

Thursday, 2nd April, 1942

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT)

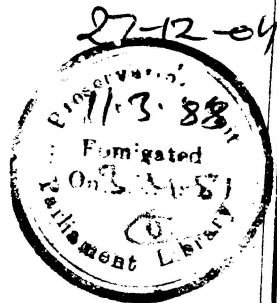
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(18th February to 2nd April, 1942)

ELEVENTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1942



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COUNCIL OF STATE

Thursday, 2nd April, 1942.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

CHAIRMANSHIP OF THE KARACHI PORT TRUST.

187. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) How long have Europeans been Chairmen of the Karachi Port Trust ?

(b) Is the Office of Chairman of the Karachi Port Trust vacant or about to fall vacant ? If so, when do Government propose to appoint a Chairman ? Do Government propose to appoint an Indian as Chairman ?

THE HONOURABLE MR. C. M. TRIVEDI : (a) There have been four full-time Chairmen since 1909. Before that date the post was held by the Collector of Karachi, *ex-officio*. All were Europeans.

(b) The office was vacated by Colonel D. S. Johnston on the 1st April, 1942 when he proceeded on leave preparatory to retirement. Mr. W. E. Bushby has been appointed in his place. No suitable Indian with the administrative and technical experience required at the present time was available.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What were the efforts made by the Government of India to secure a suitable Indian ?

THE HONOURABLE MR. C. M. TRIVEDI : The question was examined from every point of view and it was felt that at the present time, as I have said in the answer, no suitable Indian with the administrative and technical experience required was available.

THE HONOURABLE MR. HOSSAIN IMAM : What are the technical qualifications required for this post, Sir ?

THE HONOURABLE MR. C. M. TRIVEDI : The technical qualifications required are engineering qualifications. Mr. Bushby is, or rather was, a Superintending Engineer before his appointment to the Port Trust.

THE HONOURABLE MR. P. N. SAPRU : Is it the suggestion of the Honourable the Communications Secretary that no Indian with engineering qualifications of a superior character was available ?

THE HONOURABLE MR. C. M. TRIVEDI : I have said that no suitable Indian with the administrative and technical experience required at the present time was available.

THE HONOURABLE MR. P. N. SAPRU : My question is a different one.

THE HONOURABLE THE PRESIDENT : He has already answered it.

THE HONOURABLE MR. M. N. DALAL : Is there not a convention in Bombay that the Chairman of the Port Trust will be an Indian and a European alternately ?

THE HONOURABLE MR. C. M. TRIVEDI : I am not aware of this, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Does the Honourable Member suggest that it is necessary for the Chairman of a Port Trust to be an Engineer ?

THE HONOURABLE MR. C. M. TRIVEDI : At the present time, yes, Sir, when there are a number of matters at Karachi requiring technical knowledge.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is that so in respect of Karachi only or in respect of all Port Trusts ?

THE HONOURABLE MR. C. M. TRIVEDI : More especially in the case of Karachi, Sir, at the present time in view of the war developments.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What are the considerations which make it more necessary to have an Engineer in Karachi than in Bombay ?

THE HONOURABLE MR. C. M. TRIVEDI : Well, Sir, I am not in a position to go into details but all that I can say is that at the present juncture there are many technical demands on the Karachi Port which render it absolutely essential that the Chairman of the Port Trust should have in addition to other qualifications engineering qualifications.

THE HONOURABLE MR. P. N. SAPRU : Are there no technical demands on the Bombay Port Trust ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Has the Karachi Port Trust an Engineer or not ?

THE HONOURABLE MR. C. M. TRIVEDI : It has, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Then why is it necessary for the Chairman to be an Engineer when the Chairman of the Bombay Port Trust can be a non-Engineer ?

THE HONOURABLE MR. C. M. TRIVEDI : Well, Sir, the Engineering staff of the Karachi Port Trust has been depleted by the deputation of one Engineer on military service.

THE HONOURABLE MR. HOSSAIN IMAM : Was that Engineer a Superintending Engineer or an Executive Engineer ? What was his position ?

THE HONOURABLE MR. C. M. TRIVEDI : I think, Sir, speaking from memory, that he was a Deputy Chief Engineer.

NUMBER OF EMERGENCY COMMISSIONED OFFICERS IN THE INDIAN ARMY WHO COME FROM THE DOMINIONS, ETC.

188. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) What is the total number of emergency commissioned officers in the Indian Army who belong to the British Dominions and Colonies ?

(b) Will Government state the number of such officers belonging to each Dominion and Colony ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : As regards (a) the answer is 68.

As regards (b) the answer is—

Australia.	.	9
New Zealand	.	30
Rhodesia.	.	29

THE HONOURABLE MR. P. N. SAPRU : Is it permissible for an Indian to hold commissions in the Australian Army, in the Rhodesian Army or in the New Zealand Army ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : As far as I am aware, Sir, no.

THE HONOURABLE MR. P. N. SAPRU : Then is it contemplated that in war time the Anglo-Saxon race shall control the army and not only the British race ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : No, Sir, it is not contemplated, but in our scarcity of officers we have to get officers from everywhere we know.

THE HONOURABLE MR. P. N. SAPRU : Is there any scarcity of officers in Rhodesia, New Zealand or Australia ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : I do not know, Sir ; I cannot tell you.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it true that the Government of India asked for the services of some Australian officers and that these officers were appointed after they resigned their commissions in the Australian Army or after they were allowed by the Australian Government to join the Indian Army ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : I am afraid I cannot answer that in respect of this particular nine.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Does the Honourable Member mean that there are other Australian officers besides the nine referred to by him in his reply to my question ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : There are, as the Honourable Member knows, several Australians who came into the army

before September, 1939 and as regards the emergency commissioned officers the number is nine as far as Australia is concerned, and I am not aware exactly how they were obtained.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will the Honourable Member tell us what was the number of the Australian officers in the Indian Army before the system of granting emergency commissions was begun ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : I shall require notice of that question, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : Were they recruited as 2nd Lieutenants or as higher officers in the army, these nine ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : As far as I know in the rank of 2nd Lieutenants.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will this system stop now or not ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : That I am not able to answer.

THE HONOURABLE MR. P. N. SAPRU : What is the use of your answering or not answering ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : I said I am not able to answer.

THE HONOURABLE THE PRESIDENT : The Honourable Member is quite at liberty to say that he is not able to answer this question. It is no use shouting like this. Order, order.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : He should be in a position to assure us that these things will not be repeated. This question was raised once before in the House too and a very unsatisfactory answer was given.

THE HONOURABLE MR. HOSSAIN IMAM : May we know, Sir, whether these nine have been recruited in 1939-40 or in 1940-41 ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : They have been recruited since 1939.

THE HONOURABLE MR. HOSSAIN IMAM : When was the last man recruited ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : I am afraid I cannot tell you that.

TRANSFER OF LASCARS AND CARPENTERS OF THE INDIAN CORPS OF ENGINEERS TO CALCUTTA.

189. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) Were some men belonging to No. 2 Technical Training Group of the Indian Corps of Engineers who were mostly lascars and carpenters transferred to Calcutta ?

(b) Is it a fact that they had no money with them and that they were not provided with food the day they started ?

(c) Did they report to their officer that they had had no meal and were unable to purchase food for themselves for want of money ? Is it true that no attention was paid to their representation ?

(d) If the facts are as stated above will Government state what action they propose to take in the matter ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : The information is being collected and will be laid on the table in due course.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will the Honourable Member also send me a copy of the information when he gets it ?

THE HONOURABLE GENERAL SIR ALAN HARTLEY : Yes.

SILVER STOCKS.

190. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** What was the stock of silver in ounces and of coins in the possession of the Government of India on February 28th, 1942.

THE HONOURABLE MR. C. E. JONES : Information regarding the surplus silver stock of the Government of India is compiled so as to show the position at the end of each financial year. The last published accounts are those given in the Central Appropriation Accounts (Civil) for 1939-40, but the accounts for the next year are expected to be published shortly.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member state if the policy of sale of silver is still continuing or if it has been stopped ?

THE HONOURABLE MR. C. E. JONES : The Honourable Member is aware that on occasions we have to enter the silver market. I am not prepared to say what we have done in the recent past.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Can the Honourable Member give an approximate idea of the stock of silver now with the Government of India ?

THE HONOURABLE MR. C. E. JONES : As I have stated, it is the accepted policy of Government not to give any indication either of their recent transactions or of their current stocks of silver.

THE HONOURABLE MR. HOSSAIN IMAM : Is it a fact that the Honourable the Finance Member has stated in his speech that Rs. 12 crores worth of silver has been sold in the current financial year ?

(No answer.)

STATEMENTS, ETC., LAID ON THE TABLE.

THE HONOURABLE MR. E. CONRAN-SMITH (Home Secretary): Sir, I lay on the table a copy of the Declaration of Exemption under section 6 of the Registration of Foreigners Act, 1939, as published with the notification of the Government of India in the Home Department No. 1/11/42-Political (E), dated the 26th, March, 1942.

Declaration of Exemption.

No. 1/11/42-Political (E), dated the 26th March, 1942:—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8, shall not apply to, or in relation to, Mrs. Doris W. Jepson, an official attached to the Headquarters, United States of America Tenth Air Force, Delhi.

V. SHANKAR,

Deputy Secretary to the Government of India.

MOTOR VEHICLES (AMENDMENT) BILL.

THE HONOURABLE MR. C. M. TRIVEDI (Communications Secretary)
Sir, I move :—

“That the Bill further to amend the Motor Vehicles Act, 1939, as passed by the Legislative Assembly, be taken into consideration.”

The Bill although it runs to as many as 24 clauses is a simple measure. It is perhaps hardly necessary to deal with every clause of the Bill as the Statement of Objects and Reasons and Notes on Clauses furnish the necessary explanation, but it may be of some use to the Honourable Members of this House if I touch briefly on the more important clauses.

The amendments fall into three classes. Experience of the working of the Act, during about the last two years, has disclosed certain defects. The first set of amendments is designed to remove those defects. There is provision in the Act for the hearing of appeals, but not for the levy of any fees on appeals though certain Provinces already levy fees under the Court Fees Acts. Clauses 6, 12 and 16 remedy the omission. Honourable Members will notice that the fee in respect of appeals under Chapter II of the Act, which deals with the licensing of drivers, is not to exceed Rs. 2. This change was made by the Select Committee in the other House. The clauses also empower the Provincial Government to make rules for the refund of fees wholly or in part where such a course appears to be justified. Further the clauses make provision for giving power by rule to Provincial Governments to exempt certain persons or classes of persons from the payment of fees under the Act. Lack of provision for delegation of power by Transport Authorities has caused much inconvenience. There is a certain amount of business of a routine nature, the discharge of which might well be delegated. Moreover, in the case of temporary permits the provisions of section 62 (2) are not sufficient as a region sometimes comprises several districts, e.g., in the whole of the Central Provinces there are only two regional authorities, and an urgent need for a temporary permit may arise at some place far from the headquarters of the Regional Transport Authority. Clause 13 therefore empowers the Provincial Transport Authority

and the Regional Transport Authority, if authorised by rules under section 68, to delegate its powers and functions to such authority or person and subject to such restrictions, limitations and conditions as may be prescribed by rules. Clause (w) of sub-section (2) of section 68 has been found to be not comprehensive since the "touting" abuse is not confined to stage carriages but is known to extend to services of motor cabs. This clause does not also provide for cases where no ticket is tendered for sale. Clause 16 (c) of the Bill remedies the defect. The present Act contains no provision for stopping the plying of vehicles without registration or of transport vehicles without a permit from plying and thus continuing their offence. Provincial Governments have reported cases in which transport vehicles were found plying from one region to another without authorisation. Clause 20 therefore provides for the grant of power for authorised officers to detain vehicles so as to prevent their being used without being registered or without a permit or in violation of certain conditions of the permit. Honourable Members will notice that the Select Committee in the other House has restricted the power of the authorised police officer to detain vehicles only in cases where he has reason to believe that a motor vehicle has been or is being used without a certificate or registration of a valid permit. Under the present Act, the powers with which police officers have been invested cannot be exercised by officers of other departments of the Provincial Government. One Province at least contemplates the setting up of a Motor Vehicles Department for the purpose of administering the Act. Obviously officers of the Motor Vehicles Department should have the powers entrusted to police officers by the Act. Clause 21 provides for this. Clause 24 is somewhat technical. Under entry No. (2) in the Eighth Schedule a delivery van is subjected to a speed limit of 15 miles per hour. A "delivery van" does not exceed 5,000 lbs. in laden weight and it is not necessary that it should be restricted to any speed limit other than those locally in force in the area in which it is used. Clause 24 provides accordingly. The Select Committee in the other House has also increased the speed limit from 15 to 20 miles per hour in the case of goods vehicles if all the wheels are fitted with pneumatic tyres and the registered laden weight of the vehicle does not exceed 17,000 lbs. avoirdupois and the vehicle is not drawing a trailer. This finishes the first set of the important amendments.

The second set of amendments are more or less of a formal character and I need not detain the House with them. They are contained in clauses 8 (b), 17 and 19. The third set of amendments provides for the repeal of transitional provisions which have been rendered obsolete. Clauses 2, 3, 4 (a) (i), 4 (b), 7, 8 (a), 9, 10 and 22 are of this character.

Sir, I move.

The Motion was adopted.

Clauses 2 to 24 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. C. M. TRIVEDI: Sir, I move :—

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

NOTICE OF MOTION FOR ADJOURNMENT *RE* AUSTRALIANS
ETC. IN THE INDIAN ARMY.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have just got a notice of a Motion for Adjournment signed by three Honourable Members, the Honourable Mr. Hossain Imam, the Honourable Mr. P. N. Sapru and the Honourable Pandit Kunzru. This Adjournment Motion refers to the statement given today by the Deputy Commander-in-Chief regarding the employment of Australians, New Zealanders and Rhodesians as emergency commissioned officers in the Indian Army. I would draw the attention of Honourable Members to clause (2) of rule 11 of the Rules framed under the Government of India Act. Clause (2) says:—

“ Notice of a Motion under sub-paragraph (1) shall be given before the commencement of the sitting on the day on which the Motion is proposed to be made both to the President and the Member of Government to whose department the Motion relates ”.

I am sorry, therefore, I cannot allow the Motion.

THE HONOURABLE MR. P. N. SAPRU: Before you give your final ruling, Sir, may I point out one consideration. The answer was given by the Deputy Commander-in-Chief today, and immediately he gave the answer I started writing in consultation with my friend the Honourable Mr. Hossain Imam, and therefore notice could not be given earlier.

THE HONOURABLE THE PRESIDENT: I am afraid I cannot go beyond the exact wording of the rule. I have no power to do it.

The Council then adjourned *sine die*.
