the various provinces. These Acts, speaking generally, deal with the subject in more detail than the Bill we have before us. For instance, there are provisions in some of them for hours of work, in others for payment of wages, and in certain others for employment of young children, and I think the one thing that is to be avoided is that the introduction of this Bill should interfere with legislation which has already been established in the provinces and which is running satisfactorily there. With that proviso I support the motion to refer the Bill to a Select Committee.

**Mr. H. O. Prior** : I find that there is general agreement with my motion for reference to Select Committee and I welcome it. But I do find whenever Government try to bring forward any piece of social legislation, Mr. Joshi goes for us and says we are not going far enough. I find there are one or two other Members here who hold the same opinion with regard to this Bill. Perhaps they do not realise some of the difficulties in connection with promoting an all-India legislation of this nature.

The last speaker, my Honourable friend, Mr. Miller, has referred to the fact that there is legislation on this subject already in existence in a number of provinces, and it goes further than the legislation which we propose. If, therefore, we were to accept the suggestion of Mr. Lalchand Navalrai that we should have uniformity throughout India, we should have to go as far as those provinces have gone. That may not be suitable under the conditions existing in certain of the other Provinces and we feel that we go far enough if we give the Provinces power to apply a moderate Act of benefit to a moderate number of people, and an Act which can be generally accepted throughout India. It is always possible for a province to go further, and I think there is no such risk as Mr. Miller seems to contemplate, that this moderate Act which we propose will in any way interfere with the provincial legislation already passed. If this Bill is passed, it cannot be introduced in a province unless the province introduces it. Therefore, until that is done there seems to be no question of repugnancy. Sir Henry Gidney raised the question of workshops. Those workshops are already under the Factories Act. They have their holidays under the Factories Act and we feel that it is not necessary to go further, particularly in war time, than the conditions of work that are laid down in the Factories Act. As regards commercial establishments he mentioned the case of banks. So far as I know, banks are closed on Sundays, but whether people work inside with closed doors then I do not know. (Interruption). I know I cannot draw my money on Sundays, and there are a certain number of other holidays under the Negotiable Instruments Act.

**Sir Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : You cannot draw your money after one o'clock on Saturday.

**Lieut.-Colonel Sir Henry Gidney** : That is only money, but not work.

**Mr. H. C. Prior** : If we were to lay down that commercial establishments throughout India should be closed on any one day in the week, and closed wholly, it would, in our opinion, be very likely to interfere with the war effort now going on. The work in commercial establishments and in factories, and particularly those commercial establishments that are closely connected with factories is complementary and it is not possible to close one without closing the other. Therefore, we feel that this is not the time to give powers to Provincial Governments without consulting their Legislatures to bring into the weekly holiday list those commercial establishments.

**Lieut.-Colonel Sir Henry Gidney** : Why not give them overtime like Railways?

**Mr. H. C. Prior** : That will be a matter for another Bill.

That brings me on to the other criticism. In the criticisms that have been made in regard to this Bill—and I think Sir Henry Gidney's criticism was possibly more in this respect than any other speaker—we were told that we ought to regulate hours of work. Well, we have not thought it necessary to do so in this Bill. It will be difficult to do that on an all-India basis and we feel that it is better to go somewhat slowly, to get this weekly holiday for shops, restaurants and theatres and to give the provinces power to give them an

4 P.M.

[Mr. H. C. Prior.]

additional half holiday. I hope that the House will support my motion to refer the Bill to the Select Committee.

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

"That the Bill to provide for the grant of weekly holidays to persons employed in shops, commercial establishments, restaurants and theatres be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Mr. C. C. Miller, Sir F. E. James, Mr. Jannadas M. Mehta, Sardar Sant Singh, Sir Muhammad Yamin Khan, Maulvi Muhammad Abdul Ghani, Raja T. Manavedan, Rao Sahib N. Sivaraj, Mr. N. M. Joshi and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

#### REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

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

"That the Report of the Public Accounts Committee on the accounts of 1939-40 be taken into consideration."

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

"That the Report of the Public Accounts Committee on the accounts of 1939-40 be taken into consideration."

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions - Muhammadan Rural): When we agreed to the postponement of the adjournment motions, it was understood that the Public Accounts Committee Report will not be taken up today.

**Mr. President** (The Honourable Sir Abdur Rahim): There was no such condition at all. That was treated as a separate matter.

**Dr. Sir Ziauddin Ahmad**: I beg to move that this report may be considered on another official day.

**Dr. P. N. Banerjee** (Calcutta Suburbs : Non-Muhammadan Urban): I support the motion.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair cannot accept the motion.

**The Honourable Sir Jeremy Raisman**: Sir, May I say . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): I do not think the Honourable Member need argue it.

**Dr. R. D. Dalal** (Nominated Non-Official): Mr. President, I desire to take this opportunity to request the attention of this Honourable House to a few points of public interest. Sir, I shall in the first place refer very briefly to the important subject of capital expenditure. Proper control over capital expenditure should be exercised or over the decisions to advance money for capital expenditure projects undertaken by Provincial Governments or Indian States in connection with which they come to the Central Government for funds. Capital expenditure very often covers

very large sums of money, the effects of which are felt for many years, and sometimes leads to results, which are often discovered too late in order to remedy the evils which have been accomplished. So, the Central Government should not get committed to an unwise programme of capital expenditure, and there should be adequate machinery for checking capital expenditure projects. It may be urged that this is not the business of

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**Mr. President** (The Honourable Sir Abdur Rahim) : Which page of the report is the Honourable Member dealing with now?

**Dr. R. D. Dalal** : The most preliminary portion, capital expenditure.

**Mr. President** (The Honourable Sir Abdur Rahim) : Is it dealt with in the report at all? I want to follow the Honourable Member's argument.

**Dr. R. D. Dalal** : Yes, Sir. I do not exactly remember the page but the subject is very important.

**Mr. President** (The Honourable Sir Abdur Rahim) : The subject may be very important but it may not have been dealt with in the Report.

**Dr. R. D. Dalal** : I shall finish this point in a minute.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is talking about capital expenditure. It must be dealt with in the Report somewhere. Is the question dealt with in the Report? Because the Report is under consideration.

**Dr. R. D. Dalal** : The Honourable the Finance Member will support me that this is in the Report. He will be able to express an opinion as to whether this is in order or not.

**The Honourable Sir Jeremy Raisman** : The position is that capital expenditure is dealt with under many heads just as revenue expenditure. I would submit that if the Honourable Member is making some general observations about the control, the degree of accuracy of the control of capital expenditure as compared with expenditure debitable to revenue, then I would submit that this arises in a general way.

**Mr. President** (The Honourable Sir Abdur Rahim) : But this point can only be dealt with with reference to something in the Report. The Honourable Member must point out the particular point he is dealing with. There is a lot of capital expenditure dealt with in this Report.

**Dr. R. D. Dalal** : There is the Vizagapatam Harbour Scheme, and I am making my observations in regard to that, for example.

**Mr. President** (The Honourable Sir Abdur Rahim) : Where is that?

**Dr. R. D. Dalal** : I do not remember the page.

**Mr. President** (The Honourable Sir Abdur Rahim) : If the Honourable Member cannot remember, the Chair cannot allow him to talk at random.

**The Honourable Sir Jeremy Raisman** : It is on page 18.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has apparently not read the Report. I think the Honourable Member had better point out what he is referring to.

**Dr. E. D. Dalal:** I know this point was dealt with in the Committee of which I am a member. I have been a member for the last ten years.

**Mr. President** (The Honourable Sir Abdur Rahim): I want to know where this is dealt with.

**The Honourable Sir Jeremy Raisman:** On page 18, paragraph 29, you will find a reference to the Vizagapatam Harbour.

**Dr. E. D. Dalal:** It may be urged that this is not the business of the Central Government, which is mostly concerned with advancing the money, and should not be concerned with the actual effect of the projects. But the projects may become of such a magnitude that if they fail to carry out the expectations, for example, if the capital that is required for completing the projects is much larger than was originally anticipated, . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Is the Honourable Member referring to the Vizagapatam Harbour?

**Dr. E. D. Dalal:** Yes, Sir. Or if the yield, which is drawn from them, is much smaller than was anticipated, the projects may become of such magnitude as to affect the whole financial position of the borrowing authority.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair cannot allow the Honourable Member to go into all that.

**Dr. E. D. Dalal:** Take, for instance, the Bombay Backbay reclamation scheme, the Sukkur Barrage scheme, Vizagapatam harbour scheme . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot go on like this. These things are not referred to in the report.

**Dr. E. D. Dalal:** Then, I pass on to the next point. I am of opinion that the Provincial Governments should not be allowed to overdraw their current accounts. They should be regularly in credit on their current accounts.

Now, Sir, I shall mention a few other points, and I hope the Honourable the Finance Member will be pleased to enlighten the House on those points. My first point is this. Can the income derived from forests be increased by giving contracts to good landlords in place of direct departmental administration. My second point is this. In olden days every Indian State . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): These are again abstract questions which the Honourable Member is raising.

**Dr. E. D. Dalal:** They are all dealt with in the Public Accounts Committee Report. They are always dealt with in the session of the Public Accounts Committee and we are just . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): In that case, the Honourable Member ought to be able to point them out; otherwise he can raise all sorts of abstract questions. Was this question raised before the Committee?

(The Honourable Member kept silent.)

The Honourable Member can lay down any proposition he likes in discussing the budget; but that is another matter. In discussing this report, however, he must deal with the matter that has been raised before the Committee.

**Dr. E. D. Dalal:** As you want the pages, I will go by pages.

**Mr. President** (The Honourable Sir Abdur Rahim): I want references. I do not want that abstract questions should be dealt with.

**Dr. E. D. Dalal:** Then, I will refer to Grant No. 12, Executive Council, page 23, of the Report (Volume I). Is that clear?

**Mr. President** (The Honourable Sir Abdur Rahim): What about that?

**Dr. E. D. Dalal:** I would like to pay a tribute to the public spirit of the Members of the Viceroy's Executive Council . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): What has that got to do with the Public Accounts Committee Report? The Honourable Member is really wasting the time of the House.

**Dr. E. D. Dalal:** They have agreed to draw reduced salary, and this fact is mentioned on page 23 of the Report.

**Mr. President** (The Honourable Sir Abdur Rahim): That is not a question of public accounts.

**Dr. E. D. Dalal:** We must pay a tribute to the existing Members, because the pay of the Members of the Executive Council is protected in the same way as that of the other officials, and it cannot be changed except by Parliamentary legislation.

**The Honourable Sir Jeremy Raisman:** The point is mentioned in paragraph 38 (page 23) of the Report.

**Dr. E. D. Dalal:** The existing Members have volunteered to accept the new rate of pay, so that there should be no discrimination as between the existing and the new Members.

Then, Sir, one word as regards paragraph 19, page 8 of the Report, Volume I. It is the Auditor General who, in the main, guides the affairs of the Public Accounts Committee, and I hope the House will take this opportunity to place on record its appreciation of the valuable

[Dr. R. D. Dalal.]

assistance Sir Cameron Badenoch rendered throughout the session of the Public Accounts Committee during August, 1941, and of his lucid comments on the various appropriation accounts which greatly facilitated the work of the Public Accounts Committee. Although I think it is desirable to avoid any suggestion that this Legislative Assembly should develop into a sort of Admiration Society, I still would like to say one word of appreciation for the great kindness we have always had from the Honourable the Finance Member.

**Mr. President** (The Honourable Sir Abdur Rahim): That is what the Honourable Member had been doing all the time.

**Dr. B. D. Dalal**: I take this opportunity to acknowledge the fairness and the courtesy which Sir Jeremy Raisman has always shown to the members of the Public Accounts Committee. I must refer to the fact that at the time of the discussions in the Committee Sir Jeremy Raisman, as Chairman, has always taken an independent attitude, even forgetting that he has to safeguard certain definite interests of the Government of India as Finance Member.

**Mr. President** (The Honourable Sir Abdur Rahim): I am sure Sir Jeremy Raisman has done his duty.

**Dr. B. D. Dalal**: He forgets his official position even and he joins his non-official colleagues with great heartiness in the attack which they deliver on the representatives of the various Departments of the Government of India.

**Maulvi Muhammad Abdul Ghani** (Tirhut Division: Muhammadan): Sir, one important feature of the Budget that has been discussed in this Report has been that there was a large saving which amounted to 6.22 per cent on the whole. It is said in the Report that a sum of Rs. 7,77,16,213 was set apart under a supplementary demand. I maintain that although it was shown as expenditure, the amount was not actually spent. Therefore, practically speaking, the amount was a saving. It is a simple matter of accounting transactions and nothing else. But it was an actual saving. Therefore, we can safely say that the saving in the year under report was actually 6.22 per cent.

Sir, we discussed many things in the Committee but I would like to bring one or two points to the notice of the House. I had always regarded the Railways to be a losing concern, but when I compared it with the Defence budget it paled into insignificance. I will draw the attention of the House to page 9 (para. 19) of the Audit Report—Defence Services. In this Report there is a heading 'Missing buildings' under the Defence Department. A number of buildings were found to be missing. The Report says:

"During the audit of the account of a Military Engineer Services Division it was noticed that the Registers of Buildings had not been properly maintained. Entries in respect of some of the buildings had been pasted over with slips of paper without any indication of the date or authority for cancellation of the entries.

In regard to some of these cancellations, it was explained that the buildings noted did not exist and that authority was also not traceable for their demolition. On

further investigations being made, it was found that cases of a similar nature existed in some other Divisions as well. A sum of Rs. 1,97,309 representing the book value of the missing buildings has since been written off by Government."

This fact was brought before the Committee and I now bring to the notice of the House that this is not a satisfactory way of dealing. There are other things. Several financial irregularities come to our notice year after year and this year also some were brought to our notice. The Railway Audit Report, page 17, paras. 29-30, deserves the attention of the House. Some contractor used to book timber on verbal pretext and not on written orders when he was ordered to send timber to the military department. The booking authority [in the railways for a number of years and particularly in the year under review believed him and on his verbal request booked timber, the freight of which was above Rs. 3,000. Ultimately it was brought to the notice of the Defence Department and they denied altogether to have given any verbal instructions or even written instructions to any contractor whatsoever. However that amount was ultimately written off. There are innumerable cases of such irregularities in the railway budget. They are all dealt with in the report. It is quite unnecessary to cite a number of cases because the report is a public one. There was a suggestion before the Committee that the losses on the strategic railways should be accounted for under defence expenditure. I also hold the same opinion. The House should consider which head of budget is appropriate for such kind of losses, whether they should go to defence expenditure or to general expenditure, because there is always loss on strategic railways. There is never any saving. The strategic railways are meant only for military purposes.

There are many minor points with which I do not like to trouble the House. I will mention a few typical instances. When we dealt with Grant No. 47-Aviation, we found there was a large saving. The money that was budgeted for in the year was not spent. When we questioned the department, they could not satisfy us as to the real need for the amount in the budget. This only shows an effort on the part of the department to hoard money.

There is one point about Grant No. 2, relating to Central Excise about writing off revenue under salt. When there are big amounts unrealisable, then the Central Board of Revenue sanctions the writing off of that amount. When there is a small amount, the write off is sanctioned by the Collector. I think such writing off by a subordinate officer should not be allowed. I think the Central Board of Revenue is the final authority to sanction the writing off of any amount small or big.

**The Honourable Sir Jeremy Raisman:** To which paragraph is the Honourable Member referring?

**Maulvi Muhammad Abdul Ghani:** Under head Salt, Public Accounts Committee proceedings, page 54, about writing off revenue from salt. There the witness said that big quantities were written off by the Central Board of Revenue and small quantities by the Collector. The House should judge whether the same kind of system should not be followed in each and every case whether the amount is big or small. Either the writing off should be done by the Central Board of Revenue or by the Collector.

[Maulvi Muhammad Abdul Ghani.]

When we dealt with Grant No. 32, Geological Survey (page 77 of the evidence) we found that a sum of Rs. 1,280 was spent on the passage of an officer sent on deputation to the United Kingdom. We wanted to ascertain whether that amount was properly sanctioned or not, but no satisfactory account was given.

When we dealt with Grant No. 12, Executive Council (page 92 of the proceedings), we learnt that a supplementary demand was made in the year under report, but that proved to be quite excessive, and during the examination of witnesses we were given to understand that still there were four reserved saloons lying for the Members of the Executive Council; and I think on account of the increase in their number a larger number of saloons will be indented. The House will consider whether that is expedient in these days of war.

Regarding savings under other heads it was stated that they were due to the war. I think that was a satisfactory explanation and we accepted it.

Sir, with these observations, I resume my seat.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I have noticed a tendency to make unnecessary demands for supplementary grants. We have seen that when these demands are put before the House, many questions arise as to whether they are supplementary grants or whether they are necessary. I find that the attention of the Public Accounts Committee was drawn to that and on page 7 of Vol. 1 of the Report we find this:

"While we appreciate the reasons leading to the presentation of these supplementary demands and the reasons why expenditure did not eventually come up to expectations, we would stress that great care should be taken before supplementary demands are presented to the Assembly."

This really means that due care is not being taken and they give a warning for the future. Again they say:

"We trust that the recommendations made in this regard in our Report on the Accounts for 1935-36 will not be overlooked."

Which presumably means that those recommendations of 1935-36 have not been carried out. Therefore, there is all the greater necessity for impressing upon Government that care should be taken about supplementary demands and no unnecessary demands should be made.

On page 4 of the Report the same question is referred to and we find that supplementary grants could not be fully utilised, one reason being, "cancellation of the tours of Honourable Members of the Executive Council". While I welcome this I think we should know how these tours have been curtailed, who are the Members who have curtailed them and who are enjoying them, etc. Formerly there were several saloons in which they toured. For a long time the House has been demanding that these saloons should be stopped and officers who go on tour should travel first class, even reserving the whole compartment if necessary. The last speaker says that four saloons are still reserved and he thinks they might be increased. We feel strongly that not only should there be no increase but those four saloons also should be stopped. Whenever we have asked for some little amenities like additional compartments on account of overcrowding, we have been refused on the

ground of war and even wagons are not given for movement of goods. But even in these days we find these saloons and we feel that these should be given for the use of the public. The other day while travelling I found that they have amalgamated two railways which arrived at the same time and the other train took the load of the first train also and it was overcrowded. And on complaint being made to the Divisional Officers the reply was that they could not help it. In these days of overcrowding I think these saloons should not exist.

I will then refer to the losses on strategic railways mentioned on page 7 of the Report. This is a question of accounting and there has been a difference of opinion with regard to this, some members of the Committee being of the view that it should be charged to the Defence Budget instead of to the general revenues. The conclusion reached is:

"In view of the fact that the Defence budget is no longer a contract budget and that it will make no ultimate difference to the incidence of this expenditure whether it is included in the Civil or Defence side of the budget, we agree that there is no necessity to change the present procedure with regard to the accounting of these charges, at any rate during the war."

Now, this is what I would like the Honourable Member to explain. Why should there not be any difference, and why particularly not at a time of war. I, therefore, submit that when there is a difference of opinion on this point it should also be considered seriously by the House. I have nothing more to say, Sir.

**Dr. Sir Ziauddin Ahmad:** Sir, we on this side were very accommodating to the proposals of the Honourable the Leader of the House but we are sorry to notice that he did not consent to the conditions which we imposed while agreeing to his request that the discussion on Public Accounts Committee Report will also be postponed. Now, I come to the subject matter which we thought would not be discussed today. Of course I just got a copy of the Report of the Public Accounts Committee and we

**Mr. President** (The Honourable Sir Abdur Rahim): The Report was circulated before.

**Mr. Lalchand Navalrai:** It was done at the last Session of the Assembly and we had forgotten . . . .

**Dr. Sir Ziauddin Ahmad:** I was not here.

**The Honourable Sir Jeremy Raisman:** It was shown on the agenda for the last Session.

**Dr. Sir Ziauddin Ahmad:** Which we did not receive on account of our absence. Sir, we are thankful to the Members of the Public Accounts Committee for the excellent report which they have placed in our hands. There is one omission to which I thought I should draw the attention of the House. We expected that they would review the expenditure of the Supply Department. No doubt the Supply Department is outside the jurisdiction of the Standing Finance Committee because it is not a votable item, but . . . .

**The Honourable Sir Jeremy Raisman:** The Honourable Member is apparently under some misapprehension. Such expenditure as was incurred by the Supply Department was reviewed by the Committee. The fact

[Sir Jeremy Raisman.]

that the Standing Finance Committee does not deal with it had nothing to do with it. The Military Accounts Committee dealt with the question of military supplies.

**Dr. Sir Ziauddin Ahmad:** I was coming to the Military Accounts Committee immediately, but the Military Accounts Committee does not cover all the items connected with the Supply Department.

**The Honourable Sir Jeremy Raisman:** It covers part of the expenditure incurred by the Supply Department . . . .

**Dr. Sir Ziauddin Ahmad:** I refer to that part not covered by the Military Accounts Committee. But I thought that they would really discuss the economy that could be introduced by a better system of purchases, inspection . . . . .

**The Honourable Sir Jeremy Raisman:** This was done.

**Dr. Sir Ziauddin Ahmad:** Not quite. It was discussed on the floor of the House. Now, this particular thing I wish they may do it in future because we really depend upon the Public Accounts Committee to scrutinize the expenditure of this very large expending department in the Government of India. They make purchases amounting to about rupees eighty crores per annum. This expenditure ought to be scrutinized by a Committee of this House and the only committee which is authorized to do so is the Public Accounts Committee, and I hope that they will take very great care to go into the details and the manner of expenditure in the Supply Department. We are all in favour of the war expenditure without limit, but at the same time we do impress that the taxpayer's money ought to be spent in a very economic manner and it is very desirable that we should have a certificate from the members of the Public Accounts Committee that the money has been spent in the most economical manner. For example, I would have very much liked the Public Accounts Committee to review the manner of inspection which is very very defective, because part-time officers are employed—not permanent officers—to do this very important work of inspection. A review of this kind, therefore, would have been welcomed by the House

The second system is the system of approval of specimens. This is also very defective and the Public Accounts Committee ought to have scrutinized this particular aspect as well. They are sent at present, as was pointed out on the floor of the House, to certain persons and they never come in time unless some background methods are adopted, and I suggest on the floor of the House that instead of one inspecting authority to pass these specimens, they ought to follow the system that we are following as regards examination papers, namely, that these specimens ought to be given a special artificial number so that the person who is really checking the specimen may not know from whom it has come, and there should be several authorities appointed to pass these specimens . . . . .

**Mr. President (The Honourable Sir Abdur Rahim):** I think the Honourable Member is not dealing with the Report.

**Dr. Sir Ziauddin Ahmad:** Sir, I am dealing with the Report, but I am pointing out the omissions for future guidance.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member should not speak on what the Public Accounts Committee ought to do. I think he had better confine himself to the Report.

**Dr. Sir Ziauddin Ahmad:** If these omissions are not pointed out now, they will not be dealt with even next time . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): I think the Honourable member can speak on that when the time comes.

**Dr. Sir Ziauddin Ahmad:** While commenting on the Report we should not only comment on what they did, but we should also comment on what they did not, and I am just pointing out what they did not do.

**Mr. President** (The Honourable Sir Abdur Rahim): Then the Honourable Member will be quite irrelevant. I think the Honourable Member must confine himself to the Report.

**Dr. Sir Ziauddin Ahmad:** Should I do it at the time the motion for election of Members of Public Accounts Committee is laid before the House and make a two-hour speech?

**Mr. President** (The Honourable Sir Abdur Rahim): The only relevant question now is this Report and the Honourable Member must deal with it.

**Dr. Sir Ziauddin Ahmad:** Omissions of the Report are also relevant . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): No. There are heaps of things which have not been dealt with in the Report.

**Dr. Sir Ziauddin Ahmad:** They ought not to have been omitted. By rulings we are handicapped. Our mouths are shut up. We have got genuine grievances and if this is not the occasion, I wonder . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member will get many occasions to make his suggestions as to what the Public Accounts Committee ought to do or ought not to do, but this is not the occasion.

**Dr. Sir Ziauddin Ahmad:** Sir, I thought when we discuss the Report, we could also . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): With reference to any questions dealt with in the Report, the Honourable Member can make his comments and remarks.

**Dr. Sir Ziauddin Ahmad:** Alright, Sir. Let us assume that our colleagues have been very perfect. They have reviewed every possible thing that they could possibly review, and then we confine our remarks only to what they have done and not to what they have not done. Of course, I abide by the ruling.

**Mr. President** (The Honourable Sir Abdur Rahim): If what they have not done is in connection with something they have dealt with, then the Honourable Member can point that out, but the Honourable Member cannot deal with the general duties and functions of the Public Accounts Committee now.

**Dr. Sir Ziauddin Ahmad**: Now, I take up only those questions which have been discussed in this Report. On page 78—Appendix III—they discuss the maintenance of gardens connected with these archaeological monuments. Attention has been repeatedly drawn to this question, that the department is spending more money on gardens and less on the monuments themselves and I am glad that attention has been drawn to it by the Public Accounts Committee. The question also arises whether municipalities ought not to pay for the maintenance of the gardens; but whether they pay or do not pay, I think the Archaeological Department should not spend very large sums of money on the maintenance of gardens but should give preference to the maintenance of the monuments themselves.

I come now to page 77 of the Report where it says:

"it has been decided that with effect from the current year, only a sum of Rs. 45 lakhs from the profits from the circulation of small coin will be taken to Revenue and that any balance over this figure will be credited to a Suspense Account which will be available to even out the receipts over a series of years."

I do not know whether it is sound financial policy during the war. It may be correct in peace time. The attempt to build up a reserve is incorrect when the money is badly wanted for war purposes. In normal times the policy may be all right, but in these abnormal times when we have to tap all possible sources of income, it is not desirable to create any special reserve which might be useful when the war is over. Therefore, it is open to objection to create any suspense account for this particular item during the war.

Next, on page 37 of this Report, they discuss the loss on strategic lines; in reply the convention of 1924 was quoted that it was deducted from the contribution to general revenues. No doubt this convention was there, but at the same time, it seems desirable that we ought to show somewhere in the budget that this is the additional sum which we give to the Defence Department. It is shown as a loss to revenue and not credited to revenue at all; but I think it is very desirable that it ought to come in the general budget and the amount spent on the strategic lines should be added to the budget of the Defence Department.

I come now to page 38—abandoned lines. The point was raised "why the entire sum which had been overpaid to the officer was not recovered from him, in instalments if necessary." I have not got a satisfactory reply to this question at all from the Public Accounts Committee or from the Honourable the Railway Member. Suppose a line is abandoned and given up altogether. There is a definite loss of capital. Where should it be debited? Should it be put in the account of the capital expenditure and reduce the capital at charge or should it be charged to the depreciation fund? No doubt the taxpayer will continue to pay the interest on the sum originally spent on these lines. The money has already been spent; and the taxpayer continues to pay the interest. In what way are you writing off? In the case of companies I understand you write off the

capital and the share value diminishes and the loss falls on the shareholders; but in this case on whom will the loss fall? The taxpayers continue to pay interest on this particular amount spent on abandoned line. How will this money be accounted for? I have not got a clear reply to this question. These things require clarification and I hope the Finance Member, when he gets up to reply, will explain how these sums will be accounted for.

The next point—on the same page—is about repayment of sums which were overpaid. A very interesting argument is given here—on page 38:

“But it was explained that the usual practice was that overpayments, if they were received by the Government servant concerned in good faith, were not recovered for more than a period of one year from the date the irregularity was discovered, as recovery for a longer period was considered inequitable. The Committee felt that *prima facie* these allowances were excessive and that the amounts paid and the justification for them should be re-examined by Government.”

This is the first time I hear this argument, that if an officer has overdrawn any amount in good faith and if it is not discovered for one year, then the amount is written off. I have seen cases after cases when the amount is debited by the Accountant General—they have got another example of the same thing on another page, but I will refer to that later on—that they are now trying to recover a thing which was left unnoticed for the last 20 or 25 years. Does this policy that the Government have introduced in the case of servants in one particular branch of Government service apply to other departments? This requires elucidation. If we allow this principle to get through and accepted, I think officers will not be so careful as they would be otherwise if this rule had not been in existence. Therefore, I do beseech the Finance Member that he should examine very carefully and see that this rule is not allowed to operate and that officers should be required to pay even if the mistake is not discovered within twelve months.

The next thing I wish to refer to is the question of sale of scrap iron to which attention has been drawn in page 39 of the Report. We have seen time after time the example of the North Western Railway where scrap iron was removed without payment and a committee of inquiry was appointed—we have not got their report—on the North Western Railway. The Public Accounts Committee has noted with satisfaction that at least in one case—the East Indian Railway—they have not allowed this scrap iron to be removed without actual payment of the value. That is one solitary instance where it was done and I am sorry that the Public Accounts Committee did not notice a large number of cases where scrap iron was removed and transferred to Japan and is now being used against ourselves—which was not paid for at all. I think this ought to have been examined more closely by the Public Accounts Committee because it is one of the scandalous problems in connection with the sale of various articles by railways. The next question to which I would like to draw attention . . . . .

**The Honourable Mr. M. S. Aney** (Leader of the House): It is now 5 o'clock.

**Dr. P. N. Banerjee:** Yes, it is now 5 o'clock. I also want to speak.

**Mr. President** (The Honourable Sir Abdur Rahim): Very well. The House stands adjourned till 11 A.M. to-morrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 12th February, 1942.