

31st March 1942

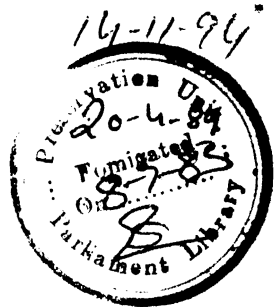
THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume II, 1942

(11th March to 2nd April, 1942)

FIFTEENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1942



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LEGISLATIVE ASSEMBLY.

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Deputy President:

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Sir ABDUL HALIM GHUZNAVI, M.L.A.

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

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LEGISLATIVE ASSEMBLY

Tuesday, 31st March, 1942.

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

MEMBER SWORN.

Sir Kenneth Grant Mitchell, C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

273*—277*.

WITHDRAWAL OF POWER FROM BOOKING CLERKS FOR REFUND OF FARES OF UNUSED RAILWAY TICKETS IN KARACHI DIVISION.

273. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that under Rule 104 of the Commercial Manual for the North Western Railway, Chief Booking Clerk or Incharge Booking Clerks, wherever employed, can take back tickets purchased but not availed of and refund the necessary fares to the travelling public if tickets are returned within time?

(b) Is it a fact that this power has been withdrawn from the Chief and Incharge Booking Clerks, *vide* Karachi Division, North Western Railway, Circular No. 3000-CG/27, dated the 7th January, 1942? If so, who has ordered the withdrawal of the rule and is he competent to do so?

(c) Is it a fact that owing to reduced train service the public cannot find accommodation in trains and therefore the number of such tickets is fairly large?

(d) Is it a fact that Assistant Station Masters and Station Masters on large stations have work outside their offices and cannot generally be found easily and therefore the public are greatly inconvenienced by the withdrawal of this rule? If so, why were the changes referred to in part (b) above ordered?

(e) Does the Honourable Member propose to issue instructions that rules are to be strictly observed and inconvenience to public avoided? If not, why not?

The Honourable Mr. S. N. Roy: (a) and (c). Yes.

(b) Yes, the Divisional Superintendent, Karachi, who acted within his competence.

For these questions and answers, see pages 1583-87 of these debates.

(d) Yes. The changes were made because fraud was suspected.

(e) I understand that the Divisional Superintendent, Karachi, is taking steps to withdraw his orders.

PROPOSED CHANGES IN RAILWAY PASS RULES.

279. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is proposed to alter the Pass Rules for Railway employees as a war measure or otherwise? If so, what are the principal changes?

(b) Is it contemplated to increase the pay limit for Intermediate and Second Class Passes? If so, what limits are proposed?

(c) Will these changes be temporary for the duration of war or permanent?

The Honourable Mr. S. N. Roy: (a), (b) and (c). Government have no such proposals under consideration at present.

Mr. Lalchand Navalrai: Is there a demand for more passes being granted?

The Honourable Mr. S. N. Roy: There is always a demand for passes being raised.

Mr. Lalchand Navalrai: Are Government considering the question of granting passes to those who are not now given passes?

The Honourable Mr. S. N. Roy: At the present time there is no proposal for increasing passes.

PRIVATE PRACTICE BY NORTH WESTERN RAILWAY DOCTORS.

280. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether the Railway Doctors on the North Western Railway are allowed the right of private practice outside the Railway circle? If so, what are the rules and orders on the subject?

(b) If the reply to first portion of part (a) above be in the negative, are there any instances of Divisional Medical Officers, Assistant Medical Officers, Assistant Surgeons and Sub-Assistant Surgeons who have been given the exceptional concession of private practice? If so, will the Honourable Member please lay a statement of such persons on the table of the House?

(c) If the reply to part (b) above be in the affirmative what are the considerations for exceptions? Is it proposed to apply rules and orders equally to all officials? If not, why not?

(d) Will the Honourable Member please state whether individuals, or the places where such doctors are stationed, are considered for the grant of concession of exceptions to the rule governing private practice?

The Honourable Mr. S. N. Roy: (a) and (c). I would refer the Honourable Member to the information laid on the table of the House on 10th August, 1938, in reply to parts (a) and (b) of Sardar Sant Singh's starred question No. 1258 asked on 8th April, 1938.

(b) Does not arise.

(d) All the circumstances of each case are considered on their merits before permission is granted or withheld.

Mr. Lalchand Navalrai: I would like to know the basis on which certain doctors are granted certain concessions while others are not. Certain doctors are allowed outside private practice whereas others are not. What is the basis on which this is done?

The Honourable Mr. S. N. Roy: Permission is only granted if the permitting authority is satisfied that private practice can be undertaken without detriment to their duties towards the employes of the railway and their families.

Mr. Lalchand Navalrai: Who gives them the permission? Is it the Chief Medical Officer, or the Divisional Medical Officer?

The Honourable Mr. S. N. Roy: I am not sure. I think probably there are different officers for different grades.

NORTH WESTERN RAILWAY EMPLOYEES DRAWING REDUCED WAGES.

281. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether there are any employees on the North Western Railway, who are drawing reduced wages, owing to reductions having been ordered in their wages, prior to the issue of the Railway Board's letter No. E 40 AT 8, dated the 9th April, 1941? If so, why are they still being penalized when the reductions have been stopped?

(b) Will the Honourable Member please lay a statement on the table of the House showing the number of such persons for each Division, separately, and the amount of total reduction in their wages?

The Honourable Mr. S. N. Roy: (a) The letter quoted by the Honourable Member contains instructions for holding in abeyance the infliction of the penalty of reduction for the future. I am unable to say whether there are at the moment any employees who are drawing reduced wages as a result of orders passed before the issue of the letter.

(b) I regret I cannot undertake the researches necessary to secure this information.

Mr. Lalchand Navalrai: May I know why the Honourable Member is not going to get the information and satisfy himself, so that, if there is any wrong done, it should be righted?

The Honourable Mr. S. N. Roy: Because, Sir, as I have stated in reply to part (a) of the question, the orders that have been issued apply to the future.

EXTENSIONS TO GAZETTED OFFICERS ON EAST INDIAN AND BENGAL AND ASSAM RAILWAYS.

282. *Mr. Muhammad Neuman: (a) Will the Honourable Member for Railways be pleased to state the number of the Railway officers in the

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

gasetted rank on the East Indian Railway, and the Bengal and Assam Railway, who have been granted extension for one year or more?

(b) Will he please state the chief factors which were taken into consideration in making this decision in each individual case separately?

(c) Who were the other officers who could have succeeded if this extension were not granted and do Government propose to compensate them for this period later on?

The Honourable Mr. S. N. Roy: (a) East Indian Railway 14; Bengal and Assam Railway three.

(b) and (c). I would refer the Honourable Member to the reply given to part (b) of question No. 210 asked by Mr. Lalchand Navalrai on the 19th March, 1942. Government have had no occasion to consider who would have succeeded to the posts held by officers granted extensions of service.

NORTH WESTERN RAILWAY SALES BRANCH.

283. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state if it is a fact that Railways are unable to carry any further traffic and have therefore withdrawn all concessions of cheap tickets and rates?

(b) Is it a fact that the "Sales Branch" was brought into being with a view to attract traffic by rail? If so, what is the necessity of maintaining the Sales Department now?

(c) If the reply to first portion of part (b) above be in the negative, what were the reasons for opening a "Sales Branch" on the North Western Railway and whether those grounds still exist for continuing the department?

(d) What was the total annual expenditure incurred on the North Western Railway Sales Branch, and what was the comparative advantage derived from it during the calendar year 1941?

(e) Is it proposed to close this department and save expenditure thereon? If not, why not?

The Honourable Mr. S. N. Roy: (a) The capacity of Railways is being severely taxed and unnecessary travel is being discouraged by the withdrawal of concessions, and cheap tickets.

(b) Attracting traffic to the railway was one of the duties of the Sales Branch. As regards the second part, the staff are being utilised to deal with urgent problems that have arisen under present circumstances.

(c) Does not arise.

(d) The expenditure was approximately Rs. 85,000. I am not in a position to assess the advantages derived from it, in terms of earnings. Its activities in 1941 have been in directions other than that of securing traffic.

(e) No. No saving will be obtained thereby and to disband them will only mean having to replace them by others to do the work they are now doing.

Mr. Lalchand Navalrai: May I know what is the kind of work on which they have been employed?

The Honourable Mr. S. N. Roy: They have been employed on a campaign to obtain a quicker turn round of wagons, better wagon loads, quicker transit of goods, and also on problems of co-ordination of rail and road traffic in provinces and Indian States covered by the Railway.

Mr. Lalchand Navalrai: Will the Honourable Member find out whether the present employes' number can be reduced and work thrown on the rest of the staff?

The Honourable Mr. S. N. Roy: That matter is already under correspondence.

Mr. President (The Honourable Sir Abdur Rahim): The answers to the other questions of Mr. Lalchand Navalrai will be laid on the table.

OUT-AGENCIES ON NORTH WESTERN RAILWAY.

†284. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state the number of out-agencies on the North Western Railway in the calendar years 1939, 1940 and 1941?

(b) What is the total amount of commission paid to the contractors during the three years referred to in part (a) above?

(c) Is it proposed to close all agencies during the course of war at places where alternate means of railway booking and goods offices exist? If not, why not?

The Honourable Mr. S. N. Roy: (a).

Year.	No. of out-agencies on North Western Railway.
1939	43
1940	46
1941	51

(b) Nil.

(c) I understand there is no out-agency situated at a place where alternative means of railway booking and goods offices exist. It is, therefore, not proposed to close any of the out-agencies.

“COMMERCIAL STAFF” MEETINGS ON NORTH WESTERN RAILWAY AT KARACHI

†285. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that for the last three or four months a “Commercial Staff” meeting is held every month on the North Western Railway at Karachi?

†Answer to this question laid on the table, the questioner having exhausted his quota.

(b) Is it a fact that about 100 employees are invited from various stations on the Karachi Division, who occupy a substantial portion of higher class accommodation in the train service thus causing inconvenience to the travelling public? If so, why are such meetings held at a time when every effort is being made to discourage travel by rail?

(c) On which other divisions of the North Western Railway are such monthly "Commercial Meetings" held? If none, why is the travelling public in Sind area only inconvenienced by giving substantial accommodation for railwaymen's travel?

(d) What is the total amount of travelling allowance paid to the railway employees for attending the "Commercial meetings" at Karachi with effect from the 1st January, 1942 and whether such expenses are justified with the results obtained? If so, how?

(e) Is it proposed to abandon such meetings at least during the course of the war? If not, why not?

The Honourable Mr. S. N. Roy: I have called for information and a reply will be laid on the table of the House in due course.

DETENTION OF OUTGOING PASSENGERS AT TICKET COLLECTORS GATES ON NORTH WESTERN RAILWAY IN SIND.

†286. ***Mr. Lalchand Navarai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the public is detained at Ticket Collectors Gates on the North Western Railway in the Sind Province while going out of platforms, as the Ticket Collectors have recently been ordered first to cancel the tickets collected from the passengers going out of the stations with the cancelling nipper and then collect tickets from other passengers?

(b) Since when has this system been introduced?

(c) Is it a fact that the public is greatly detained and inconvenienced by this practice?

(d) What steps do Government propose to take to avoid detention to the travelling public at exit gates at the stations? If none, why?

The Honourable Mr. S. N. Roy: (a) and (b). The reply is in the negative. I understand orders were issued on the 16th February, 1942; that Ticket Collectors are to cancel collected tickets after the rush of passengers has abated.

(c) No.

(d) Does not arise.

DACOITIES ON RAILWAY STATIONS AND TRAINS IN SIND.

†287. ***Mr. Lalchand Navarai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that recently several raids by dacoits on railway stations and trains have occurred in the Sind area of the North Western Railway? If so, will he be pleased to give particulars of:—(i) such raids, (ii) loss and injury to human life, and (iii) loss to property of the railway administration and staff?

† Answer to this question laid on the table, the questioner having exhausted his quota.

(b) Is it a fact that panic prevails at small roadside stations in Sind and telegraphic requests have been made by the railway staff to the authorities for protection of life and property? If so, what action has been taken to afford immediate protection?

(c) Is it a fact that the railway administration has to bear the expenses incurred in engaging extra police? If so, why are not more police being engaged to protect life and property till peaceful conditions are restored in this part of the country?

(d) What relief has been given by the administration to the employees or their children who have suffered in these raids?

The Honourable Mr. S. N. Roy: (a) Yes. I lay on the table of the House a statement giving the information required.

(b) The answer to the first part of the question is in the affirmative. As regards the second part, I am unable to give details of the action taken by the Provincial Government.

(c) No. The Railway Administration bears the expense of police engaged in "order" duties, while the Provincial Government is responsible for the provision of an expenditure on police engaged on "crime" duties. In regard to the second portion of the question, representations have been made by the Administration to the Sind Government and I have no doubt all possible action is being taken.

(d) Relief will be given in accordance with the provisions of the Workmen's Compensation Act. Government has no information as to whether any relief has already been given.

Summary of incidents reported.

1. *Mahesar Station* (Rohri-Khanpur Section). At 20-30 hours on 4th March, 1942, 8 or 9 dacoits, armed with guns and hatchets, raided the station.
Murdered Shopkeeper Manghomal (living within railway premises); injured Bakhtiar pointman; removed ticket tube containing tickets and cash Rs. 8 or 9.
2. *Reti Station* (Rohri-Khanpur Section). At 23 hours on 8th March, 1942, dacoits, armed with guns and hatchets, raided the station.
Murdered Assistant Station Master (Satbachan Singh), *Signaller* (Fazal Qadir) and *Porter* (Ghulamoo); looted vendors' shops; removed property valued at Rs. 50 and station ticket tube containing Rs. 31-13.
3. *Sabu Rahu Station* (Tando Adam-Sakrand-Tharushah Section). At 23 hours on 9th March, 1942, about 15 dacoits, armed with guns and hatchets, surrounded the station and fired 40 cartridges, smashing doors and windows of booking office and of Station Master's quarters. Took away property worth about Rs. 220. No one was injured or killed.

REFUND OF DEDUCTIONS MADE FROM PAY OF NORTH WESTERN RAILWAY EMPLOYEES.

+288. *Mr. Lalchand Navarai: With reference to the reply given to my starred question No. 185, asked on the 6th March, 1942, regarding refund of reduction money to the employees on the North Western Railway, will the Honourable Member for Railways be pleased to state the result of the investigations made and the orders issued thereon?

The Honourable Mr. S. N. Roy: The orders passed are that within the Karachi Division of the North Western Railway the reductions current on the date of the judgment, and actually enforced after that date, should be cancelled.

COMPETITIVE EXAMINATION FOR POSTAL RECRUITMENT.

289. *Mr. H. A. Sathar H. Essak Sait: Will the Honourable the Communications Member be pleased to state:

- (a) whether the newly introduced first competitive examination for appointment to the posts of Inspectors of Post Offices and Head Clerks to the Superintendents of Post Offices and Inspectors, Royal Mail Service, was held in December 1939 in all circles;
- (b) whether the result of this examination held in Bombay Circle was declared in February 1940 and April 1940;
- (c) how many competitors sat for this examination and how many of them were successful;
- (d) how many of the successful candidates were Muslims;
- (e) whether a proportionate number of vacancies in these posts have been reserved for Muslims under the Home Department Resolution, dated the 4th July, 1934, if not, why not; and
- (f) how Government propose to make up the deficiency of Muslims in these posts?

The Honourable Mr. S. N. Roy: (a) Yes.

(b) The result was declared in February, 1940, and on account of a mistake, a revised result was declared in April, 1940.

(c) 884 candidates appeared at the examination for the Bombay Circle of whom 57 obtained qualifying marks. 37 were actually selected for appointment.

(d) None.

(e) No; vacancies in the Inspectors' cadre are filled by promotion of officials already serving in the Department who are successful in the examination and the Resolution referred to by the Honourable Member applies to direct recruits only.

(f) Does not arise.

* Answer to this question laid on the table, the questioner having exhausted his quota.

Mr. Lalchand Navalrai: May I know whether those that have been selected have been employed, or they have been kept on the waiting list?

The Honourable Mr. S. N. Roy: I have said that 57 obtained qualifying marks, of whom 37 have actually been selected for appointment.

Mr. Lalchand Navalrai: I want to know whether by now they have been given appointments?

The Honourable Mr. S. N. Roy: That is a point on which I want notice.

Mr. Muhammad Azhar Ali: Does the Honourable Member mean, as no Muslim candidate has so far been selected from this Circle, that there are no Muslims to enter the competitive examination or they are not competent enough to enter the competitive examination?

The Honourable Mr. S. N. Roy: This, Sir, is not a competitive examination. It is a qualifying examination. Nor is it true that Muslims do not qualify, because in other Circles Muslims have qualified.

Mr. H. A. Sathar H. Essak Sait: Is there any particular reason why Muslims do not qualify in this particular Circle?

The Honourable Mr. S. N. Roy: That is not a question that I can answer. It is the candidates who should be asked that question.

Mr. H. A. Sathar H. Essak Sait: The Honourable Member can surely make inquiries as to why in this particular Circle not a single Muslim candidate is able to qualify?

The Honourable Mr. S. N. Roy: If the Honourable Member wishes to know whether from this end we try to moderate the papers, we do.

Sir Syed Raza Ali: Has the Honourable Member satisfied himself that there is nothing wrong with the system of examinations obtaining in this particular Circle?

The Honourable Mr. S. N. Roy: The examinations are always by Circles, and on several occasions in the past we have carefully examined the papers to see whether there was any particular hardship involved with particular reference to Muslim candidates.

Sir Muhammad Yamin Khan: What does the Honourable Member mean by "we"? I want an elucidation?

The Honourable Mr. S. N. Roy: Both the Government of India and the Director General of Posts and Telegraphs.

Maulvi Muhammad Abdul Ghani: What was the number of Muslim employees called for interview?

The Honourable Mr. S. N. Roy: I must ask for notice.

Mr. Lalchand Navalrai: May I know if this examination is being conducted by departmental people, or it is through outside agencies, such as, educational departments and others?

The Honourable Mr. S. N. Roy: The examinations are conducted departmentally.

PASSENGERS WITH TICKETS NOT ALLOWED TO ENTRAIN OR DETRAIN ON NORTH WESTERN RAILWAY.

†290. ***Mr. Lalchand Navalrai:** (a) Will the Honourable the Railway Member please state if it is a fact that on the North Western Railway passengers are not allowed to entrain even after they have purchased the requisite tickets? If so, why, and under what rule?

(b) Is it a fact that passengers who have entrained with tickets are detained at intermediate stations? If so, why?

(c) Is it a fact that some passengers travelling for Sind with tickets from Lahore were detained from 20 Down Express on the 15th February, 1942, at Lahore Cantonment Railway Station by the Station Master? If so, who were the passengers and of what position?

(d) If the answer to part (c) above be in the affirmative, why were they detained?

(e) What steps do Government propose to take to see that such passengers with tickets are neither obstructed in getting into trains nor detained?

The Honourable Mr. S. N. Roy: (a) On all Railways tickets are only issued subject to the condition that room is available in the train for which the tickets are issued.

I would refer the Honourable Member to Rule 22 of the North Western Railway Time and Fare Table.

(b) I understand this would be most unusual. The second portion of the question does not arise.

(c) and (d). I understand a party consisting of the Premier of Sind, and two others applied, late on the 15th February—the date of entraining,—for three first class berths by 20 Down Express.

Accommodation was found for the Premier and one member, but there was no room for the third member of the party in the train service. An extra coach, reserved for a Military Party joining at Lahore Cantonment, was on the train and the Railway Staff at Lahore Main Station had, by error, put the third member of the party into this coach and he was asked to vacate at Lahore Cantonment. I am informed that the North Western Railway held a full enquiry into the matter and that the staff at fault will be dealt with.

(e) I am not satisfied that any action is called for.

TERMINATION OF THE VENDING CONTRACTS AT ALLAHABAD RAILWAY STATION.

†291. ***Qazi Muhammad Ahmad Kasmi:** (a) Will the Honourable Member for Railways please state if it is or it is not a fact that the

†Answer to this question laid on the table, the questioner having exhausted his quota.

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

contracts of vending of sweetmeats, *pan biri* and cigarettes, fruits, *dahi-bara*, tea for Hindus, and milk, cream and curd at Allahabad Railway Station were with individual vendors for several decades?

(b) Is it or is it not a fact that about the end of 1939, their contracts were terminated without specifying any reasons?

(c) Is it or is it not a fact that some of the said vendors after a number of oral representations and requests made a formal representation to the Divisional Superintendent on the 10th of August, 1940?

(d) Is it or is it not a fact that the Divisional Superintendent by his reply, dated the 23rd August, 1940, informed them that the reason for the termination of their contracts was that the 'sanitary committee considered the food-stuffs displayed by them unsuitable for human consumption'?

(e) Is it or is it not a fact that on a further representation that no sanitary committee ever visited their shops, nor were they ever warned for bad quality of their food-stuffs, the Divisional Superintendent withdrew his remarks and apologized for them?

(f) What were the reasons for the termination of the contracts of these vendors and were they ever communicated to them? If so, when?

The Honourable Mr. S. N. Roy: (a), (b), (c), (d), (e) and (f). I would refer the Honourable Member to the reply given in another place to the Honourable Mr. P. N. Saprú's question No. 115 of 24th March, 1941. I have no information as to when the reasons for the termination of their contracts were communicated to the various vendors.

RAILWAY COLLISION AT WARESALIGUNJ RAILWAY STATION.

292. *Mr. N. M. Joshi: Will the Honourable Member for Railways be pleased to state:

- (a) whether it is a fact that a collision occurred between 167 Up Goods Train and 47 Up Passenger Train at Waresaligunj Station at 21-42 hours on the 23rd May, 1936;
- (b) whether it is a fact that as a result of the collision referred to in part (a) above, Mr. Lekh Narain Prasad, Assistant Station Master with seventeen years' service, was suspended and then dismissed on the 27th July, 1936;
- (c) whether it is a fact that Mr. Lekh Narain Prasad was put on his trial on a charge under section 101 of the Indian Railway Act in the Court of the Sub-divisional Officer, Nawada (Gaya district) and was convicted;
- (d) whether it is a fact that Mr. Lekh Narain Prasad preferred an appeal and was acquitted by the Sessions Judge, Gaya, on the 28th June, 1937;
- (e) whether it is a fact that after acquittal, Mr. Lekh Narain Prasad applied for re-instatement repeatedly but in vain;
- (f) whether it is a fact that in Bihta Case in 1937, Mr. Ralph was reinstated after his acquittal;

- (g) whether it is a fact that in Sakaldiha Case in 1934, Mr. Shajad Khan was reinstated, though he was convicted and awarded three months' rigorous imprisonment;
- (h) whether it is a fact that Mr. Lakh Narsin Prasad was reinstated; and
- (i) if the answer to part (h) above be in the negative, whether Government propose to consider (i) the question of giving him some other job, and (ii) the question of giving him his gratuity?

The Honourable Mr. S. N. Roy: (a) and (b). Yes.

(c), (d), (e), (g) and (h). Government have no information.

(f) No. He was permanently reduced.

(i) Government do not propose to ask the Railway Administration to re-open the case.

WORKING OF DUPLICATING MACHINES BY TYPISTS IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

†293. ***Mr. Amarendra Nath Chattopadhyaya:** (a) With reference to his reply given to unstarred question No. 128, asked by Mr. Muhammad Azhar Ali on the 15th March, 1941, will the Honourable the Railway Member please state whether it is a fact that in the Supply Department, Defence Department, and General Headquarters, the duplicating machines are worked by electricity, but the duplicating work is entrusted to daftries of the respective offices?

(b) Is it a fact that the work of turning out copies on the duplicating machines has been entrusted to the typists of the Railway Clearing Accounts Office, Delhi, and the machine is worked by electricity in that office too?

(c) If the answer to parts (a) and (b) above be in the affirmative, will the Honourable Member be pleased to reconcile the different practices followed in the offices mentioned above and state why this differential treatment is accorded to the typists of the Railway Clearing Accounts Office, Delhi?

(d) Are Government now prepared to make arrangements in line with the other offices and relieve the typists of the Railway Clearing Accounts Office of their long standing grievance? If not, why not?

The Honourable Mr. S. N. Roy: (a) The practice in the different departments is, I understand, not uniform.

(b) Yes.

(c) The practice followed is a matter of convenience and no question of differential treatment arises.

(d) Does not arise.

DECENTRALISATION OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

†294. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Railway Member be pleased to state if it is a fact that the question of decentralisation of the Railway Clearing Accounts Office, Delhi, has been under consideration for some time? If so, has it finally been decided? If not, why not?

(b) If the answer to part (a) above be in the affirmative, will the Honourable Member be pleased to give a definite date by which Government propose to take action in the matter?

(c) If the answer to part (a) above be in the negative, have any arrangements been made by Government to locate that office in one place by constructing their own building and providing residential quarters for the staff of the Railway Clearing Accounts Office to remove their long standing grievance? If not, why not?

(d) If the answer to part (c) above be in the affirmative, will the Honourable Member be pleased to state a definite date by which Government propose to locate that office in one building of their own and provide residential quarters for the staff?

The Honourable Mr. S. N. Roy: (a) Yes, but no final decision has been reached. The question involves several financial and administrative issues which are being closely examined in consultation with the Indian Railway Conference Association.

(b), (c) and (d). Do not arise.

VENDING CONTRACTS AT ALLAHABAD RAILWAY STATION GIVEN TO MESSRS. BALLABHDAS ESHWARDAS.

†295. *Qazi Muhammad Ahmad Kasmi: (a) Will the Honourable the Railway Member please state if it is or it is not a fact that after terminating the contracts of all the vendors at Allahabad, the new contract for all of them was given to Messrs. Ballabhdas Eshwardas? If not, what are the real facts?

(b) Is it or is it not a fact that Messrs. Ballabhdas Eshwardas have got contracts at a large number of other stations also?

(c) Is it or is it not a fact that the policy of Government in the matter of the contracts is that there should be no monopoly for any particular person, that so far as possible contracts should be given separately to individuals and that local men should have a preference? If not, what is the policy?

(d) Is it or is it not a fact that the large number of contracts given to Messrs. Ballabhdas Eshwardas contravenes the policy referred to in part (c) above?

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

(e) Have Government considered the advisability of restoring the vending contracts at Allahabad Railway Station to the old vendors or to some others belonging to Allahabad?

The Honourable Mr. S. N. Roy: (a) I would refer the Honourable Member to the replies given to parts (a) and (f) of the Honourable Mr. P. N. Sapru's question No. 115 of 24th March, 1941. It is not known whether the contracts of all vendors at Allahabad were so terminated.

(b) Yes.

(c) I would refer the Honourable Member to the Summary of Proceedings of Meetings with the Central Advisory Council for Railways held on the 13th, 15th and 16th March, 1940.

(d) and (e). No.

CONTRACTORS EMPLOYED BY GOVERNMENT CLOTHING FACTORIES UNDER THE SUPPLY DEPARTMENT.

†296. ***Nawab Siddique Ali Khan:** (a) Will the Honourable Member for Supply be pleased to state the stations at which Government Clothing Factories under the auspices of the Supply Department are engaged on making clothing for Defence Services?

(b) Will Government be pleased to state if a firm of contractors known as Associated Agencies is employed by these Factories for making clothing? If so:

(i) since when is it so employed;

(ii) at what stations is it operating;

(iii) is it a fact that this firm is enjoying a monopoly in this line so much so that it alone is given about half of the work;

(iv) will Government be pleased to place on the table of the House a statement showing the total amount of work given by each Factory to this firm during the year 1941-42 and the total amount of work given to all other contractors as a whole;

(v) what are the reasons for giving this firm the monopoly;

(vi) are no local firms or contractors available in sufficient numbers who could be employed;

(vii) what is the number of contractors employed by the Government Clothing Factories where this firm is employed; and

(viii) is it a fact that this firm is preventing other contractors from expanding and shutting out new firms from entering the field?

(c) Do Government propose to review their policy and methods of awarding clothing work amongst their contractors?

The Honourable Sir Homi Mody: I place on the table a statement giving the information required.

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

Statement.

- (a) (1) Shshjahanpur.
 (2) Madras.
 (3) Calcutta.
 (4) Bombay.
 (5) Lahore.
 (6) Agra.
 (7) Delhi.
 (8) Simkot.
 (9) Secunderabad.
 (10) Unawnpore.

(b) Yes, by Madras, Calcutta and Lahore Factories only.

- (i) Madras since 30th May 1940; Calcutta 27th November 1940, and Lahore 17th July 1941.
 (ii) At various stations in Madras Presidency, several in the Punjab and also at Calcutta.
 (iii) No. On the total amount of work allotted during the year, as shown against the next part of the question, the work allotted to this firm amount to :

	Per cent.
Madras	30.49
Calcutta	4.02
Lahore	26.13

(iv) The required information for the first eleven months of the year i.e., April, 1941, to February, 1942, is given below :-

	Cost of Making up Rs.	No. of garments in units.
<i>Madras—</i>		
Associated Agencies	24,19,600	21,76,992
Others	36,78,560	33,34,872
<i>Calcutta—</i>		
Associated Agencies	1,03,385	1,16,557
Others	25,04,165	27,85,285
<i>Lahore—</i>		
Associated Agencies	1,74,630	1,38,892
Others	4,89,131	3,92,692

- (v) This does not arise.
 (vi) Other firms are available.
 (vii) Including this firm the number of contractors employed is :

Madras	13
Calcutta	23
Lahore	17

(viii) No. After this firm was put on the working list of the Factories concerned, several new firms were added from time to time as indicated below :

	Firms.
Madras	5
Calcutta	5
Lahore	8

(c) Policy and methods are constantly under review.

PROMOTIONS OF GUARDS ON NORTH WESTERN RAILWAY.

†297. *Sardar Sant Singh: (a) With reference to the reply to part (a) of starred question No. 485, on the 20th March, 1941, regarding promotion of Railway Guards on the North Western Railway, is the Honourable the Railway Member aware that recommendations for promotions by Divisional Superintendents were made in certain cases on seniority, in others on satisfactory record only and in others on educational qualifications?

(b) Is he aware that in still other divisions on the North Western Railway some senior guards in grade I, were not recommended because on the previous occasion they had not been selected by the Headquarters Office for promotion?

(c) Is the Honourable Member now prepared to lay down for the guidance of all Divisional Superintendents that recommendations should be made only on seniority unless the record is unsatisfactory in which case reasons for not recommending any such senior man should be recorded?

(d) Are Government prepared to issue instructions that the Selection Boards should also record the reasons for superseding the claims of any seniors?

The Honourable Mr. S. N. Roy: (a) No, I understand that seniority, record of service, educational qualifications are all considered in making selections.

(b) I am informed that on a certain division some guards were excluded because they had not secured selection by the Headquarters Selection Board on a previous occasion, but this is not the usual practice and the Railway has now taken action to prevent a recurrence of what occurred there.

(c) and (d). No, I can see no reason at present to interfere with the discretion of the General Manager in this matter, but I will consider the suggestion that the reasons for superseding the claims of senior men should be recorded.

PROMOTIONS OF GUARDS ON NORTH WESTERN RAILWAY.

†298. *Sardar Sant Singh: (a) With reference to his reply to starred question No. 485, on the 20th March, 1941, regarding the promotion of guards on the North Western Railway, will the Honourable the Railway Member state whether in the Quetta and Ferozepore Divisions, several seniormost guards, grade I, were not at all recommended for promotion although they had a blotless record of service for over 20 years? Is it a fact that they also appealed against this decision?

(b) Is it a fact that the guards referred to in part (a) above were asked to attend the Divisional Offices and were all of a sudden made to sit for a test and declared unfit for further promotion?

(c) Is it a fact that they were not made to sit for the test along with their juniors who had already been recommended to the Headquarters for promotions?

(d) How were the juniors given preference over their seniors who had satisfactory record of service without any common test having been held?

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

(e) Is it not a fact that these juniors were not tested at all before being recommended? If so, why was this procedure of rejecting the claims of the seniors adopted?

(f) What steps do Government propose to take to do justice to the aggrieved senior guards?

The Honourable Mr. S. N. Roy: (a) It is presumed that the question refers to the promotion of guards grade II to grade III. All senior grade II guards on the Quetta Division were recommended for promotion. Some senior guards on the Ferozepore Division were not recommended as they were not considered fit for promotion. These men, it is understood, sent in an appeal.

(b) No. The guards were called for an interview after they appealed. They were not made to sit for a test and have not been finally declared unfit for promotion.

(c) Does not arise.

(d) As I have already stated in reply to part (a) of question 297, selections for promotion are made on the basis of seniority and general fitness.

(e) A test was not considered necessary either for the men who were recommended or those not recommended. As regards the second part, as I have explained, no special procedure was adopted in respect of any guard.

(f) Government do not consider that any injustice has been done.

RECOMMENDATIONS FOR T. 5 COURSE ON NORTH WESTERN RAILWAY.

†299. *Sardar Sant Singh: (a) Will the Honourable the Railway Member please state if it is a fact that for T. 5 Course on the North Western Railway, i.e., Senior Assistant Station Masters Course, the Divisional Superintendent, Lahore, last year did not recommend any guards, but sent the names of persons from other branches and that the Divisional Superintendents, Multan and Karachi, recommended men with less than five years service?

(b) Are the North Western Railway authorities prepared to lay down definite instructions for recommending men for T. 5 Course which should be followed uniformly by all Divisions?

The Honourable Mr. S. N. Roy: (a) The reply to the first part of the question is in the negative and to the latter part in the affirmative.

(b) Instructions already exist but I understand these are being examined to see if any clarification is necessary to ensure uniformity of practice.

UNSTARRED QUESTIONS AND ANSWERS.

†81—89.

UNIFORMS FOR TRAINS CLERKS ON NORTH WESTERN RAILWAY.

90. Gasi Muhammad Ahmad Kazmi: With reference to his answer to starred question No. 569, asked on the 1st April, 1941, regarding uniforms

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

‡For these questions and answers, see pages 1587—1602 of these debates.

of Trains Clerks on the North Western Railway, will the Honourable the Railway Member please state whether it is a fact that the Yards Staff, Yards Supervisors, Yard Foreman, etc., their co-workers in yard, who have no dealings with the public and who get salaries equal to and even larger than Trains Clerks are supplied with full uniforms? If so, have Government considered the advisability of supplying uniforms to Trains Clerks? If not, why not?

The Honourable Mr. S. N. Roy: Information has been called for and a reply will be laid on the table of the House in due course.

PROMOTION OF TRAINS CLERKS AS INTERCHANGE STOCK VERIFIERS.

91. Qazi Muhammad Ahmad Kazmi: Will the Honourable the Railway Member be pleased to refer to his reply to starred question No. 570, asked on the 1st April, 1941, regarding promotion of Trains Clerks to Interchange Stock Verifiers' jobs and state if any one has been promoted to those jobs? If not, why not?

The Honourable Mr. S. N. Roy: None. For one post which was filled in July, 1941, no Trains Clerk appears to have applied.

BLOCK ON PROMOTION OF TRAINS CLERKS IN DELHI DIVISION.

92. Qazi Muhammad Ahmad Kazmi: Will the Honourable Member for Railways be pleased to refer to his reply to starred question No. 571, asked on the 1st April, 1941, and state whether it is a fact that Trains Clerks in Delhi Division, with over 20 years' service, are barred at Rs. 60 causing discontent? If so, do Government propose to do something to remove discontent?

The Honourable Mr. S. N. Roy: As regards the first part the answer is in the negative. As regards the second part Government understand that of the additional posts sanctioned in grade II mentioned in the reply to part (a) of starred question No. 164 asked on 18th November, 1941, 15 have been allotted for Trains Clerks on the Delhi Division.

RESTORATION OF THE POST OF HEAD TRAINS CLERK, SPECIAL GRADE, AT KHANALAMPURA.

93. Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member for Railways please state whether it is or it is not a fact that the only prospect of promotion for the Trains Clerks is to the jobs of Head Trains Clerk, the highest post being that of Head Trains Clerk, special grade?

(b) Is it or is it not a fact that about 1932 there were three such posts on the North Western Railway out of which one was at Khanalampura, but that was retrenched in that year, leaving only two such posts on the North Western Railway?

(c) Is it or is it not a fact that along with the post of Head Trains Clerk, the post of Yard Supervisor at Khanalampura was also retrenched?

(d) Is it or is it not a fact that the post of Yard Supervisor has been restored at Khanalampura and given to an Anglo-Indian?

(e) Is it or is it not a fact that *actually* the work for Trains Clerk at Khanalampura is much more and in any case no less than it was prior to the retrenchment in 1932? If not, what is the real condition?

(f) Have Government considered the advisability of restoring the post of Head Trains Clerk, special grade, at Khanalampura? If not, why not?

The Honourable Mr. S. N. Roy: (a) No; Trains Clerks are also eligible for promotion as Guards or Yard Foremen if they qualify themselves for these posts and are considered suitable.

(b) Yes: The post of Head Trains Clerk at Khanalampura was abolished in 1984.

(c) Yes.

(d) Yes.

(e) and (f) Government understand that the work at Khanalampura is not at present such as to justify the creation of a post of Head Trains Clerk there.

MUSLIM TRAFFIC INSPECTORS ON BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

94. Qazi Muhammad Ahmad Kazmi: Will the Honourable the Railway Member be pleased to state whether it is a fact that on the Bombay, Baroda and Central India Railway there is no Mohammedan Traffic Inspector? If so, why?

The Honourable Mr. S. N. Roy: The reply to the first part is in the affirmative as far as the Broad Gauge section is concerned; information concerning the Metre Gauge section is being obtained and a further reply will be laid on the table of the House. As regards the second part, promotion is not regulated on a communal basis, and there is at present no Muslim who has been able to secure promotion on seniority and suitability.

BAN ON CERTAIN PROMOTION OF INTERCHANGE STOCK VERIFIERS ON BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

95. Qazi Muhammad Ahmad Kazmi: Will the Honourable the Railway Member be pleased to state whether it is a fact that Movement Inspectors and Rolling Stock Inspectors on the East Indian Railway are taken from Interchange Stock Verifiers, whereas similar promotions are denied on the Bombay, Baroda and Central India Railway? If so, do Government propose to adopt the same procedure on the Bombay, Baroda and Central India Railway?

The Honourable Mr. S. N. Roy: Information has been called for and a reply will be laid on the table of the House in due course.

A COMPLAINT OF TICKETLESS TRAVELLING.

96. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to the reply given to part (a) of starred question

No. 6, asked on the 11th February, 1942, *vis.*, "who was apparently travelling without a ticket", and state the action taken against the person who was travelling without a ticket; and if no action has been taken the reason therefor?

The Honourable Mr. S. N. Roy: Government have no information as to whether the complainant was actually travelling without a ticket or, if so, whether any action was taken or not.

CORRUPT PRACTICES OF TICKET CHECKERS AT HOWRAH AND SEALDAH.

97. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to the reply given to part (d) of starred question No. 7, asked on the 11th February, 1942, in connection with corrupt practices of Ticket Checkers, *vis.*, "I understand they are under investigation", and state the result of such investigation?

The Honourable Mr. S. N. Roy: Government have no information as to whether the investigations have been completed, and, if so, with what result.

SUB-LETTING OF CERTAIN VENDING CONTRACTS BY BALLABHDAS ESHWARDAS.

98. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please refer to the reply given to part (b) of starred question No. 39, asked on the 16th February, 1942, *vis.*, "the sub-letting of catering contracts is prohibited" and state if it is a fact that the contract for vending of certain comestibles at Delhi Main Railway Station has been sub-let to one Umrao Singh resident of Katra Lachho Singh near Fountain, Delhi, by Ballabhdas Eshwardas? If not, what are the correct details?

(b) Is it a fact that the contract for the sale of sweet meats, *Namkeen* and *Puries* at Moradabad Railway Station has been sub-let to one Ram Chander of Hathras by Ballabhdas Eshwardas? If not, what is the degree of relationship between Ram Chander and Ballabhdas Eshwardas?

The Honourable Mr. S. N. Roy: (a) and (b). No such information has hitherto come to the notice of Government. Enquiries will be made.

POSITION OF MEDICALLY UNFIT STAFF AS REGARDS EMPLOYMENT ON STATE RAILWAYS.

99. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to the replies given to:

(i) part (e) of unstarred question No. 16 on the 16th February, 1942, *vis.*, "No, there is no specific rule to this effect";

(ii) starred question No. 1096, asked on the 10th March, 1936, *vis.*, "Every endeavour is made to find alternative employment for the staff declared medically unfit for employment in their own category", and

- (iii) unstarred question No. 392, asked on the 20th March, 1936, "on the East Indian Railway the general policy in the case of staff who are declared medically unfit in the category is to make an endeavour to find suitable posts for them in a lower category"; and state the correct position on the State Managed Railways in respect of those who fail to pass the test in medical fitness?

The Honourable Mr. S. N. Roy: I am unable to understand what difficulty the Honourable Member finds in reconciling the statements he has quoted. The general policy is, as was stated by Sir Muhammad Zafrullah Khan in reply to question No. 392 asked on the 20th March, 1936, that in the case of staff who are declared medically unfit in the category in which they are employed but declared fit for service in a lower category, every endeavour is made to find suitable posts for them in the category for which they are declared fit. It may sometimes happen that such posts are not available in which case there is no alternative to discharging them, but if there is a likelihood of such posts becoming available in the near future they are granted leave and absorbed at the end of their leave.

REFUSAL OF LEAVE TO A RAILWAY EMPLOYEE AT AMBALA STATION.

100. **Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Railways please refer to the reply given to part (d) of unstarred question No. 17, asked on the 16th February, 1942, regarding refusal of leave by the Yard Supervisor to a railway employee, *vis.*, "No, I understand that the Divisional Superintendent, after further inquiry, was satisfied that the Yard Supervisor was not blameworthy;" and state:

- (a) the rule or regulation under which the Government Railway Administration or the Divisional Superintendent is authorised to refuse permission to its servants to have recourse to Law Courts against other servants;
- (b) the date on which the Divisional Superintendent made further enquiries; and
- (c) whether he will lay on the table of the House the proceedings of the further enquiry?

The Honourable Mr. S. N. Roy: I am aware of no rule or regulation which requires a Government Servant to obtain the permission of the Divisional Superintendent, or the Railway Administration for the institution of proceedings in a Court of Law against another Government Servant.

(b) Government have no information about the dates.

(c) Government are not prepared to lay any papers on the table of the House concerning the further enquiries made by the Divisional Superintendent

CRITERION FOR APPOINTMENT TO SELECTION POSTS ON EAST INDIAN RAILWAY.

101. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to the reply given to part (a) of the unstarred question No. 18, asked on the 16th February, 1942, regarding criterion for appointment to selection posts, *vis.*, "No such orders as are referred to in the question have been traced"; and state if the Honourable Member has referred to line six from the last line of Annexure A to General Manager, East Indian Railway, Circular No. A. E. 2460/3, dated the 30th August, 1940, regarding selection posts, wherein he will find the words "lack of personality"?

The Honourable Mr. S. N. Roy: Yes, I have now referred to the circular quoted, but consider that the reply to unstarred question No. 18 asked on the 16th February, 1942, was correct.

DATES OF CERTAIN CATERING CONTRACTS OF BALLABHDAS ESHWARDAS.

102. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state the date from which Ballabhdas Eshwardas, Catering Contractors, East Indian and North Western Railways, were given contracts for the stations on the Allahabad, Lucknow and Moradabad Divisions and for the office of the Divisional Superintendent, Delhi Division, in addition to the "Area" contracts of Howrah and Dinapore Divisions?

The Honourable Mr. S. N. Roy: East Indian Railway, Allahabad Division—contracts were given on different dates between 1st July, 1939 and 1st February, 1940. Lucknow Division—on 1st August, 1939 and 5th August, 1939, Moradabad Division—on 16th June, 1939, North Western Railway, Delhi Division—22nd January, 1942.

CASES UNDER THE PAYMENT OF WAGES ACT IN COURTS AT MORADABAD.

103. Maulvi Syed Murtaza Sahib Bahadur: Will the Honourable Member for Railways please state:

- (a) the total expenditure in the cases under the Payment of Wages Act in the courts at Moradabad incurred by the East Indian Railway during 1940-1942;
- (b) the total amount claimed in those cases;
- (c) the names of the counsels and the sums paid to each of them by the Railway;
- (d) the justification for paying such sums to the counsels by the Railway;
- (e) whether the second counsel was engaged on the payment of a large amount by the Railway on the suggestion or recommendation of:
 - (i) the District judge,
 - (ii) the Government Pleader, or
 - (iii) the Provincial Government;
- (f) if it is a fact that the second counsel (Mr. Kishor Nath) is the same who was engaged in the Hardwar Ticket Fraud Case; and

- (g) the reasons for engaging Mr. Kidar Nath on large fees by the Railway in each and every case instituted against or by the Moradabad Divisional Authorities when the (i) Government Pleader (ii) Railway's Standing Counsel and (iii) Railway Vakil with a staff of Court Inspectors at Headquarters of the Railway are available?

The Honourable Mr. S. N. Roy: (a), (b), (c) and (e). The Honourable Member is referred to the replies to parts (c), (d), (e) and (f) respectively of question No. 84 asked by Mr. Muhammad Azhar Ali on 6th March, 1942.

(d) The cases were considered of sufficient importance to render necessary the engagement of a suitable second Counsel.

(f) Yes.

(g) Mr. Kedar Nath was engaged only in two cases out of seven, for the reason stated in the reply to part (d).

CHEAP GRAIN SHOPS OPENED BY EAST INDIAN RAILWAY.

104. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the reply given to part (a) of unstarred question No. 39, asked on the 6th March 1942, viz.: "Yes" (the East Indian Railway has opened cheap grain shops on the Railway) and state:

- (a) the date from which the shops have been opened;
- (b) the particulars of the publications inviting applications from residents within the area to which the contract relates [Item (c) on page 9 of the Summary of Proceedings of the Meetings of the Central Advisory Council for Railways held at New Delhi on the 13th, 15th and 18th March, 1940];
- (c) the names of the applicants who applied for, together with the terms offered by them;
- (d) the terms offered by the Railway Administration; and
- (e) if no applications were invited, the reasons therefor?

The Honourable Mr. S. N. Roy: (a) Jubi (Cawnpore) 1st October, 1941; Lucknow, 6th October, 1941; Jamalpur, 25th November, 1941; Lillooah, 7th January, 1942; Asansol, 1st February, 1942. This gives the latest information available. No shop has been opened at Howrah as was stated in the reply to part (b) of the Honourable Member's unstarred question No. 39 asked on 6th March, 1942, but one has been opened at Asansol.

(b) No applications were invited; the recommendation of the Central Advisory Council does not appear to apply in this case.

(c) and (d). Do not arise in view of the reply to part (b).

(e) It was necessary that the shops should be entrusted to persons who, in the opinion of the administration, could be relied upon to establish them expeditiously and run them efficiently under all conditions.

CHEAP GRAIN SHOPS OPENED BY EAST INDIAN RAILWAY.

105. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the reply given to part (d) of unstarred question No. 39, asked on the 6th March, 1942, *vis.*, "the grain is to be sold to railway employees" and state the particulars of the grain sold from their shops by Ballabhdas Eshwardas to (a) the refreshment rooms and (b) the vending licensees conducted by Ballabhdas Eshwardas; and (c) the persons employed by Ballabhdas Eshwardas in furtherance of catering and vending contracts held by Ballabhdas Eshwardas on the East India and North Western Railways?

The Honourable Mr. S. N. Roy: Information has been called for and a reply will be laid on the table of the House in due course.

CHEAP GRAIN SHOPS OPENED BY EAST INDIAN RAILWAY.

106. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the replies given to parts (d) and (e) of unstarred question No. 39, asked on 6th March, 1942, *viz.*, "the concessions given are rent free buildings for shops, free water and light, free carting of grain from wagons to shops, payment of wages of shop attendants upto a maximum of Rs. 100 per mensem. The contractors are required to sell grains at prices notified by Provincial Governments", and state:

- (a) if it is a fact that prices notified by Provincial Governments are also applicable to grain shops in the Province or only to these cheap shops on the Railway;
- (b) if it is a fact that Provincial Governments have also given these concessions to grain shops in the Province;
- (c) if it is a fact that Co-operative Stores carrying on business in grain also enjoy these concessions; and
- (d) if the replies to parts (b) and (c) above be in the negative, the reasons therefor and also the reasons for not selling the grain from these cheap shops at a price cheaper than that notified by the Provincial Government when these additional concessions are given to these cheap shops; and
- (e) if Government now propose to withdraw those concessions from the contractors; if not, why not?

The Honourable Mr. S. N. Roy: (a) The prices notified by Provincial Governments, which are maximum prices, apply equally to all shops in the areas concerned.

(b) Government have no information.

(c) Government have no information concerning Co-operative Societies other than those on Railways, the latter get no concessions of the type referred to.

(d) Government can see no reason to grant concessions to undertakings run on business lines. Grain shops have been established by the East Indian Railway to ensure that grain will be available to its employees

at a rate not more than that fixed by Provincial Governments and since they seek to make no profit prices are fixed as nearly as possible on this basis.

(e) No, for the reason stated in the reply to part (d).

TELEPHONE AND TELEGRAPH FACILITIES AT SHAHDARA POST OFFICE.

107. Mr. Muhammad Azhar Ali: Will the Honourable Member for Communications please refer to the reply given to part (c) of unstarred question No. 40, asked on the 6th March, 1942, viz., "Delivery facilities are enjoyed by the population of Shahdara-Delhi within five miles of Delhi Telegraph Office" and state the number of telegrams delivered to the population of Shahdara-Delhi from:

- (a) Delhi Telegraph Office;
- (b) Shahdara-Delhi North Western Railway Station; and
- (c) Post office Shahdara-Delhi;

during the preceding year?

The Honourable Mr. S. N. Roy: (a) Nil.

(b) Three hundred and fifty.

(c) Twelve hundred and fifty.

CERTAIN VENDING LICENSES ON EAST INDIAN AND NORTH WESTERN RAILWAYS.

108. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please state:

- (a) if it is a fact that a license for vending tea on the East Indian and North Western Railways does not permit the sale of tobacco, cigarettes and matches;
- (b) if it is a fact that a license for vending tobacco, cigarettes and matches does not permit the sale of tea on these Railways; and
- (c) if it is a fact that no person is permitted to sell an article on these Railways without a license; if not, why not?

The Honourable Mr. S. N. Roy: (a) and (b). I understand this is so, but the same vendor may hold a licence for both.

(c) Yes. It is considered necessary to have a measure of control over vendors.

PROPOSED INCREASE OF TARIFF RATES FOR INDIAN CATERING, ETC., ON EAST INDIAN AND NORTH WESTERN RAILWAYS.

109. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please state:

- (a) if it is a fact that the East Indian and North Western Railway Administrations are considering the increase of the Tariff rates for Indian catering contracts and vending licenses for eatables;
- (b) if it is a fact that there is no increase in the wages of workers; and

- (c) if the replies to parts (a) and (b) above be in the negative, what are the correct facts?

The Honourable Mr. S. N. Roy: (a) Government have no such information.

(b) If the Honourable Member is referring to those who work for the catering contractors, Government have no information, as this is a matter which lies between the contractors and their servants. If the Honourable Member is referring to workers generally, the question should have been addressed to my Honourable Colleague, in the Labour Department.

- (c) Does not arise.

INSPECTION CARRIAGES WITHDRAWN FROM USE OF RAILWAY GAZETTED OFFICERS.

110. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please lay a list of the inspection carriages withdrawn from the use of Railway Gazetted Officers on the Bengal and Assam, Bombay, Baroda and Central India; East Indian, Great Indian Peninsula and North Western Railways on account of the war?

The Honourable Mr. S. N. Roy: The attention of the Honourable Member is invited to Appendix XIII of the Report of the Public Accounts Committee for 1939-40, a copy of which is in the Library of the Central Legislature. All Railways are working to a programme of withdrawals. There is no proposal at present under consideration to withdraw further saloons but all officials have been requested to economise in their use as much as possible.

NON-APPOINTMENT OF INDIANS AS DIVISIONAL SUPERINTENDENT OF EAST INDIAN RAILWAY.

111. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please state:

- (i) if it is the policy of the East Indian Railway Administration that no Indian should be appointed to the office of Divisional Superintendent on the Railway;
- (ii) if it is a fact that senior Indian officers are superseded by junior European officers for those appointments;
- (iii) if the replies to parts (i) and (ii) be in the affirmative the reasons therefor; and
- (iv) if the replies to parts (i) and (ii) above be in the negative, what is the correct position;

(b) Will he kindly lay a statement on the table showing the vacancies for these posts during the past three years and filled in by Indians and Europeans separately, if not, why not?

The Honourable Mr. S. N. Roy: (a) (i) No.

- (ii) There have been some cases of the type referred to.

(iii) and (iv). Appointments of Divisional Superintendent are filled by the most suitable officer on the basis of selection.

(b) The attached statement gives the required information.

Officers confirmed as Divisional Superintendents in the last three years.

1. Mr. J. C. Gibson—Power & Mech. Deptt. (Non-Asiatic).
2. Mr. R. Mair—Civil Engineering (Non-Asiatic).
3. Mr. E. H. N. Lowther—Traffic & Comml. (Non-Asiatic).
4. Mr. E. J. H. Jacobson—Traffic & Comml. (Non-Asiatic).

Officers who have officiated as Divisional Superintendents.

1. Mr. G. W. Scriven—Civil Engineering (Asiatic).
2. Mr. R. A. Saunders-Jacobs—Civil Engineering (Non-Asiatic).
3. Mr. P. N. H. Baker—Power & Mech. (Non-Asiatic).
4. Mr. O. R. Tucker—Power & Mech. (Non-Asiatic).

EXTENSIONS OF SERVICE DUE TO WAR IN RAILWAY BOARD AND STATE RAILWAYS.

112. **Mr. Muhammad Ashar Ali:** Will the Honourable Member for Railways please lay a statement showing the periods of extension of service after the age of superannuation given to Gazetted and non-Gazetted staff separately on the Bengal and Assam, Bombay, Baroda and Central India, East Indian, Great Indian Peninsula and North Western Railways and in the Railway (Railway Board) Department on account of the war?

The Honourable Mr. S. N. Roy: Except in one case, in which a lesser period of extension was granted, all gazetted officers have been granted an extension of one year in the first instance. Two officers have been granted a second extension of one year.

As regards non-gazetted staff, I have called for information and a reply will be laid on the table of the House.

ECONOMY EFFECTED ON STATE RAILWAYS DUE TO WAR.

113. **Mr. Muhammad Ashar Ali:** Will the Honourable Member for Railways please lay a statement on the table showing the economy affected by the curtailment of train services, by closing of stations for goods and passenger traffic, and by the withdrawal of concessions on the Bengal and Assam, Bombay, Baroda and Central India, East Indian, Great Indian Peninsula and North Western Railways on account of the war?

The Honourable Mr. S. N. Roy: I regret it is impossible to assess in terms of money the savings effected. The cuts in services, closing of stations, withdrawal of concessions, etc., have been effected not as economy measures but to conserve railway resources and to make the best possible use of available railway transport for essential war and civilian traffic.

DIFFERENTIAL TREATMENT OF RAILWAY MEDICAL OFFICERS.

114. Maulvi Syed Murtaza Sahib Bahadur: (a) Will the Honourable the Railway Member please state if it is a fact that Engineering graduates of Indian Universities are appointed as Engineers on State Railways through the Public Service Commission?

(b) If the reply to part (a) above be in the affirmative, will the Honourable Member be pleased to state why Medical graduates of Indian Universities are not appointed as Assistant Surgeons on State Railways through the Public Service Commission?

(c) Is it a fact that Assistant Surgeons on State Railways are not entitled to study leave? If so, why?

(d) Is it a fact that the post of Railway Engineer is gazetted?

(e) Is it a fact that the post of Railway Assistant Surgeon is non-gazetted?

(f) If the replies to parts (d) and (e) above be in the affirmative, will the Honourable Member be pleased to state the reasons for this differential treatment?

(g) Is it a fact that in the Medical Branch of the State Railways there are three appointments of higher responsible nature such as Assistant Surgeons, Assistant Medical Officers and District Medical Officers as against two on the Civil side, namely, Assistant Surgeons and Civil Surgeons? If so, what are the reasons for this difference?

(h) Is it a fact that Railway Sub-Assistant Surgeons are eligible for promotion to the posts of District Medical Officers?

(i) Do Government propose to make the post of Railway Assistant Surgeons a gazetted post if it is non-gazetted? If not, why not?

The Honourable Mr. S. N. Roy: (a) Yes.

(b) Assistant Surgeons are in the non-gazetted service, appointments to which are not made through the Public Service Commission. These appointments are filled in accordance with the relevant rules contained in Appendix II to the State Railway Establishment Code, Vol. I, a copy of which is in the Library of the House.

(c) Yes, because Government do not consider it necessary.

(d) and (e). Yes.

(f) No analogy can be drawn between the two and no differential treatment is involved. The status and conditions attaching to the two services are different because of the difference in the nature of the duties and responsibilities attaching to them.

(g) The answer to the first part is in the affirmative as far as the Railway Department is concerned. As regards the second part, the requirements of the service on Railways is not the same as on the civil side in many respects.

(h) Yes; ultimately, on the basis of selection.

(i) No, as there is no justification for doing so.

RULES REGULATING WAGES, ETC., OF RAILWAY EMPLOYEES.

115. **Babu Kallash Behari Lal:** Will the Honourable Member for Railways please refer to sections 6 (1) and 7(3) of Ordinance No. XI of 1941, and lay on the table of this House a copy of:

- (i) the rules made by the Central Government regulating or empowering a specified authority to regulate the wages and other conditions of service of persons employed on Railways; and
- (ii) the list of persons authorised to make complaint in writing to the court to take cognizance of an offence, by the Central Government for persons employed on Railways?

The Honourable Mr. S. N. Roy: (i) There are no rules.

(ii) All gazetted officers of Federal Railways not below District rank.

TRANSFERRED STARRED QUESTIONS AND ANSWERS.†

ACCIDENT CAUSED TO TWO CLERKS BY MILITARY LORRY ON THE STATION ROAD, DELHI CANTONMENT.

273. ***Bhai Parma Nand:** (a) With reference to the answer to starred question No. 105, asked on the 26th February, 1942, regarding the accident of two clerks of the Central Ordnance Depot, Delhi Cantonment on the 1st November, 1941, by a military lorry, will the Honourable the Home Member please state if it is a fact that the Indian Military Hospital, Delhi Cantonment, had granted a certificate to one of the two injured clerks (Mr. M. P. Wanchu) that the injuries sustained by him were multiple?

(b) Is it a fact that Mr. M. P. Wanchu being discharged from the Indian Military Hospital, Delhi Cantonment, on the 2nd November, 1941, was admitted as an indoor patient in the Willingdon Hospital, New Delhi, from the 3rd to the 29th November, 1941?

(c) Is it a fact that Mr. M. P. Wanchu was visited by a Police Sergeant in the Willingdon Hospital, New Delhi, on the 26th November, 1941?

(d) Is it a fact that Mr. M. P. Wanchu was picked up by Major H. C. Ingle, Indian Army Ordnance Corps, who happened to pass that way in another lorry just at the time of the accident?

(e) Is it a fact that Major H. C. Ingle asked the driver of the Military lorry to stop but he did not care and drove his lorry away with greater speed leaving the injured clerks behind but that he was subsequently held up by the said Major when, after taking a turn, his lorry and the military lorry came face to face just near the Indian Military Hospital, Delhi Cantonment?

†The meeting of the Assembly that was to be held on the 27th March, 1942, having been cancelled, the answers to starred questions for that day were, in pursuance of convention, laid on the table of the House to day—*Ed. of D.*

(f) Have the military authorities now taken any action against the driver? If so, what?

The Honourable Sir Reginald Maxwell: (a) Yes. Mr. Wanchu sustained five injuries all of which were simple.

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

(e) Major Ingle did not witness the accident but saw in the distance a lorry which may have caused the accident. Subsequently he stopped outside the Indian Military Hospital, Delhi Cantonment, a lorry similar in type to that which he had seen from a distance after the accident. He questioned the driver who neither admitted nor denied having caused the accident. The driver was made over to his unit.

(f) The military driver had proceeded with his unit on active service out of India before the police report reached the military authorities. Further action will, however, be taken if possible.

ALL-INDIA STUDENTS' FEDERATION'S ANTI-FASCIST FRONT POLICY.

274. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Is the Honourable the Home Member aware of the fact that the All-India Students' Federation in its last Annual Conference held at Patna has decided to support the anti-Fascist Peoples' War which is now being waged commonly by the Soviet Union, China, Great Britain and America?

(b) Have Government gone through the statement of policy of the All-India Students' Federation with regard to the anti-Fascist Peoples' War adopted at the Patna Conference?

(c) Will Government be pleased to state what policy is proposed to be adopted by Government towards the All-India Students' Federation, its members and its activities, in view of the above declaration of policy?

(d) Are Government contemplating adoption of any measures which will facilitate the All-India Students' Federation in the building up of an anti-Fascist Peoples' Front in India?

(e) Are Government aware of the fact that a large number of members of the Students' Federation continue to be kept in jails as detenus and otherwise in spite of the change of policy of their organisation?

(f) Do Government propose to make a clear statement of their policy with regard to a peoples' front against Fascism in India?

(g) Are Government prepared to send a delegation of representative Indian students to go to China and the Soviet Union so that they may study at first hand how the students in those countries are helping the national war effort? If not, why not?

The Honourable Sir Reginald Maxwell: (a)—(d). Government have seen the statement of policy adopted by the All-India Students' Federation at the Patna Conference. They are naturally only too ready to welcome any genuine assistance in the formation of a national and anti-Fascist War Front, from whatever source it may come; but, according to their information, there is a prominent section of the All-India Students Federation which has definitely not declared itself in favour of unconditional support for the war.

(e) No members of the All-India Students' Federation are detained in jail under the orders of the Central Government. The Government of India have no precise information regarding the numbers of such persons detained under the orders of the Provincial Governments. The cases of such as there are have doubtless been examined or will be examined by the authorities which Provincial Governments are setting up to review the cases of their security prisoners and I have no doubt that the reviewing authority will take due account of any genuine change of heart which may be revealed.

(f) I would invite the attention of the Honourable Member to the statement on the subject of a National War Front made by His Excellency the Viceroy on the 10th March, 1942.

(g) While Government have no objection in principle to delegations of Indian Students visiting China or the Soviet Union, they consider the practical difficulties which would attend the organization of such visits at the present juncture to be insuperable.

NON-ELIGIBILITY OF INDIAN WARRANT OFFICERS OF THE INDIAN ARMY ORDNANCE CORPS FOR EMERGENCY COMMISSIONS.

275. *Mr. Muhammad Azhar Ali: (a) With reference to the answer to starred question No. 415, asked on the 16th March, 1941, regarding non-eligibility of Indian Warrant Officers of the Indian Army Ordnance Corps for Emergency Commissions, will the Defence Secretary please state if the desirability of giving promotion or Emergency Commissions to the Indian Warrant Officers of the Indian Army Ordnance Corps within their service or units has ever been considered? If not, why not, and if so, with what results?

(b) Is His Excellency the Commander-in-Chief aware that due to denial of promotion or grant of Emergency Commissions to the Indian Warrant Officers there is a great disappointment among the personnel of this corps?

(c) Is he aware that on account of unsympathetic consideration given to this unit or service of the Army, the Indian Warrant Officers of the Indian Army Ordnance Corps consider themselves most unlucky and many repent of having selected the Ordnance side for employment when they see that many of their contemporaries or brother officers belonging to sister units have since got Emergency Commissions?

(d) Who is responsible for not giving necessary training to such of the reserve or new recruits who could replace some percentage of the Indian Warrant Officers who may be given Emergency Commissions?

(e) Are Government aware that almost all the Indian Warrant Officers of the Indian Army Ordnance Corps possess high academic qualifications and are in no way inferior to those who have been considered fit for appointment to the Emergency Commission in the past?

(f) Are Government prepared to remove the ban placed against this section or Branch of the service of the Army in the matter of grant of Emergency Commission or promotion now? If not, why is this arm being treated differently?

(g) Will he please state the reasons why Indian Warrant Officers who are considered suitable for Emergency Commissions cannot be granted

the same (Lieutenant) in the Ordnance Branch itself since these specialized officers cannot be spared for general service?

(h) Will he consider that some percentage for promotion or grant of Emergency Commission to the Indian Warrant Officers is fixed without any further delay? If not, why not?

Sir Gurnath Bewoor: (a), (f) and (h). The question of providing an avenue of promotion to the Indian Warrant Officers of the Indian Army Ordnance Corps within their own service has been carefully considered and it has now been decided to introduce Viceroy's Commissioned Officer ranks into the Indian Army Ordnance Corps for stores and artificer Indian Warrant Officers as early as possible.

(b) and (c). Government are aware that there is some feeling among the personnel of the Indian Warrant Officers on this subject.

(d) The problem has been one of recruitment rather than one of training. Sufficient recruits of the type likely to make efficient Indian Warrant Officers have not been forthcoming to replace the existing Indian Warrant Officers in their present appointments.

(e) Government are aware that some of the Indian Warrant Officers of the Indian Army Ordnance Corps possess academic qualifications, but this is not the sole consideration for selection to emergency commissions.

(g) It has not so far been found possible to spare Indian Army Ordnance Corps personnel, British or Indian, including Indian Warrant Officers, for emergency commissions in the Indian Army Ordnance Corps. For this reason promotion of Indian Warrant Officers to Viceroy's Commissioned ranks is being opened so that they may continue to be employed where most needed, and at the same time receive a suitable reward for their services. A proposal, however, is at present under consideration for promotion to emergency commissions in the Indian Army Ordnance Corps of a limited number of the best and most highly qualified personnel at present serving in that corps.

CHIEF ENGINEERS AND COMMANDERS, ROYAL ENGINEERS, IN MILITARY ENGINEER SERVICE.

276. ***Mr. Muhammad Ashar Ali:** (a) Will the Defence Secretary please state the total number of Chief Engineers and Commanders, Royal Engineers, in the Military Engineering Service in India and how many of them were Indians on the 1st February, 1942?

(b) What steps have so far been taken or are proposed to be taken to appoint Indians in these cadres?

Sir Gurnath Bewoor: (a) Chief Engineers 4; Commanders, Royal Engineers 27. None of these were Indians.

(b) Indians commissioned in the Corps of Indian Engineers have not so far attained the seniority and rank necessary for being appointed as Chief Engineer or Commander, Royal Engineers. They are eligible for these posts and will be appointed in due course if qualified and recommended.

APPLICATION OF COMMUNAL REPRESENTATION RULES TO STENOGRAPHERS' POSTS IN THE GOVERNMENT OF INDIA OFFICES.

277. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable the Home Member please state whether it is a fact that the orders regarding the Communal Representation in the Central Services apply to the posts and vacancies in the Stenographers grade in the Government of India Secretariat, its attached offices and subordinate offices?

(b) Is it a fact that the orders referred to in part (a) above have been made applicable to the Stenographers' posts in pursuance of the general orders announced in the Government of India Resolution, dated the 4th July, 1934?

(c) Is it a fact that the Resolution, referred to in part (b) above, applies to all subordinate Central Services?

(d) Is it a fact that the posts and vacancies in the Stenographers grade in the offices subordinate to the Central Board of Revenue are filled up regardless of the Communal Orders mentioned above?

(e) If the reply to part (d) above be in the affirmative, will Government please state the reasons for this discrimination in the same grade of posts in the various Central Offices?

(f) Do Government propose to redress the legitimate grievances of the minorities by applying the Communal Rules to the posts of Stenographers in the offices mentioned in part (d) above? If not, why not?

The Honourable Sir Reginald Maxwell: (a)—(c). The communal percentages laid down in the Government of India, Home Department Resolution No. F. 14/17-B./33-Ests., dated the 4th July, 1934, apply to all vacancies in the Central Services (including those in the grade of stenographers), which are filled by direct recruitment. In the Government of India Secretariat and Attached Offices all appointments to the posts of stenographer are treated as direct recruitment.

(d) and (e). Government have no reason to believe that the relevant orders are not observed in making direct recruitment to stenographers' posts in the offices mentioned in this part of the question, but it is understood that appointments in those offices are generally made by promotion from the grade of clerks and the orders are not applicable in such cases.

(f) Does not arise.

TRANSFERRED UNSTARRED QUESTIONS AND ANSWERS.†

UNITED PROVINCES SUBORDINATE MEDICAL SERVICE MEN DECLARED UNFIT BUT ORDERED FOR OVERSEAS MILITARY DUTY.

81. Maulvi Muhammad Abdul Ghani: Will the Defence Secretary please state the approximate date by which he expects to lay the information which is being collected by him in connection with the reply to

†The meeting of the Assembly that was to be held on the 27th March, 1942, having been cancelled, the answers to unstarred questions for that day were, in pursuance of convention, laid on the table of the House today.—*Ed. of D.*

Unstarred Question No. 22, asked on the 18th February, 1942, regarding certain members of the United Provinces Subordinate Medical Service declared unfit but ordered for overseas Military duty?

Sir Gurnath Bewoor: The information has already been laid on the table of the House, on 18th March, 1942.

CRITERION FOR ADMISSION TO THE GOVERNMENT PRESS ROOM.

82. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Information and Broadcasting please state the criterion prescribed for admission to the Government Press Room of the Press Representatives or Representatives of the Service Trade Unions, Associations or Federations?

The Honourable Sir Reginald Maxwell: The criterion is that the press representatives must be genuine accredited agents representing *bona fide* news agencies, newspapers or periodicals published at an interval of not more than one week. Representatives of Trade Unions, Associations or Federations are not admitted.

CRITERION FOR SUPPLYING INFORMATION AND PRINTED MATERIALS.

83. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Information and Broadcasting please state the criterion prescribed for supplying information and printed materials to the Press Representatives with the Government of India, to the Press, and to the Trade Unions, Associations or Federations?

The Honourable Sir Reginald Maxwell: Publicity material issued in the English language and the Departmental reports are supplied to press representatives but to only those who are accredited to the Government of India. Publicity material in the Indian languages is not supplied, except in the Urdu and Hindi languages which is supplied to the Associated Press of India and the United Press of India.

Publicity material in English is sent to English daily newspapers having a circulation of more than 2,000 copies. Indian languages publicity material is similarly sent to Indian language dailies having a circulation of more than 2,000 copies.

Copies of Departmental reports are normally sent to English dailies with a circulation of more than 5,000 copies, but this list is being curtailed in view of the shortage of paper.

Publicity material is not sent to Trade Unions, Associations or Federations, but such Institutions are supplied with copies of "*Indian Information*", "*Weekly News Report*", pamphlets and other literature of the kind, if they ask for it.

RULES REGULATING WAGES, ETC., OF RAILWAY EMPLOYEES.

84. Babu Kailash Behari Lal: Will the Honourable the Home Member please refer to sections 6(1) and 7(3) of Ordinance No. XI of 1941, and lay on the table of this House a copy of:

- (i) the rules made by the Central Government regulating or empowering a specified authority to regulate the wages and other conditions of service of persons employed on Railways; and
- (ii) the list of persons authorised to make complaint in writing to the court to take cognizance of an offence, by the Central Government for persons employed on Railways?

The Honourable Sir Reginald Maxwell: The question should have been addressed to the Honourable Member for Railways and Communications.

RULES GOVERNING CONDITIONS OF SERVICES, ETC., OF RAILWAY EMPLOYEES ON DUTY WITH DEFENCE SERVICES.

85. Babu Kailash Behari Lal: (a) Will the Defence Secretary please state the rules under which the conditions of service, conduct and discipline of Railway servants detailed for duty with Defence Services are governed?

(b) Is it a fact that Railway servants serving with Defence services are not paid compensation for injuries sustained while on duty?

(c) Is it a fact that one Biswa Nath, Pointsman No. 116, Indian Railway Operating Company, Jullundur Cantonment, ran amuck in January 1942 and injured several sappers of that Company?

(d) Is it a fact that one of the sappers has received the fracture of his left rib which has not yet healed up?

(e) Was any court of enquiry held on the incident? If not, why not?

(f) What compensation do Government propose to give the injured persons? If none, why?

Sir Gurnath Bewoor: (a) The terms and conditions of service of Railway personnel serving in Military Railway Units are governed by the Army Instruction (India), No. 100 of 1941, as amended from time to time. They are enrolled or enlisted under the Army Act and are subject to its provisions as are all other combatants.

(b) The fact is not as stated.

(c) Sapper Biswa Nath did not run amuck but was involved in a private quarrel with another sapper in the same tent.

(d) The case was investigated by the Company Commander and at that time the Sapper who was involved in the quarrel did not appear to have been injured. Later, however, he reported sick and was found to be suffering from a broken rib. He was then admitted to the hospital, from which he was discharged on 30th January, 1942.

(e) No court of enquiry was held as the case had already been investigated by the Company Commander in the proper manner. The matter was, however, reported to higher authority when the man was found to have been injured.

(f) As the injury was the result of a private quarrel and was not received while on military duty, the question of compensation did not arise.

RAILWAY TRANSPORTATION OFFICERS AT DELHI RAILWAY STATION.

86. Babu Kailash Behari Lal: (a) Will the Defence Secretary please state if it is a fact that a Railway Transportation Officer is posted at Delhi Junction Railway Station?

(b) Is it a fact that the officer, referred to in part (a) above, is assisted in the discharge of his duties by a number of subordinate staff?

(c) Will the Defence Secretary please state what are the duties of the above mentioned officer, and if he is supposed to assist the newly recruited persons passing through Delhi in accommodating them in the correct trains to their destination?

(d) Is he required to make arrangements for individuals passing through Delhi, either on leave or on duty so as to avoid overcrowding of the Waiting Rooms at Delhi?

Sir Gurunath Bewoor: (a) and (b). Yes.

(c) and (d). He is responsible for meeting all military personnel arriving in Delhi and assisting all military personnel passing through Delhi Junction, of whose arrival he has had prior notice from the military despatching authorities. He also assists all other military personnel arriving at or passing through Delhi Junction, who ask him or his staff for such assistance. He is not responsible for preventing military personnel from using the waiting rooms, unless asked to do so by the Railway Station authorities on grounds of serious inconvenience to the general travelling public.

ENGLISH LINE CLERICAL ESTABLISHMENT OF AJMER-MERWARA.

87. Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable the Home Member please state if it is a fact that in order to prevent the preponderance of any one class or community the Honourable the Chief Commissioner, Ajmer-Merwara, on the 14th September, 1932, issued orders fixing 60, 20, and 20 per cent. for Hindus, Muhammadans, and other minority communities, respectively, for future recruitment in each class of Government Subordinate Services (other than the Subordinate Police Service and menial services)?

(b) If the reply to part (a) above be in the affirmative, will Government please lay on the table of the House a statement in respect of the English Line Clerical Establishment of the Ajmer-Merwara Commission, showing:

- (i) an up-to-date list of permanent appointments made by the Commissioner, Ajmer-Merwara, after the issue of the orders referred to in part (a) above;
- (ii) the numerical strength and percentage of Muslim clerks on the 1st October, 1932; and
- (iii) the numerical strength and percentage of Muslim clerks on the 1st October, 1941?

(c) Is it not a fact that during the last nine years the Commissioner, Ajmer-Merwara, totally overlooked the letter and spirit of the Local Administration's orders referred to in part (a) above in making permanent appointments of English Line Clerks?

(d) What steps do Government propose to take in the matter?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) (i). A statement is attached.

(ii) Numerical strength 6, percentage 8.6.

(iii) Numerical strength 6, percentage 8.3.

(c) The orders were not overlooked, see the note below the statement referred to in part (b) (i).

(d) Government do not consider any special steps necessary.

Statement of Permanent Appointments made in the English-line Clerical Establishment in Ajmer-Merwara from September, 1932 to September, 1941.

	Total.	Hindus.	Muslims.	Others.
From 1st October, 1932 to August, 1935	11	11
From September, 1935 to May, 1938	7	4	2	1
From May, 1938 to September, 1941	9	6	1	2
	<u>27</u>	<u>21</u>	<u>3</u>	<u>3</u>

Note.—The Clerical Establishment consists of the English line and the Vernacular line. In 1932, the percentage of Muslims in all posts in this Establishment was 26.5 per cent. Since Muslims were adequately represented, appointments were made from the lists of approval candidates according to their seniority up to August, 1935. In 1935, on a representation from the Muslim League, the Chief Commissioner ordered that it would be desirable (although not required by rules) that percentages may be worked up separately in the two branches. Until May, 1938, appointments were made with due regard to the representation of each community at the time each vacancy occurred. Since May, 1938, Section-writers (Copyists) have been treated as forming part of the regular service and all initial recruitment is made in this grade, the higher appointments being made by promotion. Since September, 1935, 23 permanent and 4 temporary appointments have been made in the English-line (including Section

writers) of which the Muslim share was nine permanent and three temporary. Muslim representation in the English-line (including Section writers and persons acting in permanent vacancies not yet substantively filled) on the 1st October, 1941 was 15.2 per cent., and this proportion would have been higher if three Muslims had not chosen to get transferred to the Vernacular-line. The percentages of Muslims in the latter on 1st October, 1941, was 33.7 and in the Vernacular and English lines together, 22.8.

ENGLISH LINE CLERICAL ESTABLISHMENT OF AJMER-MERWARA.

88. Maulvi Syed Murtuza Sahib Bahadur: Will the Honourable the Home Member please state if the powers given by the Government of India to Local Governments to declare null and void the appointments made in contravention of the communal recruitment policy have ever been used by the Ajmer-Merwara Administration in regard to the English Line Clerical Establishment? If not, why not?

The Honourable Sir Reginald Maxwell: I presume the Honourable Member refers to Instruction 10 of the Supplementary Instructions connected with the Government of India, Home Department, Resolution No. F. 14/17/B./33-Ests., dated the 4th July, 1934. The orders contained in that Resolution do not apply to the services under the administrative control of Chief Commissioners and it is not therefore incumbent on the latter to follow those Supplementary Instructions. No occasion to cancel any appointment made in the Establishment under reference has, however, arisen as there was no irregular appointment.

ENGLISH LINE CLERICAL ESTABLISHMENT OF AJMER-MERWARA.

89. Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable the Home Member please state if it is a fact that the Muslim community of Ajmer, through its various organisations, brought, from time to time, the grievances of the Muslims about the violation of the policy of equitable communal proportion in regard to their recruitment in the English Line Clerical Establishment to the notice of the Local Administration?

(b) Is it not a fact that Muslim candidates on the waiting list have always been available in sufficient numbers for vacancies occurring in the English Line of the Clerical Establishment of Ajmer-Merwara?

(c) What steps do Government propose to take in the matter?

The Honourable Sir Reginald Maxwell: (a) Yes, but there has been no violation of the policy.

(b) Yes, in recent years.

(c) Does not arise.

MOTION FOR ADJOURNMENT.

PROPOSALS OF THE BRITISH WAR CABINET CONCERNING INDIA.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I have received notice of a motion for an adjournment of the business of the

Assembly from Mr. Deshmukh who wants to discuss a definite matter of urgent public importance, namely, "the urgent necessity of giving an opportunity to this House to express its opinion on the latest proposals of the British War Cabinet concerning India".

May I know what the attitude of the Government is towards this?

The Honourable Mr. M. S. Aney (Leader of the House): The motion says, "failure of the Government of India to give an opportunity to this House to discuss". There is no failure on the part of the Government. No request to that effect was made to the Government. The proposals were published only yesterday.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Apart from any request, will not Government give an opportunity to discuss the proposals?

The Honourable Mr. M. S. Aney: I have got two adjournment motions in my hand. Which one is the Honourable Member referring to?

Mr. President (The Honourable Sir Abdur Rahim): Both of them refer to the same thing.

The Honourable Mr. M. S. Aney: One is a vote of censure for failure on the part of the Government to give the House an opportunity for discussion of the proposals. I say that the proposals were released for publication only yesterday and there was no occasion for anybody to ask permission of the Government to discuss them. If anybody wants an opportunity for discussion, the Government are prepared to consider the matter.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Though the proposals were published only yesterday, yet, as the Government have put down some other items also on the Agenda for today, they could have very well of their own accord placed a motion for discussion of the proposals, on this Agenda. These proposals are being discussed everywhere and this House alone is ignored. My point is that consideration by this House is an urgent necessity.

Mr. President (The Honourable Sir Abdur Rahim): I want to know whether the Honourable Member is really more anxious to censure the Government or he wants to have an opportunity of discussing these proposals.

Mr. Govind V. Deshmukh: An opportunity to discuss the proposals.

The Honourable Mr. M. S. Aney: My Honourable friend wants an opportunity to discuss the proposals. Well, Sir, if that is the general desire of the House, Government will certainly consider.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): If the Government give an opportunity by tabling a suitable Resolution, it will be all right.

Mr. President (The Honourable Sir Abdur Rahim): Perhaps the Honourable Member will find out and let me know if it is the general desire of the House.

The Honourable Mr. M. S. Aney: That can only be done on a non-official day now. There are two days only which are non-official days.

Dr. P. N. Banerjee: May I suggest that this matter be discussed on a Resolution placed before the House on the 7th April? If you like, 4th April—I do not object.

The Honourable Mr. M. S. Aney: On the 2nd April, after the private Bills.

Sir Muhammad Yamin Khan (Agra Division; Muhammadan Rural): 2nd April is the day fixed for non-official Bills.

The Honourable Mr. M. S. Aney: That business will be over, say, within two hours, and you will have the rest of the day for you to discuss the proposals.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): On the 2nd April there are so many Bills for discussion.

The Honourable Mr. M. S. Aney: I think all those Bills will be finished soon.

Dr. Sir Ziauddin Ahmad: One will take at least two hours.

Mr. President (The Honourable Sir Abdur Rahim): The best thing, in the circumstances, is for Leaders now to try and find out what will suit the convenience of the House generally and then let me know. In the meanwhile, I will allow this adjournment motion to lie over.

Sir Muhammad Yamin Khan: Am I to understand, Sir, . . .

Mr. President (The Honourable Sir Abdur Rahim): The Leader of the House will try to ascertain the wishes of Honourable Members and let me know.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF LABOUR.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 NOON on Monday, the 23rd March, 1942, the

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPTT. 1905
OF LABOUR

time fixed for receiving nominations for the Standing Committee for the Department of Labour four nominations were received. Subsequently one member withdrew his candidature. As the number of remaining candidates is equal to the number of vacancies, I declare Mr. C. C. Miller, Mr. N. M. Joshi and Mr. Jamnadas M. Mehta to be duly elected.

ELECTION OF A MEMBER TO THE CENTRAL COMMITTEE OF
THE TUBERCULOSIS ASSOCIATION.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that Maulvi Muhammad Abdul Ghani has been elected to the Central Committee of the Tuberculosis Association.

ELECTION OF A MEMBER TO THE STANDING COMMITTEE ON
PILGRIMAGE TO THE HEJAZ.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 NOON on Wednesday, the 25th March, 1942, the time fixed for receiving nominations for the election of a Member to the Standing Committee on Pilgrimage to the Hejaz two nominations were received. Subsequently one candidate withdrew his candidature. As there is only one vacancy I declare Qazi Muhammad Ahmad Kazmi to be duly elected.

MESSAGE FROM THE COUNCIL OF STATE.

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

"I am directed to inform you that the Council of State, at its meeting held on the 25th March, 1942, agreed without any amendment to the Bill further to amend the Cantonments Act, 1924, which was passed by the Legislative Assembly at its meeting held on the 20th March, 1942."

STATEMENT LAID ON THE TABLE.

CASES IN WHICH THE LOWEST TENDERS HAVE NOT BEEN ACCEPTED BY THE
HIGH COMMISSIONER FOR INDIA.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Commerce Member): Sir, I lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending 30th June, 1941.

HIGH COMMISSIONER

INDIA STORE

ABSTRACT OF CASES in which tenders for stores demanded by the Central of the goods demanded were accepted on the grounds of superior inspection, quicker

HALF YEAR ENDING

Stores ordered.	Contract number.	Name of contractor.	Amount of contract.
PART A.—Cases in which lower foreign tenders, including British tenders, ten			
Micrometers, Calliper, Outside, size 0 to 1", No. 167.	A. 739/55/24-5-41	Moore & Wright (Sheffield) Ltd.	£. s. d. 247 12 7 (British.)
PART B.—Cases in which the discrimination			
Fasteners, Snap— 30,000 gross complete sets. 7,800 gross bases. 7,800 gross washers.	Z. 4828/9172/8-3-41	Charles Edkins & Sons Ltd. 15,000 Gross complete sets. 7,800 gross bases. 7,800 gross washers.	7,232 10 0
	Z. 4829/9172/8-3-41	Newey Bros. Ltd. 15,000 gross complete sets.	6,281 5 0
Injectio Bismuthi B. P. 10 c.c. phials, No. 13,300.	Z. 4955/9060/18-3-41	Boots Pure Drug Co., Ltd.	13,513 15 0 (British.) 512 12 1 (British.)
Needles Hagedorn's 6 half-curved and 12 straight in vulcanite case, 665 cases.	Z. 5098/9115/27-3-41	Allen & Hanburys Ltd.	370 0 5 (British.)
Needles, Hagedorn's straight, sizes 5, 8, and 10 in vulcanite case containing 4 of each size, 1,330 cases.			
Procainæ Hydrochloridum B. P. 60 grain bottles, 11,460 bottles.	Z. 5146/9067/31-3-41	Imperial Chemical Industries (Dyestuffs) Ltd.	298 8 9 (British.)
Tubing Drainage, L. R. Unperforated, sizes 1, 2 and 3. Two lengths of each size in tube in antiseptic solution, 1,260 tubes.	A. 27/9123/2-4-41	John Bell & Croyden	148 8 11 (British.)

FOR INDIA.

DEPARTMENT.

Government, other than the lowest complying with the technical description quality, superior trustworthiness of the firm tendering, greater facility of delivery, etc.

30TH JUNE 1941.

Lowest Tender not accepted.	Reason for acceptance.
	<i>for foreign-made goods, have been set aside wholly or partially in favour of British firms.</i>
£. s. d. 198 8 3 (U. S. A.)	The lower tenderer offered delivery in 9/10 months. The indent asked for urgent supply and the order was therefore placed with the next tenderer who offered delivery in about 5 months.
<i>is between British firms only.</i>	
13,295 10 0 (British.)	The fasteners were urgently required and the Indenting Department asked that if possible 5,000 gross sets should be supplied per month. The lowest tenderer offered only 2,000 gross sets per month commencing in one month. The order was therefore divided between this firm and the next lowest.
498 15 0 (British.)	The lowest tenderer offered delivery to commence in April and to be completed in June (15 weeks). Previous experience of this firm had however shown that their delivery promises are very unreliable, and as early delivery was of the greatest importance the order was placed with the next lowest tenderer, who undertook to complete delivery within 4 weeks.
326 19 2 (British.)	The lowest tenderer required 12—15 weeks for delivery. As the needles were very urgently required the order was placed with the next lowest tenderer who offered delivery in 6—8 weeks.
262 12 6 (British.)	The lowest tenderer offered delivery to be completed within about two months. Recent experience of this firm had, however, shown that their delivery promises are very unreliable and as early delivery of half the total quantity was of great importance the order was placed with the next lowest tenderer who offered to commence delivery in 3 weeks at the rate of 1,000 bottles per week.
108 10 0 (British.)	The tubing was required in India before the end of June 1941. The delivery offered by the lowest tenderer was indefinite and previous contracts held by the firm were seriously delayed and still incomplete. The contract was placed with the next lowest tenderer who offered the bulk of the tubing in 6 weeks and the entire quantity in 8 weeks.

PART B—*contd.*

Stores ordered.	Contract number.	Name of contractor.	Amount of Contract.
			£. s. d.
Mepacrine, Hydrochloride, 798,000 Tablets.	A. 37/9098/2-4-41 .	Pharmaceutical Specialities (May & Baker) Ltd.	4,617 14 6 (British.)
Pamaquin, 319,000 Tablets.			
Mepacrine Methane Sulphonate, 239,400 Ampoules.			
Bearings, Ball Double Row Journal 3" bore × 7" outside dia. × 1 9/16" width self aligning, No. 21.	A. 49/10154/3-4-41 .	The Skefko Ball Bearing Co., Ltd.	39 8 6 (British.)
Leather cloth White 36" wide, 1,500 Yards.	A. 319/9313/22-4-41	The Leather Cloth Co., Ltd.	161 11 7 (British.)
Machine, Milling, Universal motor driven, etc., No. 1.	A. 488/7324/2-5-41 .	Alfred Herbert Ltd. .	986 2 3 (British.)
Neocarsphenamina B. P., 31,704 Tubes.	A. 777/720/27-5-41	Evans, Sons Lescher & Webb Ltd.	594 9 0 (British.)
Cystoscopes— No. 36	A. 821/786/30-5-41	James L. Harrick & Co. (London) Ltd.	487 12 5
No. 36	A. 822/786/30-5-41	The Genito Urinary Manufacturing Co., Ltd.	583 4 0 1,070 16 5 (British.)
Marking out Table 72" × 48", No. 1.	A. 891/840/6-6-41 .	Alfred Herbert Ltd. .	51 8 7 (British.)
Hose, Petrol, 2½" bore, etc. In 11 feet lengths, No. 12.	A. 1142/196/27-6-41	David Moseley & Sons Ltd.	28 8 5 (British.)

PART C.—*Cases in which the discrimination*
*Nil.*PART D.—*Cases in which British tenders*

Micrometers, Combination sets 12" complete with, square etc., No. 50.	A. 740/55/24-5-41 .	Buck & Hickman Ltd.	92 10 0 (U. S. A.)
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PART B—concl'd.

Lowest Tender not accepted.	Reason for acceptance.
<i>£. s. d.</i>	
4,203 5 3 (British.)	The lower tenderer could not begin delivery for at least 6 months. The drugs were urgently required by the Indian Medical Service and the order was therefore placed with the higher tenderer who undertook to complete delivery by June 1941.
29 15 0 (British.)	The lowest tenderer required 8 weeks for delivery. As the ball bearings were very urgently required in India the order was placed with a higher tenderer who offered immediate delivery.
161 3 9 (British.)	The lower tenderer required 10 weeks for delivery. The order was placed with the higher tenderer who offered delivery in 4-5 weeks.
824 6 0 (British.)	The lowest tenderer offered delivery in 50 weeks. As the machine was very urgently required the order was placed with the next tenderer who offered delivery in 39/40 weeks. This action was approved by the Government of India.
528 8 0 (British.)	The lower tenderer required approx. 10 weeks for delivery. The indent asked for immediate supply, and the order was therefore placed with the higher tenderer who offered delivery in 3 weeks.
975 4 10 plus cases and packing. (British.)	The two lowest tenderers each offered delivery at the rate of 6 per week, commencing in 10 weeks. The next tenderer offered delivery at the rate of 9 per week, commencing in 3 weeks. The indent asked for immediate supply, and the contract was therefore divided between the lowest and the third tenderer.
48 10 0 (British.)	The lowest tenderer offered delivery in 20 weeks. As the table was very urgently required to replace a table received badly damaged in India, the order was placed with the next tenderer who offered delivery in 8/10 weeks.
27 3 0 (British.)	The lowest tenderer offered delivery in 13 weeks. As the Petrol Hose was very urgently required, the order was placed with the next tenderer who offered delivery in 2-3 weeks.
<i>is between foreign firms only.</i> <i>Ni.</i>	
<i>were set aside in favour of foreign tenders.</i>	
81 5 0 (British.)	The lowest tenderer offered delivery in 9 months. The indent asked for urgent supply and the order was therefore placed with the next tenderer who offered delivery in about 6 months.

THE MOTOR VEHICLES (AMENDMENT) BILL.

The Honourable Mr. S. N. Roy (Member for Railways and Communications): Sir, I beg to move:

"That the Bill further to amend the Motor Vehicles Act, 1930, as reported by the Select Committee, be taken into consideration."

As my predecessor pointed out when moving the motion for the Select Committee, the Bill may be described as giving the Act of 1930 a wash and brush up. Most of the provisions are of a formal nature and the modifications made by the Select Committee are extremely few. It is unnecessary, therefore, for me to say anything more on the subject. Sir, I move.

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

"That the Bill further to amend the Motor Vehicles Act, 1930, as reported by the Select Committee, be taken into consideration."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I was a party to the Select Committee on this Bill, and let me, at the very outset, say that I do not agree with my Honourable friend, who said that the Bill only wanted a wash and brush up. There are some substantial points also. Now, in that respect I find that the Bill mainly wanted to give more and wider powers to the Provincial Governments, and, in that connection, certain alterations and additions have been made. Now, with respect to that I submit that I would object to at least two points in the Bill which is sought to be enacted and which are new ones. Now, this Motor Act itself is divided mainly into three parts. One is with respect to giving licences. The second is with regard to the registration of automobiles, and the third is with respect to giving permits for taking the cars over certain areas. With respect to giving licences to the drivers, the provision is already in the Act itself and what was now intended and what is now being done is to give more power to the Provincial Government to charge fees on the appeals that are made by these drivers if their licences are not given or if any question arises with respect to the licence. Under the present Act no fees are being charged at all and my submission is that there should be no fees hereafter also. It would be inconsistent with the similar provisions of the Act itself if any fee is levied. When I read the Act itself I find that there are no powers given to the Provincial Governments to levy any fees on the appeals with regard to registration. Now, if there are no provisions for fees with regard to registration, I cannot understand why it should be in the case of poor drivers who get a licence when they have got a real grievance and when they want to make an appeal. In making an appeal to the prescribed authorities I cannot understand why they should pay fees. There is another thing of a similar nature also. Under the Chapter relating to permits also, we find provision has been made for preferring appeals and in that respect also I do not find that there are any powers to the Provincial Governments to levy fees in respect of appeals. Therefore we should be consistent. No amendment has been put and none was even put forward before the Select Committee. I have given a note of dissent on that point in which I have said that I am not in favour

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can make these remarks when he moves his amendments. They hardly arise now.

Mr. Lalchand Navalrai: I am only saying certain introductory remarks, so that when I move my amendments I would not take long.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member was in the Select Committee himself.

Mr. Lalchand Navalrai: Yes. My objection is that no fees should be levied. This will be a further hardship on the poor motor drivers. Then there is another point on which I have put in an amendment and I have put forward my grounds. With regard to that I have to say that powers are being given to the police officers or some other officer who may be appointed by the Local Government to actually seize

The Honourable Mr. S. N. Roy: That comes under the next amendment.

Mr. Lalchand Navalrai: I am coming to the next. I am now speaking on the consideration of the Bill. So, I can refer to the second point also. My point is that new powers are being given to the police officer or to an officer appointed by the department or by the Local Government to seize and detain a motor car if it is working in contravention of certain sections of the Act in respect of registration. If the motor is not registered and is being plied in that case power is being given to seize and detain the motor car. Similarly with respect to those motor cars which have got no permits, I say that I have no objection to the power being given but we have

The Honourable Mr. S. N. Roy: I do suggest that these remarks may appropriately be made on the second amendment.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): He is entitled to participate in the general discussion.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member was in the Select Committee. These matters relate to a particular clause. They do not really arise on the general consideration.

Mr. Lalchand Navalrai: I should be intelligible to the House. This is the stage of consideration. We have got a right to put the matter before the House.

Mr. President (The Honourable Sir Abdur Rahim): At this stage the Honourable Member can only discuss the general principles underlying the Bill, as reported by the Select Committee.

Mr. Lalchand Navalrai: That is what I am doing. I am considering the general aspect of this question of seizing and detaining

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member got an amendment on that point.

Mr. Lalchand Navalrai: I have got an amendment with respect to certain aspects of it and I am putting the general matter before the House. I would not take long. We have got enough time

Mr. President (The Honourable Sir Abdur Rahim): It is not a question of taking long. The Honourable Member must conform to the practice and rules of the House.

Mr. Lalchand Navalrai: I am making my remarks exactly according to the rules of the House. I want all the precautions to be taken to see that the police officer or the person who is to detain or seize the car should not use his powers lightly and without proper reasons. Therefore I have asked that the powers should be given to him when he actually finds that the thing has been done in contravention of the Act.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got an amendment to that effect.

Mr. Lalchand Navalrai: I have got an amendment but what I am saying is that the police officer should not act on mere belief and therefore the Bill requires to be well considered.

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

"That the Bill further to amend the Motor Vehicles Act, 1930, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed to consider the Bill clause by clause. I find a number of amendments in the name of Mr. Chattopadhyaya, and I do not know which of these amendments he would like to move.

An Honourable Member: He is not in the House.

Mr. President (The Honourable Sir Abdur Rahim): In that case I will put clause 2 to the House. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3, 4 and 5 were added to the Bill.

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

"That clause 6 stand part of the Bill."

Mr. Lalchand Navalrai: Sir, I move:

"That in part (a) of clause 6 of the Bill, in the proposed clause (b), all the words occurring after the word 'Chapter' be omitted."

With reference to this, section 21 of the original Act has been amended. Section 21 says that a Provincial Government may make rules for the purpose of carrying into effect the provisions of this Chapter. In those powers that are being given to the Provincial Government, we find that clause 6 as it originally stood ran thus:

"The powers for the conduct and hearing of appeals that may be preferred under this Chapter."

Now, it will be observed that this is a power for the conduct and hearing of appeals. We have in the Act itself section 13 which provides for appeals. Now, what is being done is that an addition has been made in the Bill as it has emerged from the Select Committee and certain words have been added, namely, that the Local Government has the power for the conduct and hearing of the appeals that may be preferred under the Act. Further, the power is being given that fees should be paid in respect of such appeals and also there is a provision for the refund of such fees. I am objecting to this portion and have moved my amendment to delete this portion only with regard to the fee. Sir, if we refer to Chapter III with regard to registration, we find that under section 35 of the Act itself power of appeals has been given by the Legislature. With regard to the same matter, there is another section, section 41 (2) (a), which stands as before. There is no amendment in that section at all. There we find that power is given for the conduct and hearing of the appeals with regard to the registration that may be preferred under this Chapter. There is no such addition to it that a fee will be levied and no such thing has been provided for.

The Honourable Mr. S. N. Roy: It has been provided in the Bill.

Mr. Lalchand Navarai: I do not find it. I was a member of the Select Committee and no other amendment was made there.

The Honourable Mr. S. N. Roy: See clause 12.

Mr. Lalchand Navarai: Then, Sir, the relevant sections with regard to the permits are 64 and 68. There also we do not find that there are any fees provided in the Act. Now, on this point I have the support of certain opinions which the Government had obtained. From these opinions I find that on page 2 the Provincial Motor Union of the Central Provinces and Berar have taken objection to any fees being levied. Therefore, I submit that that portion of the Bill should be deleted. Even if it is shown to me by the Honourable Member who has moved this Bill that there is a provision for the appeals with respect to other clauses, it must be said that so far as the drivers are concerned they have got grievances. I do not think that these poor people should be compelled to pay fees especially in view of the fact that up to this time they have paid no fees. I see no reason why this new thing should be introduced now. It might be said that if no fees are levied, many appeals will be preferred. But the appeals should not be obstructed like that. The point is, has the power been abused? If so, we must be told the number of cases in which appeals were preferred and in how many cases they proved successful and in how many cases they failed. Anyway, I feel that these poor men should not be charged any fees for preferring appeals.

Sir, I move.

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

"That in part (a) of clause 6 of the Bill, in the proposed clause (b), all the words occurring after the word 'Chapter' be omitted."

The Honourable Mr. S. M. Roy: Sir, the Honourable Member is mistaken in thinking that provision for the levy of fees is only restricted to appeals against refusal to grant drivers licences. The Bill also includes provisions for a levy of fees on other kinds of appeals, to which he has referred. I will refer the Honourable Member to clauses 12 and 16 of the Bill which provide for the levy of fees in respect of refusal to register a vehicle or to grant permits. The position is quite simple. Provincial Governments represented to us some time ago that owing to the absence of any provision for fees, they were flooded with appeals, most of which were frivolous or of very little substance. The Bombay Government stated that as many as 80 per cent. of the appeals were of that nature. It is desirable, therefore, to provide some means by which frivolous appeals should be stopped. Actually, the Honourable Member is wrong in supposing that fees are not levied at the present time. Many Provincial Governments are already levying fees under the Court Fees Act. What we want to do is to regularise it by making a provision in the Motor Vehicles Act.

The provision made in clause 6 of the Bill is not, therefore, illogical as he suggests. He is mistaken there for we are providing for fees for appeals of all kinds. The Select Committee have, however, in respect of appeals in regard to licences, introduced a new clause that no fee shall exceed two rupees. This is a very salutary provision which ought to meet with the approval of the Honourable Member, because the people who can be said to be poor are the drivers and, so far as they are concerned, the provision which the Select Committee has made meets the objection. Sir, I do not think the Government can accept this amendment.

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

"That in part (a) of clause 6 of the Bill, in the proposed clause (b), all the words occurring after the word 'Chapter' be omitted."

The motion was negatived.

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

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 were added to the Bill.

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

"That clause 20 stand part of the Bill."

Mr. Lalchand Navalrai: Sir, I move:

"That in clause 20 of the Bill, in the proposed section 129-A, the words 'he has reason to believe that' be omitted."

Sir, this section 129-A is a new enactment altogether. We do not find this provision in the old Act. This section 129-A says:

"Any police officer authorised in this behalf or other person authorised in this behalf by the Provincial Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of sub-section (1) of section 22 or without the permit required by sub-section (1) of section 49 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used. . . ."

Sir, my amendment is a very simple one. This power is a new power given to the police officer or any other person authorised in this behalf by the Provincial Government. If a man is using a motor car without its being registered or without a permit, then the car can be detained there forthwith and seized by the police officer. I submit this power is too drastic. Formerly, if a man used a car without registration or without a permit, then he could be prosecuted and brought before the court. It is for the court to decide. That practice has been going on up to now. Now power is being given by this enactment to the police officer, to do what would otherwise be done by a judicial finding of court. I submit the power that is sought to be given now is a drastic one. This power should not be given to the hands of the police officer. If the department finds it necessary to give such a drastic power to the police officer, then in that case, precautions must also be taken so that the power may not be abused. My amendment is only to provide such precaution. I submit the Government also should agree so that it may not be misused. It should not be merely on the belief of the police officer that a car should be detained or should be brought before the court or disposed of in some other manner. The words to which I object in this provision are:

"If he has reason to believe that"

I say, Sir, that under this pretext of belief, you are giving large powers into the hands of the police. To say, I believe it and therefore I detain it will do great harm to the owner of the car. But it would be only a belief and that I submit should be taken away. Then it will read like this:

"Any police officer may, if a motor vehicle has been or is being used in contravention", etc.

So he cannot take shelter behind the plea that he did nothing illegal because he believed it. Under the provision as it stands now he can get round the law by saying that he believed it, and so I submit that these words should be taken away. Originally Government put in the words "or is likely to be used". Those have now been deleted, and these words "has reason to believe" should also be taken away so that the police officer may not have any chance to misuse his powers.

Then, Sir, we as lawyers know how that word "believe" has been interpreted by authorities and courts. There have been cases where the police only had a suspicion or hearsay information; and in those cases some courts have held that that would come under the word "believe", though there are decisions to the contrary also. Therefore these words should not be there to give rise to misleading interpretations and constructions. Therefore I submit that this amendment should be accepted. Sir, I move.

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

"That in clause 20 of the Bill, in the proposed section 129-A. the words 'he has reason to believe that' be omitted."

The Honourable Mr. S. N. Roy: Sir, the necessity for this power has been accepted by all Provincial Governments. The Madras Government originally proposed that some provision of this kind was necessary. Thereafter, last year, at the meeting of the Transport Advisory Council at which representatives of all Provincial Governments were present, this

[Mr. S. N. Roy.]

matter was exhaustively discussed and the general feeling was that a provision of this kind should be made. It was in pursuance of that recommendation that this provision in the amending Bill was introduced. The original wording of the provision, as the Honourable the Mover, has pointed out, included the words, "or is likely to be used", and those words have now been deleted. The Honourable Member now says that the words "has reason to believe" should also be deleted. If the necessity of taking the power is established,—and I submit that in view of the fact that all the Provincial Governments think that they require this power it is impossible to dispute this proposition,—it is inevitable that we must have the words "he has reason to believe"; otherwise, every police officer would be in danger of being run in for tort when he stops a vehicle. I submit that the modification which the Select Committee has made removes any objection there might have been to this provision. Sir, I oppose.

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

"That in clause 20 of the Bill, in the proposed section 129-A., the words 'he has reason to believe that' be omitted."

The motion was negatived.

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

"That clause 20 stand part of the Bill."

The motion was adopted.

Clause 20 was added to the Bill.

Clauses 21 to 24 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Mr. S. N. Roy: Sir, I move:

"That the Bill, as reported by the Select Committee, be passed."

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

"That the Bill, as reported by the Select Committee, be passed".

The motion was adopted.

MOTION FOR ADJOURNMENT.

PROPOSALS OF THE BRITISH WAR CABINET CONCERNING INDIA.

Mr. President (The Honourable Sir Abdur Rahim): Now I will take up the adjournment motion. I hold that the motion is in order.

The Honourable Mr. M. S. Aney (Leader of the House): Sir, so far as my information goes, one Party is not in a position to express its opinion on the question because its Working Committee is to meet after

some time, and so on. The Muslim League Party has given me that information. The European Group does not want a discussion of this question. Therefore, I do not feel that there is any general desire in the House to discuss the question on the floor of the House.

Mr. President (The Honourable Sir Abdur Rahim): The motion being in order, if there be objection on any grounds, I will have to take the sense of the House according to the rules. I take it that the Honourable Member is objecting, and therefore, as objection has been taken

Sardar Sant Singh (West Punjab: Sikh): Sir, on a point of order, objection is not taken on any of the technical grounds that are open to Government but

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is quite mistaken. It is for me to decide whether it is in order or not. Once I decide it is in order any Member can object to leave being granted and then I have to take the sense of the House.

As objection has been taken, will those Honourable Members who are for leave being granted rise in their places?

(On a count being taken.)

As less than 25 Members have risen, leave is refused.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 1st April, 1942.